



Mansfield Shire

Council Meeting

Tuesday 15 February 2022

Notice and Agenda of meeting livestreamed via the
[Mansfield Shire Council website](#)
Commencing at 5pm

Our aspiration for our Shire and its community

We live, work and play in an inclusive, dynamic and prosperous place where
community spirit is strong and people are empowered to engage in issues that
affect their lives.

Councillors

Cr James Tehan (Mayor)
Cr Mark Holcombe (Deputy Mayor)
Cr Steve Rabie
Cr Paul Sladdin
Cr Rohan Webb

Officers

Kaylene Conrick, Chief Executive Officer
Kirsten Alexander, General Manager Infrastructure and Planning
Kurt Heidecker, General Manager Community and Corporate Services

Order of Business

1. Opening of the meeting

The Mayor, who chairs the meeting, will formally open the meeting and welcome all present.

2. Present

Where a meeting is held virtually, Councillors will confirm that they can see and hear each other.

3. Apologies

Where a Councillor is not present, his/her absence is noted in the Minutes of the meeting.

4. Statement of commitment

The Council affirms its commitment to ensuring its behaviour meets the standards set by the Mansfield Shire Councillor Code of Conduct and Councillor Charter.

5. Acknowledgement of Country

The Council affirms its recognition of the Taungurung people being traditional owners of this area, and pays respect to their Elders past and present.

6. Disclosure of conflicts of interest

In accordance with the *Local Government Act 2020*, a Councillor must declare any Conflicts of Interest pursuant to sections 126 and 127 Act in any items on this Agenda.

Council officers or contractors who have provided advice in relation to any items listed on this Agenda must declare a Conflict of Interest regarding the specific item.

7. Confirmation of minutes

The minutes of the previous meeting are placed before Council to confirm the accuracy and completeness of the record.

8. Representations

Council receives or presents acknowledgements to the general public. Deputations may also be heard by members of the general public who have made submission on any matter or requested to address the Council. Council may also receive petitions from residents and ratepayers on various issues. Any petitions received since the previous Council meeting are tabled at the meeting and the matter referred to the appropriate Council officer for consideration.

9. Notices of Motion

A Motion is a request (Notice of Motion) that may be made by a Councillor for an issue not listed on the Agenda to be discussed at a Council meeting and for a decision to be made.

10. Mayor's report

The Mayor provides a report on his activities.

11. Reports from council appointed representatives

Councillors appointed by Council to external committees will provide an update where relevant.

12. Public question time

Councillors will respond to questions from the community that have been received in writing, by midday on the Monday prior to the Council meeting. A form is provided on Council's website.

13. Officer reports

13.1 The Chief Executive Officer will provide a status update to the Council for each Department.

13.2-13.4 Officer reports are presented to the Council, where required.

Detailed reports prepared by officers from the Infrastructure and Planning Directorate are considered by the Council. This includes reports from the following Departments:

- ▶ Planning and Environment
- ▶ Operations and Capital Works
- ▶ Community Safety
- ▶ Field Services

A Council position is adopted on the matters considered.

Detailed reports prepared by officers from the Community and Corporate Services Directorate will also be considered by the Council:

- ▶ Business and Performance
- ▶ Community Health and Wellbeing
- ▶ Community and Economic Development
- ▶ Governance and Risk

A Council position is adopted on the matters considered.

14. Assembly of Councillors

An assembly of Councillors is referred to in Council's Governance Rules as a "meeting conducted under the auspices of Council", meaning a meeting of the kind described in section 131(1) of the Act, and includes a meeting referred to in Rule 1 of Chapter 6 (whether such a meeting is known as a 'Councillor Briefing' or by some other name);

15. Council resolutions report

Council reviews the outstanding actions arising from resolutions from previous Council meetings.

16. Advisory and Special Committee reports

Council considers reports from Advisory Committees that Councillors represent Council on.

17. Authorisation of sealing of documents

Any documents that are required to be endorsed by the Chief Executive Officer under delegated authority and sealed by the Council are presented to the Council.

18. Closure of meeting to members of the public

Whilst all Council meetings are open to members of the public, Council has the power under the Local Government Act 2020 to close its meeting to the general public in certain circumstances which are noted where appropriate on the Council Agenda. Where this occurs, members of the public are excluded from the meeting while the matter is being discussed.

19. Presentation of confidential reports

20. Reopen meeting to members of the public

The Mayor will reopen the meeting to members of the public.

21. Close of meeting

The Mayor will formally close the meeting and thank all present for attending.

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Agenda

1. Opening of the meeting

2. Present

The Chair will call on each Councillor and ask them to confirm verbally that they can see all Councillors and hear the proceedings:

- Councillor Holcombe
- Councillor Rabie
- Councillor Sladdin
- Councillor Tehan
- Councillor Webb

Councillors will respond to their name with: *“I can hear the proceedings and see all Councillors and Council officers”*.

The Chair will ask each Councillor to confirm by raising their hand that they could all hear each statement of the councillors.

Councillors will raise their hand to acknowledge they can hear each other.

3. Apologies

The Chair will call on the CEO for any apologies.

4. Statement of commitment

The Chair will read the statement and call on each Councillor to confirm their commitment:

“As Councillors of Mansfield Shire we are committed to ensuring our behaviour meets the standards set by the Mansfield Shire Councillor Code of Conduct and Councillor Charter. We will, at all times, faithfully represent and uphold the trust placed in us by the community.”

5. Acknowledgement of Country

Deputy Mayor Mark Holcombe will recite Council’s Acknowledgement of Country:

“Our meeting is being held on the lands of the Taungurung people and we wish to acknowledge them as Traditional Owners. We would also like to pay our respects to their Elders, past and present, and Aboriginal Elders of other communities who may be here today.”

6. Disclosure of conflicts on interest

The Chair will call on each Councillor in turn and ask them to declare whether they have any conflicts of interest in relation to any agenda items:

- Councillor Holcombe
- Councillor Rabie
- Councillor Sladdin
- Councillor Webb

7. Confirmation of minutes

Recommendation

THAT the Minutes of the Mansfield Shire Council meeting held on Tuesday 21 December 2021 be confirmed as an accurate record

8. Representations

9. Notices of motion

Nil

10. Mayor's report

Mayor James Tehan will present the monthly Mayor's report to the Council as follows:

Happy New Year.

The Australia Day awards and Citizenship ceremonies were a feature of the Australia Day festivities held in Botanic Park on Wednesday 26 January. Congratulations to all the award nominees and the winners; Margaret Ann Hood (Citizen of the Year), Zelda Kirley (Senior Citizen of the Year), Riley Tanner (Young Citizen of the Year), Mansfield Men's Shed (Community Group or Organisation of The Year), and Mansfield Autism Statewide Services (MASS) for the Mansfield Rideathon (Community Event of the Year Award).

A big welcome and congratulations to Lorraine Corpe, Stuart Dunlop Vera Kononenko, Yunuta Ovenden and Sulaymani Sinsek who became Mansfield's newest Australian citizens.

Thank you to Kate Jones and Amanda Hose who were the Australia Day ambassadors, the Mansfield and District (MAD) orchestra, Mansfield 1st Scouts, Mansfield Girl Guides and the High Country Horseman who helped make the day a huge success.

Council has recommended the transition of Community and Healthcare services to the Mansfield District Hospital (MDH). Council will work closely with MDH to make the transition as smooth as possible. Given MDH's track record and ability to provide services to our community I'm sure this will be achieved.

Initial works have started on stage one of the heavy vehicle bypass from Withers Lane and Maroondah Highway along Withers Lane and Dead Horse Lane. Safer and more productive roads are the aim of our Council and this section has kickstarted the \$2.6million project.

Council has recently been awarded a \$300,000 grant for economic recovery projects. Projects will include more seats and umbrellas in the Main Street, Taungurung art projects shade structures in Botanic Park, and additional bins and signs across the Shire.

Counsellors toured the Resource Recovery Centre looking at some of the issues involved with the site and potential improvements that will be proposed. The tour also visited Mansfield and Jamieson cemeteries, the new dual court basketball stadium, and the recently constructed highline bike course.

*Cr James Tehan
Mayor*

Recommendation

THAT COUNCIL receive the Mayor's report for the period 21 December 2021 to 7 February 2022.

11. Reports from council appointed representatives

Councillors appointed by Council to external committees will provide a verbal update where relevant.

Committee	Responsible Councillor(s)
Australia Day Awards Committee	<ul style="list-style-type: none"> ▶ Mayor Cr James Tehan ▶ Cr Steve Rabie ▶ Cr Mark Holcombe
Mansfield Shire CEO Employment Matters Committee	<ul style="list-style-type: none"> ▶ Mayor Cr James Tehan ▶ Cr Steve Rabie ▶ Cr Mark Holcombe
Goulburn Murray Climate Alliance (GMCA)	<ul style="list-style-type: none"> ▶ Cr Rohan Webb
Hume Regional Local Government Network (HRLGN)	<ul style="list-style-type: none"> ▶ Mayor Cr James Tehan
Lake Eildon Land & On-Water Management Plan Implementation Committee	<ul style="list-style-type: none"> ▶ Cr Paul Sladdin
Mansfield Shire Council Audit and Risk Committee	<ul style="list-style-type: none"> ▶ Mayor Cr James Tehan ▶ Cr Mark Holcombe
Municipal Association of Victoria (MAV)	<ul style="list-style-type: none"> ▶ Mayor Cr James Tehan ▶ Substitute - Deputy Mayor Mark Holcombe
North East Local Government Waste Forum (a committee of the North East Regional Waste and Resource Recovery Group)	<ul style="list-style-type: none"> ▶ Cr Steve Rabie
Rural Councils Victoria (RCV)	<ul style="list-style-type: none"> ▶ Mayor Cr James Tehan ▶ Cr Paul Sladdin

Recommendation

THAT COUNCIL note the verbal reports provided by Councillors in relation to their representation on external Committees.

12. Public question time

Council welcomes questions from the community. A question must be submitted by midday on the Monday prior to the Council meeting. The [‘ask a question’ form](#) is available from Council's website.

The Mayor will read out the question and answer at the meeting.

13. Officer reports

13.1. Chief Executive Officer's report

File Number: E103

Responsible Officer: Chief Executive Officer, Kaylene Conrick

Introduction

The Chief Executive Officer's report allows a short briefing to be provided to the Council on the current operations, tasks and projects undertaken within each department over the past month.

The Chief Executive Officer report will provide information relation to:

- ▶ Customer Service
- ▶ Capital Works
- ▶ New Initiatives
- ▶ Building Services
- ▶ Regulatory Services
- ▶ Revenue Services
- ▶ Cemetery Services
- ▶ Field Services
- ▶ Governance
- ▶ Community Health and Wellbeing
- ▶ Organisational Highlights
- ▶ Visitor Services (VIC and Library)

Recommendation

THAT COUNCIL receive and note the Chief Executive Officer's report for the period 21 December 2021 to 2 February 2022.

Support Attachments

1. CEO Monthly Report December 2021 and January 2022 [13.1.1.1 - 35 pages]

13.2. Infrastructure and Planning Directorate

13.2.1. Planning Scheme Amendment C53 - 104 Dead Horse Lane, Mansfield

File Number	E9561	Responsible Officer	Manager Planning & Environment, Melissa Crane
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Purpose

To seek a Council resolution to:

1. Request authorisation from the Minister for Planning to prepare Amendment C53mans to the Mansfield Planning Scheme; and
2. When authorised by the Minister for Planning, exhibit the amendment.

Executive Summary

At the request of MKP Superfund, it has been requested that Council undertake a proponent driven amendment for 104 Dead Horse Lane.

It is proposed to rezone part of the land from Farming Zone to General Residential Zone, Schedule 1.

Key Issues

The property at 104 Dead Horse Lane, Mansfield (The Land) is a 24.471 hectare parcel of land in the Farming Zone, with part of the land affected by a buffer for the Goulburn Valley Water Wastewater Treatment Facility at 114 Withers Lane, Mansfield.

In 2015, the land was earmarked as part of the Mansfield Structure Plan to be considered for rezoning to Low Density Residential Zone.

In recent strategic work undertaken by Council it has been highlighted that there is a housing shortage within the Mansfield Shire. This parcel of land has again been identified for rezoning in the draft Mansfield Planning Strategy. The draft Strategy recommends the land be partial rezoned outside of the GVW Buffer to General Residential Zone Schedule 1 to assist in the reduction of housing stresses.

The proposed amendment seeks to promote the orderly and sustainable urban expansion of Mansfield Township through facilitating fully serviced residential development at conventional densities. Rezoning of land to General Residential 1 will assist in containing and intensifying residential development in an identified residential area within the Mansfield township boundary.

The amendment seeks to improve the supply, diversity and affordability of land and housing opportunities in Mansfield township on land with access to Mansfield township's commercial, community, recreation, and employment facilities. The amendment assists in meeting projected future housing demand for a growing population in Mansfield township.

The rezoning and development of the land will make more efficient residential use of land that is accessible to the centre of the Mansfield township, allowing a full range of urban services to be more efficiently and cost effectively provided to the land.

The extent of the area to be rezoned is indicated on the below map. Please note that land parcels within Stockman's Rise have not yet been development, so the lot boundaries shown are indicative only.



Recommendation

THAT COUNCIL:

1. Adopt the 104 Dead Horse Lane Rezoning Amendment, resolving to implement the proposal through Amendment C53mans to the Mansfield Planning Scheme.
2. Request under Section 8A (2) and (3) of the *Planning and Environment Act 1987* that the Minister for Planning authorise Mansfield Shire Council to prepare Amendment C53mans to the Mansfield Planning Scheme.
3. Notify the Minister for Planning that when it exhibits Amendment C53mans, Mansfield Shire Council intends to give full notification of the amendment under Section 19 of the *Planning and Environment Act 1987* for a minimum statutory exhibition period of one month.
4. When authorised by the Minister for Planning, exhibit Amendment C53mans to the Mansfield Planning Scheme under Section 19 of the *Planning and Environment Act 1987*.

Support Attachments

1. Council Report Attachment 1 - C 53 Proposed Amendment Documents [13.2.1.1 - 9 pages]

Considerations and Implications of Recommendation

Sustainability Implications

The proposed rezoning will allow more intensive development of the land with a loss in agricultural area. However, the land is near the centre of Mansfield Township and has potential for allowing sustainable modes of living through the potential provision of community infrastructure should development occur.

Rezoning the land will result in positive economic change for the Mansfield Shire by allowing the development of dwellings close to the Mansfield Township. It also allows additional residents to become part of the township and may relieve rental stresses in addition to addressing the current elevated housing demand.

The land lies southwest of the current Goulburn Valley Water Wastewater Treatment Facility. It is considered that the general environment of the area may be heavily impacted by this. A buffer proposed between these will alleviate possible problems. There also lies a waterway within the site. Although the section where this is located will not be rezoned, relevant referral agencies will be consulted to ensure environmental and climate impacts are avoided.

Community Engagement

The community has been previously engaged while developing the Mansfield Township Framework Plan in 2015, where this site was earmarked for rezoning to Low Density Residential Zone. However, the current proposal is not for rezoning the land to this same zone, but one that allows higher density.

In accordance with section 19 of the *Planning and Environment Act 1987*, adjoining and nearby landowners will be notified during the exhibition period of the amendment and allow them to make a submission. Additionally, the amendment will be exhibited via the Victorian Government Gazette, Mansfield Courier and have relevant documents available within the municipal office at 33 Highett Street Mansfield, and through Council's website during the exhibition period.

Collaboration

In addition to the above, notification will also be given to relevant statutory referral bodies, affording them the opportunity to comment on the proposed amendment.

Financial Impact

The proposed amendment is proponent driven. As such, the applicant will bear the fees associated with the amendment. The perceived cost for council will be the added work placed on council officers.

Legal and Risk Implications

The amendment will be assessed and processed in accordance with the *Planning and Environment Act 1987*.

Regional, State and National Plans and Policies

A planning scheme amendment is required to be formally exhibited under Section 19 of the *Planning and Environment Act 1987*, with notification being given to potentially affected agencies, groups, and landowners.

A Council resolution is required to seek authorisation from the Minister for Planning for Council to formally prepare the amendment, and when authorised, to exhibit the amendment. Exhibition would take place for a minimum statutory period of one (1) month, with advertising to potentially affected agencies, groups, and landowners. Once exhibition has taken place, the proposal will then be reported to Council for:

- Consideration of any submissions.
- Referral of any submissions that cannot be resolved to an independent panel for consideration.
- Resolution, which is either adoption with or without changes or abandonment.

Innovation and Continuous Improvement

Not Applicable

Alignment to Council Plan

Theme 2: Vibrant Liveability Strategic Objective 3 Future focused: Intelligent land use and infrastructure

Strategy 3.4 Plan for and encourage appropriate housing

Governance - Disclosure of Conflicts of Interest

The author of this report and officers providing advice in relation to this report do not have a conflict of interest to declare in this matter, in accordance with the Local Government Act 202

13.2.2. Planning Scheme Amendment C51 - Implementation of the Commercial and Industrial Land Use Strategy

File Number	E8198	Responsible Officer	Manager Planning & Environment, Melissa Crane
Purpose			
<p>The purpose of this report is to advise Council of the background and exhibition of Amendment C51 to the Mansfield Planning Scheme to implement the <i>Mansfield Commercial and Industrial Land Use Strategy</i>, 2021.</p> <p>This report also recommends that Council split Amendment C51 to the Mansfield Planning Scheme into two parts:</p> <ol style="list-style-type: none"> 1. Part 1 to include the Industrial and Bonnie Doon elements to be adopted without changes; and 2. Part 2 to include commercial elements to be referred to an independent panel for consideration. 			
Executive Summary			

The *Mansfield Commercial and Industrial Land Use Strategy* 2021 was prepared by consultants Charter Keck Cramer on behalf of Council to:

- ▶ Secure, strengthen and diversify the economic and employment base of Mansfield Shire.
- ▶ Provide long term, sustainable commercial and industrial growth in Mansfield Shire.

The proposed Strategy was prepared in 2020 and 2021 and included two community consultation periods, between October and December 2020 attracting 42 submissions and between April and May 2021 attracting 43 submissions.

Council adopted the Strategy on 22 June 2021, also resolving to commence undertake an amendment to implement the Strategy into the Mansfield Planning Scheme.

The report to Council recommending adoption of the Strategy summarised the main recommendations of the strategy as:

- ▶ Direct retail and commercial activity to main road locations, limiting commercial uses along residential streets.
- ▶ Dwellings at the western end of Curia Street are not supported for future commercial uses and should be rezoned to reflect their residential use.
- ▶ An expansion of industrial and mixed-use land is required along Dead Horse Lane, with rezoning proposal to integrate with the new heavy vehicle bypass along Dead Horse Lane.
- ▶ Residential interface treatments were proposed in the Mount Buller Road and Dead Horse Lane areas.
- ▶ The Mount Buller Road precinct will continue to provide large format big box retailing with the town center remaining the primary retailing precinct.

Amendment C51 was exhibited to implement the adopted recommendations of the *Mansfield Commercial and Industrial Land Use Strategy 2021*, proposing:

- ▶ Amend Clause 21.07, Economic Development to revise commercial and industrial issues, objectives and strategies.
- ▶ Amend Clause 21.09, Mansfield Township, to revise commercial and industrial objectives and strategies for the Mansfield township (three different precincts) and revise the Mansfield Township Framework Plan.
- ▶ Amend Clause 34.01, Commercial 1 Zone schedule to identify various land parcels in High, Curia, Nolan and Baldry Streets, Mansfield where a planning permit is required for a shop in all instances, i.e. above 0 square metres in area, discouraging retail use with a preference 'for commercial office uses for single enterprises as well as health care, education and recreation uses'.
- ▶ Introduce new Schedule 4 (Industrial 1 Zone) to Clause 43.04, Development Plan Overlay to require a development plan process to be applied to selected areas of Industrial 1 Zone to guide the future use, development and subdivision of land.
- ▶ Amend the Schedule to Clause 72.08, Background Documents to include the Mansfield Commercial and Industrial Land Use Strategy 2021 as a background document to the Mansfield Planning Scheme.
- ▶ Rezone two parcels of land in the Bonnie Doon township area rezoning, land in Maroondah Highway being rezoned from Commercial 1 to General Residential 1 and the Bonnie Doon Hotel being rezoned from Farming to Commercial 1, both to reflect the commercial use of the land.
- ▶ Rezone land in the Mansfield township area to reflect the predominant and preferred long-term use of the land, as follows:
 - Rezone 175 Dead Horse Lane from Farming to Industrial 1;
 - Rezone 264 - 282 Dead Horse Lane from Low Density Residential to Mixed Use;
 - Rezone 5 – 17 Crosbys Lane from Mixed Use to Commercial 2;
 - Rezone 19 – 55 Curia Street and 2 – 4 and 8 – 10 Station Street from Commercial 1 to General Residential 1.
- ▶ Apply the Development Plan Overlay 4 to 175 Dead Horse Lane and 141 Lakins Road, Mansfield to require guidance for the future use, development and subdivision of land prior to any specific planning permits being granted for the land.

A copy of the exhibited Amendment C51 is attached as **Attachment 1**.

Key Issues

Eighteen (18) submissions were received to C51, two (2) from agencies, three (3) from community groups, twelve (12) from individuals and one (1) from consultants Ratio on behalf of the landowner of 2-4 and 8-10 Station Street, Mansfield.

A summary of submissions and officer recommendations in relation to them is attached as **Attachment 2**.

All community group and individual submissions relate to the commercial aspects of the adopted strategy and C51. While six (6) individual and three (3) community group submissions support the rezoning of land in Curia Street to General Residential 1 (GRZ1), the Ratio submission objects to the rezoning of part of 2-4 and 8-10 Station Street to GRZ1. Six (6) individual submissions object to proposed rezonings, four (4) against the rezoning of 264-282 Dead Horse Lane from Low Density Residential (LDRZ) to Mixed Use (MUZ), one (1) to the proposed Commercial 1 schedule change at 6 Collopy Street and one (1) to the proposed Commercial 1 schedule change at 11 Chenery Street.

The parts of exhibited C51 relating to industrial land use and the rezoning of two sites in Bonnie Doon are not subject to opposing submissions. The commercial land components of the exhibited C51 are subject to both supporting and objecting submissions, particularly the proposals to rezone land in Curia Street from Commercial 1 to General Residential 1 and rezone land in Dead Horse Lane to Mixed Use. These objecting submissions cannot be met unless the adopted Strategy is amended or these commercial components of the amendment be deleted from it.

It is considered appropriate that the uncontested industrial and Bonnie Doon rezoning aspects of the amendment proceed (as Part 1 of C51) and that unresolved submissions relating to commercial uses and development be considered separately (as Part 2 of C51). Section 29 of the *Planning and Environment Act 1987* allows an amendment to be adopted in part only, with any remaining part of the amendment being dealt with separately.

A recommendation is being made to proceed with the industrial land use and Bonnie Doon rezoning components of the amendment as Part 1, with the remaining unresolved commercial aspects of the amendment considered as Part 2. This action will allow the uncontested industrial and Bonnie Doon aspects of C51 to proceed without unnecessary delay and for the remaining unresolved commercial aspects of C51 to also proceed through a longer planning panel process. A planning panel process will allow an independent review of unresolved submissions under Part 2 of C51, with a panel making recommendations to Council for the resolution of outstanding issues and for the adoption or abandonment of Part 2.

The attached summary of submissions (**Attachment 2**) will form the basis of Council's adoption of Part 1 of C51 and its submission to the panel for Part 2 of C51. Part 1 now proposed for adoption has been prepared for Council consideration to only include proposed industrial changes (**Attachment 3**). An eventual approval of both Parts 1 and 2 of C51 will enable the full approval of the whole of the originally exhibited C51.

As objecting submissions to the proposed amendment under proposed Part 2 cannot be fully resolved, Council cannot adopt the commercial component of the amendment at this stage and must either abandon this aspect of the amendment or to progress Part 2 of the amendment, refer these unresolved submissions to an independent panel for consideration. A panel will hear submissions and report to Council on the merits of Part 2 of the amendment and submissions. Following consideration of a panel report, Council may then adopt Part 2 of the amendment, with or without changes, and submit it to the Minister for final approval.

Recommendation

THAT COUNCIL:

Having prepared and exhibited Amendment C51 to the Mansfield Planning Scheme under Section 19 of the *Planning and Environment Act* 1987 ('the Act'); and

Having considered all submissions to Amendment C51 under Section 22 of the Act; resolves to:

1. Split Amendment C51 to the Mansfield Planning Scheme into two parts, Part 1 to include Industrial and Bonnie Doon aspects to be adopted without changes and Part 2 to include commercial aspects to be referred to an independent panel.

PART 1:

2. Adopt Amendment C51 (Part 1) to the Mansfield Planning Scheme in accordance with Section 29 of the Act, adopting the amendment without changes. (C51 (Part 1) proposed for adoption is attached as Attachment 3)
3. Submit Amendment C51 (Part 1) to the Mansfield Planning Scheme, together with the prescribed information, to the Minister for Planning in accordance with Section 31 of the Act.

PART 2:

1. Under Section 23 of the Act, refer submissions to Amendment C51 (Part 2) to the Mansfield Planning Scheme to an independent panel appointed under Part 8 of the Act.
2. The summary of submissions to Amendment C51 (Part 2) (Attachment 2) be adopted as Mansfield Shire Council's position on the submissions that will be presented to an independent panel.
3. Each submitter to Amendment C51 (Part 2) be notified in writing of Mansfield Shire Council's position regarding their submission and informed of the forthcoming independent panel process.

Support Attachments

1. Attachment 1 C 51 as exhibited [13.2.2.1 - 32 pages]
2. C51 Mansfield Summary of submissions [13.2.2.2 - 45 pages]
3. Attachment 3 Amendment C 51 (Part 1) Mansfield Planning Scheme proposed for adoption [13.2.2.3 - 23 pages]

Considerations and Implications of Recommendation

Sustainability Implications

Part 1 of the amendment will have positive environmental, social and economic effects. The proposed addition of industrial land and opportunities will enhance the social and economic health of the Mansfield community without any adverse environmental or amenity impacts.

Community Engagement

Notification of exhibition of the amendment was given to potentially affected agencies, groups and landowners under Section 19 of the Planning and Environment Act 1987. Eighteen (18) submissions were received, the majority of which relate to commercial issues. As commercial issues are unresolved, they are recommended for referral to panel as Part 2 of the amendment, a process that will allow further independent community input into the planning process.

Collaboration

Not Applicable

Financial Impact

Amendment C51 has resource and financial implications, as follows:

- ▶ Some resource implications for staff, which has required some use of contract labour. Costs for the contract labour are estimated at \$20,000 and fall within the existing budget for contractors within the Strategic Planning program.
- ▶ Panel costs according to resources required (estimated to be a two-day hearing by a single panel member). Costs for a panel to hear up to 10 submissions is \$15,345.60, and for 10 to 20 submissions, the fee is \$30,661.20. While there are more than 10 submissions, not all submitters may wish to be part of the panel process.
- ▶ Prescribed fees for the amendment, provided it proceeds, which will be \$488.50 for adoption of the amendment. This will be incurred twice, and the amendment is being split into two parts.

All these costs will be funded from the current strategic planning budget.

Legal and Risk Implications

There is no legal risk associated with this amendment and proposed addition of industrial (Part 1), commercial and residential (Part 2) land. A planning panel will provide a formal legal process to review unresolved submission under Part 2 of C51.

Regional, State and National Plans and Policies

Not Applicable

Innovation and Continuous Improvement

The amendment directly implements initiatives for review, refinement and addition of industrial, commercial and community opportunities.

Alignment to Council Plan

Theme 2: Vibrant Liveability Strategic Objective 5 Prosperous: Industries, businesses and workforces of the future

Strategy 5.1 Create conditions that enable local businesses

Strategy 5.2 Enable land use and base infrastructure that stimulates commercial activity

Governance - Disclosure of Conflicts of Interest

The author of this report and officers providing advice in relation to this report do not have a conflict of interest to declare in this matter, in accordance with the Local Government Act 2020.

13.2.3. Lease Update - 17 Erril Street, Mansfield - Men's Shed Inc

File Number	E408	Responsible Officer	Manager Planning & Environment, Melissa Crane
Purpose			
The purpose of this report is to provide Council with an update on the lease arrangements for 17 Erril Street, Mansfield to the Men's Shed Inc.			
Executive Summary			

At the meeting 16 November 2021, Council resolved:

That Council:

- ▶ Negotiates a lease agreement with the Men's Shed Inc. for the lease of the land at 17 Erril Street, Mansfield.
- ▶ Receives a report no later than the February Council Meeting 2022 with a draft lease to consider.

This report covers the process of the lease negotiations with the Men's Shed Inc. The actions undertaken to date are as follows:

1. The tenancy with Mansfield Adult Continuing Education Inc. has ended.
2. Council has commenced negotiations with Men's Shed Inc.
3. A notice of intention to enter a lease has been placed in the Mansfield Courier in accordance with the Local Government Act.

Key Issues

Consideration of any new lease must be carried out under Section 115 of the Local Government Act 2020. This section of the Act states that a council must include any intention to lease property in its budget, and therefore undergo an opportunity for public consultation or if not included in the budget Council must undertake a community engagement process in accordance with its Community Engagement Policy. The intention of this part of the Act is to ensure that any lease of land is transparent, and that the community is kept in the loop and provided with an opportunity to comment.

In order to address these requirements, a notice has been placed in the Mansfield Courier, with submissions open until 16 February 2022.

Once the notice period has ended, a report will be prepared for the March 2022 Council meeting with a recommendation on the lease.

In the meantime, the Mens Shed continue to occupy the property as they did when the lease was with MACE.

Recommendation
THAT COUNCIL <ol style="list-style-type: none">1. note the progress of the lease arrangements for 17 Erril Street, Mansfield to Men's Shed Inc.; and2. Receive a report on the lease at the March 2022 meeting
Support Attachments
Nil

Considerations and Implications of Recommendation

Sustainability Implications

Not Applicable

Community Engagement

Community Engagement has been undertaken in accordance with the Council's Community Engagement Policy by placing a notice of intention to enter into a lease to the Mens Shed Inc. in the Mansfield Courier.

Collaboration

Not Applicable

Financial Impact

Not Applicable for this report but will be duly considered in the next report.

Legal and Risk Implications

Not Applicable for this report but will be duly considered in the next report.

Regional, State and National Plans and Policies

Not Applicable

Innovation and Continuous Improvement

Not Applicable

Alignment to Council Plan

Theme 3: A Trusted, Effective and Efficient Council Strategic Objective 8 A consultative Council that represents and empowers its community

Strategy 8.1 Increase community trust in Council to make informed decisions with "no surprises"

Governance - Disclosure of Conflicts of Interest

The author of this report and officers providing advice in relation to this report do not have a conflict of interest to declare in this matter, in accordance with the Local Government Act 2020.

13.2.4. Planning Permit Application P038/21 - Development of a Dwelling and Bed and Breakfast - 21 High Street Merrijig

File Number	P038/21	Responsible Officer	Statutory Planner, Claire Wilkinson
Purpose			
<p>The purpose of this report is to seek Council's determination of the application for Planning Permit P038/21, relating to the development of land for a dwelling, associated bed and breakfast and outbuilding ancillary to a dwelling.</p> <p>This application is being referred to Council for determination as Council officers do not have delegation to determine an application with a cost of works over \$1,000,000.</p>			
Executive Summary			

<i>Application Details</i>	
APPLICANT	Nick Vlahandreas - Mountain Planning (Ross and Andrea Drayton)
PROPOSAL	Development of land for a dwelling, associated bed and breakfast and outbuilding ancillary to a dwelling
APPLICATION LODGED	<p>20 April 2021</p> <p>Current application amended under Section 57A of the Planning and Environment Act received 28 October 2021 Elapsed statutory days: 82 (as at 15 February 2022)</p>
NOTICE AND SUBMISSIONS	One objection received, not resolved.
<i>Property Details</i>	
PROPERTY ADDRESS	21 High Street, Merrijig
LAND DESCRIPTION	Lot 15 PS516121
RESTRICTIVE COVENANTS	None registered on title
LAND AREA	1,252 sqm
EXISTING USE	Vacant
<i>Planning Provisions</i>	
ZONE	Clause 32.05 Township Zone – (TZ)
OVERLAYS	<p>Clause 42.01 Environmental Significance Overlay – Schedule 2 (ESO2) - Catchments at medium risk of water quality impacts</p> <p>Clause 42.03 Significant Landscape Overlay – Schedule 1 (SLO1) - Alpine approach significant landscape area</p>
PLANNING POLICY FRAMEWORK	<p>Clause 12.05-1S Environmentally sensitive areas</p> <p>Clause 12.05-2S Landscapes</p> <p>Clause 13.02-1S Bushfire planning</p> <p>Clause 14.02-1S Catchment Planning and Management</p> <p>Clause 17.01-1R Diversified Economy- Hume</p>

	Clause 17.04-1S Facilitating Tourism
LOCAL PLANNING POLICY FRAMEWORK	Clause 21.05-3 Water Catchment Planning Clause 21.10-2 Merrijig Clause 22.02 Design and siting guidelines in rural areas and upon significant ridgelines
PARTICULAR PROVISIONS	Clause 52.06 Car parking
GENERAL CONDITIONS	Clause 65 Decision guidelines
<i>Permit Triggers</i>	
SIGNIFICANT LANDSCAPE OVERLAY- SCHEDULE 1	Clause 42.03-2 A permit is required to construct or carry out works
<i>Other</i>	
CULTURAL SENSITIVITY	Yes
DWMP RISK RATING (IF RELEVANT)	Medium
SITE INSPECTION	Yes – 12 May 2021

This application seeks Council approval for the development of land at 21 High Street Merrijig for a three-bedroom dwelling in the centre of the site.

To the west of the proposed dwelling will be two additional semi-detached guest bedrooms. A further proposed outbuilding (shed) with bedroom, internal office, workshop and resident off street parking is to be situated to the east of the proposed dwelling. The applicant is proposing that the dwelling and detached bedrooms be used as a Bed and Breakfast.

A full officer assessment of the application can be found in the delegate report at attachment 1.

The subject land is 1,252 sqm in size and is currently vacant.

Pursuant to Section 52 of the *Planning and Environment Act 1987* ("The Act"), the proposal was advertised to adjoining and nearby property owners and occupiers. One objection was received. A discussion of the grounds of objection, and the officer response can be found in the attached delegate report (page 6).

It is considered that the development of land for the proposed dwelling and outbuilding is an appropriate planning outcome for the subject site and the context of the surrounding land use and development.

The applicant has demonstrated that no significant detrimental impacts will result to the amenity, nor the natural environment as a likely consequence of the proposal. The proposal meets the purposes and decision guidelines of the applicable zone and overlays. A permit is recommended, subject to appropriate conditions.

Key Issues

A detailed delegate report with the full officer assessment of the proposal can be found at Attachment 1. In summary, though, the key issues considered as part of this assessment are as follows:

Significant Landscape:

The site is located along High Street which can be seen from parts of the Mt Buller Road. The proposed dwelling is to adjoin the existing amenities (tennis court) of the neighbouring serviced apartments that are located on the corner of Omega and High Street. It is considered that the position of the new development will not be disproportionate to the existing development alongside the subject site. A site inspection and broader landscape analysis suggests that there will be little impact on views from Mt Buller Road, but there will be some visual presence when

looking towards the site from the surrounding farmlands. The subject site is located in an area which is positioned at the top of a natural escarpment above the Delatite River.

It is considered that the proposed dwelling and outbuilding will not impact views to these mountains.

Use of Land:

The objection raised concerns with the proposed accommodation uses for the site, and the potential impacts on nearby residential properties. The zone provides that a Bed and Breakfast is an as of right use provided that no more than 10 persons are accommodated away from their normal place of residence and that at least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence. The proposed scope of works is seeking approval to operate within the as-of-right use parameters.

Licensed Premises:

The application originally proposed an on-premises liquor licence, which has now been removed from the proposal. While the objector raised this as a concern, the site will be able to obtain a limited licence for the Bed and Breakfast element without the need for planning permission.

Recommendation

THAT COUNCIL issue a Notice of Decision for Planning Permit Application P038/21 for the development of land for a dwelling, associated bed and breakfast and outbuilding ancillary to a dwelling at 21 High Street Merrijig; being Lot 15 PS516121 in accordance with endorsed plans, subject to the following conditions:

Endorsed Plans

1. The development must be in accordance with the endorsed plans forming part of this permit and must not be altered without the prior written consent of the Responsible Authority.

External Materials

2. The external materials of the building allowed under this permit, including the roof, must be constructed of materials that are of muted colours. No materials having a highly reflective surface must be used.

For the purpose of the condition “highly reflective” includes unpainted or untreated aluminium, zincalume or similar materials. Cladding materials must be coloured or treated to provide muted colours.

Use of Buildings

3. The development must only be used as a single dwelling and Bed and Breakfast as defined in the Mansfield Planning Scheme and compliant with the Section 1 Conditions in the Table of Uses at Clause 32.05-2 of the Scheme, unless a further permit is granted by the Responsible Authority.

Engineering

4. Access to the property must be via the existing driveway and crossing except with the written consent of the Responsible Authority.
5. Appropriate measures must be implemented throughout the construction stage of development to rectify and/or minimise mud, crushed rock or other debris being carried onto public roads or footpaths from the subject land to the satisfaction of the Responsible Authority.

6. Before the commencement of use of the dwelling hereby permitted, or by such later date as is approved by the Responsible Authority in writing, the following works must be completed in accordance with the endorsed plans and to the satisfaction of the Responsible Authority:
 - a) All stormwater discharging from the site, buildings, vehicle access ways and works must be discharged to a water tank, soakwell or otherwise discharged so as not to cause erosion, flooding or nuisance to the subject or surrounding land to the satisfaction of the Responsible Authority. The water tank/s (if required) must be in muted, non reflective tones to the satisfaction of the Responsible Authority;
 - b) The areas shown on the endorsed plans for vehicle access to the permitted buildings and works must be constructed in accordance with the endorsed plans and be surfaced with concrete, reinforced concrete, brick paving, gravel, crushed rock or hot mix asphalt so as to prevent mud or other debris from being carried onto the road to the satisfaction of the Responsible Authority.
7. Any damage to Council managed assets (such as roads and stormwater infrastructure) as a result of the development must be repaired at the cost of the developer to the satisfaction of the Responsible Authority.
8. All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991) to the satisfaction of the Responsible Authority.
9. All works must be undertaken in a manner that minimises soil erosion and any exposed areas of soil must be stabilised to prevent soil erosion, to the satisfaction of the Responsible Authority.
10. Prior to commencement of any building and civil works, application must be made to Council to obtain a Legal Point of Stormwater Discharge.
11. Interrupted overland flow from this development must not be allowed to impact on the adjacent lots to the satisfaction of the Responsible Authority.
12. Silt fencing material or straw hay bales (staked and keyed into the ground surface) must be placed at the bottom of the construction area prior to the commencement of site works and/or construction to prevent the transfer of sediment in stormwater run-off to the satisfaction of the Responsible Authority.

Permit Expiry

13. This permit will expire if one of the following circumstances applies:
 - a) The development is not started within two (2) years of the date of this permit; or
 - b) The development is not completed within four (4) years of the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing in accordance with Section 69 of the *Planning and Environment Act 1987*.

Support Attachments

1. P038 21 Approved Delegate Report for Council Meeting 21 High Street M [13.2.4.1 - 18 pages]

Considerations and Implications of Recommendation

Sustainability Implications

No impacts to native vegetation are proposed. Stormwater discharge from the site will be managed in accordance with Council requirements such that the development is not considered

likely to lead to a reduction in water quality or salinity issues. No natural hazard issues (such as flooding or bushfire management) apply to the site.

Community Engagement

The application for a planning permit was advertised to adjoining and nearby property owners and occupiers in accordance with Section 52 of the Planning and Environment Act 1987. One objection has been received. The grounds of objection are discussed in the attached delegate report and a response provided to the objector; however, the objection has not been withdrawn.

Collaboration

Not Applicable

Financial Impact

Not Applicable

Legal and Risk Implications

The application has been assessed under the provisions of the *Planning and Environment Act 1987* and the Mansfield Planning Scheme. Should a notice of decision to grant a permit be issued, the permit applicant may seek a review at the VCAT of any conditions placed on the permit and the objector may seek a review of the decision. If Council determines to issue a Notice of Decision to Refuse to Grant a Permit (not recommended), the permit applicant may seek a review of this decision at the VCAT.

Regional, State and National Plans and Policies

Not Applicable

Innovation and Continuous Improvement

Not Applicable

Alignment to Council Plan

Theme 1: Connected and Healthy Community Strategic Objective 2: Activities that promote connection and fitness of our people and visitors
Strategy 2.3 Enhance the social and economic value of tourism to Mansfield.

Theme 2: Vibrant Liveability Strategic Objective 3 Future focused: Intelligent land use and infrastructure
Strategy 3.2 Enhance township character

Theme 2: Vibrant Liveability Strategic Objective 5 Prosperous: Industries, businesses and workforces of the future
Strategy 5.2 Enable land use and base infrastructure that stimulates commercial activity

Governance - Disclosure of Conflicts of Interest

The author of this report and officers providing advice in relation to this report do not have a conflict of interest to declare in this matter, in accordance with the Local Government Act 2020.

13.2.5. Planning Permit Application P119/21 - Development of a Replacement Dwelling - 575 Mt Buller Road Mansfield

File Number	P119/21	Responsible Officer	Coordinator Statutory Planning, Tim Berger
Purpose			
<p>The purpose of this report is to seek Council's determination of the application for Planning Permit P119/21, relating to the development of land for a replacement dwelling and illuminated tennis court.</p> <p>This application is being referred to Council for determination as Council officers do not have delegation to determine an application with a cost of works over \$1,000,000.</p>			
Executive Summary			

<i>Application Details</i>	
APPLICANT	Elizabeth Karras C/- Ellen Hogan & Associates
PROPOSAL	Development of a replacement dwelling and illuminated tennis court
APPLICATION LODGED	10 November 2021
STATUTORY DAYS	60 (as at 15 February 2022)
NOTICE AND SUBMISSIONS	No objections/submissions received.
<i>Property Details</i>	
PROPERTY ADDRESS	575 Mt Buller Road, Mansfield
LAND DESCRIPTION	Lot 5 LP137140 Parish of Beolite
RESTRICTIVE COVENANTS	Nil
LAND AREA	8.645 hectares
EXISTING USE	Dwelling
<i>Planning Provisions</i>	
ZONE	Farming Zone (FZ)
OVERLAYS	Significant Landscape Overlay – Schedule 1 (SLO1)
PLANNING POLICY FRAMEWORK	Clause 12.05-2S – Landscapes Clause 14.01-1S – Protection of Agricultural Land Clause 14.02-1S – Catchment planning and management Clause 15.01-2S – Building design

	Clause 15.01-6S – Design for rural areas
LOCAL PLANNING POLICY FRAMEWORK	Clause 21.03-2 – Managing rural land Clause 21.05-1 – Landscapes Clause 22.02 – Design and siting guidelines in rural areas and upon significant ridgelines
PARTICULAR PROVISIONS	Clause 52.21 – Private Tennis Court
Permit Triggers	
	Clause 35.07-4 – A permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 35.07-1, and to construct a building with 100 metres of a waterway. Clause 42.03-2 – A permit is required to construct a building or construct or carry out works. Clause 52.21-2 – A permit is required to construct, use or illuminate a private tennis court.
Other	
CULTURAL SENSITIVITY	Partial – does not cover development area.
DWMP RISK RATING (IF RELEVANT)	N/A

This application seeks Council approval for the development of land at 575 Mt Buller Road, Mansfield for a replacement dwelling and illuminated tennis court.

The subject land is 8.6 hectares in size and is currently developed with a dwelling and associated shedding.

The proposal seeks to replace the existing dwelling on the site, and to construct an illuminated tennis court.

Pursuant to Section 52 of the *Planning and Environment Act 1987* ("The Act"), the proposal was advertised to adjoining and nearby property owners and occupiers. No objections were received.

The proposal is considered to satisfy the objectives and align with the strategies of the Planning Policy Framework. The proposal ensures that the significant landscape is not detrimentally impacted by the new building, and that the use of the illuminated tennis court will not have a negative impact on the neighbouring properties.

Key Issues

A detailed delegate report with the full officer assessment of the proposal can be found at Attachment 1. In summary, though, the key issues considered as part of this assessment are as follows:

Landscape:

The proposed dwelling is well set back on the property, with a maximum height of 6 metres.

While it is a larger dwelling than currently on site, it is more recessed into the landscape than adjoining dwellings. Additional landscaping screening is proposed in front of the dwelling, which will minimise the visibility of the dwelling from Mt Buller Road.

Farming Zone:

The proposal will not change how the allotment is used, as it proposes to replace one dwelling with another and will continue the existing residential use of the land.

Illuminated Tennis Court:

The proposal has been assessed against Clause 52.21 - Private Tennis Court, due to the proposed lights and location in the SLO. The tennis court complies with the Code of Practice – Private Tennis Court Development Revision (1 March 1999) and can be supported.

Recommendation

THAT COUNCIL, having caused to notice of Planning Application P119/20 to be given under Section 52 of the *Planning and Environment Act 1987*, and having considered all relevant matters under Section 60 of the *Planning and Environment Act 1987*, determines to issue a Planning Permit for Planning Application P119/21 for the Development of land for a replacement dwelling on Lot 5 of Lodged Plan 137140, commonly known as 575 Mt Buller Road, Mansfield, in accordance with the endorsed plans and subject to the following conditions:

Amended Plans

1. Before the developments starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a. Elevations of fencing and lighting for the tennis court, demonstrating compliance with the performance requirements of the Code of Practice – Private Tennis Court Development Revision 1, March 1999.
 - b. A landscaping plan prepared by a suitable landscape professional, that must show:
 - i. A survey (including botanical names) of all existing vegetation to be retained.
 - ii. A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity and quantities of each plant.
 - iii. A range of plant types such as large shrubs and trees that form a vegetation screen along the southern, eastern and western elevations of the tennis court, for its full length and at least 5 metres beyond on these elevations.
 - iv. A range of plant types such as large shrubs and trees in the areas annotated as 'revegetation zones' on the submitted plans.
 - v. At least 50% species selection by type and number must be indigenous to the local Ecological Vegetation Class to the satisfaction of the Responsible Authority.
 - vi. All trees must to be installed at a minimum pot size of 250mm and height when planted of 1.5 metres and shrubs installed at a minimum pot size of 200mm.
 - vii. The provision of notes regarding site preparation, including the removal of all weeds, proposed mulch, planting instructions, plant establishment procedures and any specific maintenance requirements.

Endorsed Plans

2. The endorsed plans forming part of this permit must not be altered or modified without the written consent of the Responsible Authority.

Colours and Materials

3. The materials and colours of the exterior finish of the buildings must be in accordance with the endorsed plans and must not be altered or modified without the written consent of the Responsible Authority.

Landscaping

4. Unless with the prior written consent of the Responsible Authority, within 3 months of the occupancy of the dwelling hereby permitted, the landscaping as shown on the endorsed plans must be carried out, completed and maintained to the satisfaction of the Responsible Authority.
5. Unless otherwise agreed in writing by the Responsible Authority, the landscaping areas shown on the endorsed plans must be used for landscaping and no other purpose and any landscaping must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

Dwelling Infrastructure

6. Access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.
7. The dwelling must be connected to reticulated sewerage, if available. If reticulated sewerage is not available all wastewater from the dwelling must be treated and retained within the lot in accordance with the requirements of the Environment Protection Regulations under the *Environment Protection Act 2017* for an on-site wastewater management system.
8. The dwelling approved by this permit must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for firefighting purposes.
9. The dwelling approved by this permit must be connected to a reticulated electricity supply or have an alternative energy source.

Tennis Court Conditions

10. Prior to the commencement of the use of the tennis court, the permit holder must provide written certification from a qualified lighting engineer confirming that the lights have been installed, tested and accurately focused and baffled in accordance with the Tennis Court Code of Practice Performance Requirement E5.3, so as to prevent nuisance to surrounding properties, to the satisfaction of the Responsible Authority.
11. The lights must be accurately focused towards the centre of the court in accordance with the installation requirements to prevent spill lighting on adjacent properties or Mt Buller Road.
12. No automatic ball throwing machine or equivalent mechanical equipment may be used in conjunction with the tennis court between 7.00pm and 8.00am on any day.
13. The tennis court must not be used between 10:30pm and 7:30am on any day.
14. The tennis court lights may only be used at night and must not be operated between 10:30pm and 7:30am on any day.
15. The tennis court must not be used for commercial purposes, profit, reward or hire. Coaching, other than for a resident of the dwelling on the subject land, is prohibited.

Engineering Conditions

16. Appropriate measures must be implemented throughout the construction stage of development to rectify and/or minimise mud, crushed rock or other debris being carried onto public roads or footpaths from the subject land to the satisfaction of the Responsible Authority.
17. Prior to the commencement of use of the dwelling, or by such later date as is approved by the Responsible Authority in writing, the following works must be completed in accordance with the endorsed plans and to the satisfaction of the Responsible Authority.
 - a. All stormwater discharging from the site, buildings, vehicle access ways and works must be discharged to a water tank, soakwell or otherwise discharged so as not to cause erosion, flooding or nuisance to the subject or surrounding land to the

- satisfaction of the Responsible Authority. The water tank/s (if required) must be in muted, non reflective tones to the satisfaction of the Responsible Authority;
- b. The areas shown on the endorsed plans for vehicle access to the permitted buildings and works must be constructed in accordance with the endorsed plans and be surfaced with concrete, reinforced concrete, brick paving, gravel, crushed rock or hot mix asphalt so as to prevent mud or other debris from being carried onto the road to the satisfaction of the Responsible Authority.
18. Any damage to Council managed assets (such as roads and stormwater infrastructure) as a result of the development must be repaired at the cost of the developer to the satisfaction of the Responsible Authority.
 19. All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991) to the satisfaction of the Responsible Authority.

Wastewater Conditions

20. Prior to the commencement of construction of the dwelling, an *Application for a Permit to Install* a septic tank system must be submitted and approved by Council prior to any installation.
21. The onsite wastewater disposal system must be developed in accordance with the Land Capability Assessment (Report No. TCE594-2021 – dated 19 April 2021) prepared by Taylor Consulting Engineers.
22. Stormwater from the dwelling must not be permitted to enter the effluent disposal field, septic tank or any associated wastewater infrastructure to the satisfaction of the Responsible Authority.

Permit Expiry

23. This permit will expire if one of the following circumstances applies:
 - a. The development is not started within two (2) years of the date of this permit; or
 - b. The development is not completed and used commenced within four (4) years of the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing in accordance with the *Planning and Environment Act 1987*.

Support Attachments

1. Delegate Report 575 Mt Buller Road Mansfield [13.2.5.1 - 20 pages]

Considerations and Implications of Recommendation

Sustainability Implications

No impacts to native vegetation are proposed. Stormwater discharge from the site will be managed in accordance with Council requirements such that the development is not considered likely to lead to a reduction in water quality or salinity issues. No natural hazard issues (such as flooding or bushfire management) apply to the site.

Community Engagement

The application for a planning permit was advertised to adjoining and nearby property owners and occupiers in accordance with Section 52 of the Planning and Environment Act 1987. No objections were received.

Collaboration

Not Applicable

Financial Impact

Not Applicable

Legal and Risk Implications

The application has been assessed under the provisions of the *Planning and Environment Act 1987* and the Mansfield Planning Scheme. Should a permit be issued, the permit applicant may seek a review at the VCAT of any conditions placed on the permit. If Council determines to issue a Notice of Decision to Refuse to Grant a Permit (not recommended), the permit applicant may seek a review of this decision at the VCAT.

Regional, State and National Plans and Policies

Not Applicable

Innovation and Continuous Improvement

Not Applicable

Theme 2: Vibrant Liveability Strategic Objective 3 Future focused: Intelligent land use and infrastructure

Strategy 3.1 Protect natural vistas and farmlets

Strategy 3.4 Plan for and encourage appropriate housing

Governance - Disclosure of Conflicts of Interest

The author of this report and officers providing advice in relation to this report do not have a conflict of interest to declare in this matter, in accordance with the Local Government Act 2020.

13.2.6. Planning Permit Application P091/21 - Development of Buildings and Works Associated with Medical Centre - 38 Highett Street Mansfield

File Number	P091/21	Responsible Officer	Coordinator Statutory Planning, Tim Berger
Purpose			
<p>The purpose of this report is to seek Council's determination of the application for Planning Permit P091/21, relating to the development of buildings and works to an existing medical centre.</p> <p>This application is being referred to Council for determination as the application has car parking proposed in the road reserve and will require the acquisition of land to expand this reserve, which is not a delegated matter.</p>			
Executive Summary			

<i>Application Details</i>	
APPLICANT	Mr William Twycross C/- Bell Legal and Planning
PROPOSAL	Development of buildings and works to an existing medical centre
APPLICATION LODGED	27 August 2021 (amended 19 January 2022)
STATUTORY DAYS	27 (as at 15 February 2022)
NOTICE AND SUBMISSIONS	1 submission received, no objections received
<i>Property Details</i>	
PROPERTY ADDRESS	36 Highett Street, 38 Highett Street, 47 Ailsa Street and Road Reserve adjacent to 38 Highett Street and 47 Ailsa Street, Mansfield
LAND DESCRIPTION	Lot 1 PS639392R, Lot 2 PS639392R and Lot 1 TP225035
RESTRICTIVE COVENANTS	Nil
LAND AREA	Approximately 2,764 square metres across the 3 titles
EXISTING USE	38 Highett and 47 Ailsa Street are used as a Medical Centre. 36 Highett contains an existing dwelling

Planning Provisions	
ZONE	Commercial 1 Zone (C1Z)
OVERLAYS	Nil
PLANNING POLICY FRAMEWORK	Clause 15.01-2S – Building design Clause 17.02-1S – Business Clause 19.02-1S – Health facilities
LOCAL PLANNING POLICY FRAMEWORK	Clause 21.04-2 – Character Clause 21.07-1 – Commercial, retail and industrial development Clause 21.09 – Mansfield Township
PARTICULAR PROVISIONS	Clause 52.06 – Car parking Clause 53.18 – Stormwater Management in Urban Development
Permit Triggers	
Clause 34.01-4 – A permit is required to construct a building or construct or carry out works	
Other	
CULTURAL SENSITIVITY	The land is not in an area of Aboriginal Cultural Heritage Sensitivity.

This application seeks Council approval for the development of an extension to an existing medical centre. The proposal will result in the removal of the existing on-site car parking area fronting Ailsa Street, and the development of a new reception building to provide greater space for consulting rooms and covid safe seating/waiting areas.

To offset the loss of onsite car parking, 11 spaces are to be provided on the abutting land at 36 Highett Street. In addition, works to the Ailsa Street Road Reserve are proposed, to provide for 6 angled car parking spaces (including 2 disabled spaces) on this reserve for public use.

A detailed delegate report with the full officer assessment of the proposal can be found at Attachment 1.

Council officers have assessed the application against the relevant clauses of the Mansfield Planning Scheme and consider that the development responds positively to the requirements of the Scheme with respect to works within the Commercial 1 Zone and consideration of the general decision guidelines at Clause 65 of the Mansfield Planning Scheme.

Key Issues

The key issues considered as part of this assessment are as follows:

Use of the land:

The site is currently used for a medical centre and the building extension will provide additional space that will assist with providing a Covid-safe site for patients. No permit is required for the use of this building, as it is associated with the existing use on site.

Design of the building:

The development reflects a modern, architecturally designed building that uses a varied materials palette and design forms to create visual interest and break up the built form when viewed from the public realm or other properties. The development is considered to be consistent with the prevailing built form of the surrounding area, and with these features coupled with landscape screening, will not present as jarring or dominant from Ailsa Street.

Car Parking:

Car parking is proposed to be constructed in the road reserve, not on the site itself. The existing configuration of Ailsa Street provides for parallel on-street car parking, and a grassed verge with crossovers into the subject land. These crossovers will become redundant as a result of the proposal.

In considering the acceptability of the car parking arrangement proposed, Council is required to balance the impact of angled car parking in reducing the verge and increasing hardstand areas, against the benefit of moving vehicles further off the road and providing on-street disabled car parking.

Officers consider that the benefits to be obtained in allowing for additional disabled spaces to be provided on the street, safety benefits of people being able to enter and exit cars off the roadway and associated increase in the carriageway width for people driving down Ailsa Street are sufficient to justify the reduction in green space on the verge in front of the site, with sufficient land area available for landscaping planting to soften the development.

Streetscape of Ailsa Street:

The proposal provides for a wider trafficable carriageway on Ailsa Street which will improve access for all vehicles travelling down the street.

All angled spaces proposed are indented to the maximum extent possible and can be constructed with the acquisition of a small section of the subject site into the road reserve.

The design of the car parking area was also amended to ensure the retention of the large old tree on the corner of Highett and Ailsa Street.

With appropriate landscaping, it is considered that the proposal will not have a negative impact on the streetscape.

Recommendation

THAT COUNCIL:

- A. Having caused notice of the application to be given under Section 52 of the *Planning and Environment Act 1987*, and having considered all matters under Section 60 of the *Planning and Environment Act 1987*, determines to issue a Planning Permit for Application P091/21 for the Development of buildings and works to an existing medical centre on Lot 1 PS639392R, Lot 2 PS639392R and Lot 1 TP225035, commonly addressed as 36 Highett Street, 38 Highett Street, 47 Ailsa Street and Road Reserve adjacent to 38 Highett Street and 47 Ailsa Street, Mansfield in accordance with the endorsed plans and subject to the following conditions:

Amended plans

1. Before the developments starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions.
The plans must be generally in accordance with the plans submitted with the application but modified to show:

- a) A plan of subdivision, vesting land in Council so as to provide for the relocated footpath and car parking spaces.
- b) A landscaping plan prepared by a suitable landscape professional, that must show:
 - i. Landscaping around the on-site car spaces on the south-eastern corner of the site;
 - ii. A survey (including botanical names) of all existing vegetation to be retained.
 - iii. A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity and quantities of each plant.
 - iv. A range of plant types such as shrubs and trees between the Ailsa Street footpath and buildings on the site.
 - v. Planting of grasses and small shrubs between the car parking spaces on the Ailsa Street Road Reserve and footpath.
 - vi. Planting of a canopy tree on the road reserve east of the easternmost car parking space.
 - vii. At least 50% species selection by type and number must be indigenous to the local Ecological Vegetation Class to the satisfaction of the Responsible Authority.
 - viii. All trees must to be installed at a minimum pot size of 250mm and height when planted of 1.5 metres and shrubs installed at a minimum pot size of 200mm.
 - ix. The provision of notes regarding site preparation, including the removal of all weeds, proposed mulch, planting instructions, plant establishment procedures and any specific maintenance requirements.

Endorsed Plans

2. The endorsed plans forming part of this permit must not be altered or modified without the written consent of the Responsible Authority.

Colours and Materials

3. The materials and colours of the exterior finish of the buildings must be in accordance with the endorsed plans and must not be altered or modified without the written consent of the Responsible Authority.

Landscaping

4. Unless with the prior written consent of the Responsible Authority, within 3 months of the commencement of use of the building hereby permitted, the landscaping as shown on the endorsed plans must be carried out, completed and maintained to the satisfaction of the Responsible Authority.
5. Unless otherwise agreed in writing by the Responsible Authority, the landscaping areas shown on the endorsed plans must be used for landscaping and no other purpose and any landscaping must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

Tree Protection

6. Prior to the commencement of works on the Ailsa Street Road Reserve, a Tree Protection Zone must be set up around the existing street tree to the west of the proposed angled car parking. The Tree Protection Zone must be established in accordance with the relevant Australian Standard and maintained until all development works are completed.
7. The owner and occupier of the site must ensure that, prior to the commencement of works, all contractors and tradespersons operating on the site are advised of the status

of trees to be retained and are advised of any obligations in relation to the protection of trees

8. No trenching or soil excavation is to occur within the Tree Protection Zones of retained trees unless shown on the endorsed plans without the written consent of the Responsible Authority.

Section 173 Agreement

9. Prior to the commencement of use of the building hereby approved, the permit holder must enter into an agreement with the Responsible Authority pursuant to Section 173 of the *Planning and Environment Act 1987*, to the effect that:
 - a) The car parking located on 36 Highett Street Mansfield as shown on the endorsed plans of Planning Permit P091/21 must be made available for use in association with the Medical Centre at 38 Highett Street.
 - b) The Medical Centre must maintain the car parking located on 36 Highett Street at its cost and to the satisfaction of the Responsible Authority.
 - c) This agreement will expire if:
 - i. The land at 36 Highett Street is resubdivided so as to place the car parking on the same title as the Medical Centre; or
 - ii. The use of land for a Medical Centre ceases for a period of two (2) or more years.

The permit holder must pay the reasonable costs of the preparation, review, execution and registration of the Section 173 Agreement by Council's preferred solicitors.

Car Parking and Access

10. Prior to the commencement of use of the building hereby approved, all car parking spaces and access lanes shown on the endorsed plans (including those in Ailsa Street) must be:
 - a) Constructed in an all weather surface (sealed surface for spaces on Ailsa Street);
 - b) Properly formed to such levels that they can be used in accordance with the plans;
 - c) Drained; and
 - d) Marked to indicate each car space and all access lanes;

to the satisfaction of the Responsible Authority. Car spaces, access lanes and driveways must be kept available for these purposes at all times.

Vesting of land

11. Prior to the commencement of works on the Ailsa Street Road Reserve, all land shown on the endorsed plan to be vested in Council must be formally vested by registration of a plan under the *Subdivision Act 1988*.

Consolidation of land

12. Prior to the commencement of use of the building hereby approved, Lots 1 and 2 PS639392R must be consolidated under the *Subdivision Act 1988* and a single title issued.

Engineering Conditions

13. Prior to the commencement of works, a Drainage Design Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must ensure that stormwater and drainage discharge from the development site meets current best practice performance objectives for stormwater (Urban

Stormwater Best Practice Environmental Management Guidelines (CSIRO 1999)) in accordance with Clause 53.18 of the Mansfield Planning Scheme, and must include:

- a) A construction site plan that incorporates the stormwater management measures to be implemented during the construction phase of the development and outlines in detail how stormwater is to be managed, including sediment controls, during both the land development phase and the building phase. The plan should have regard to the Construction Techniques for Sediment Pollution Control (EPA 1991) and Environmental Guidelines for Major Construction Sites (EPA 1995). The management controls are to be regularly monitored and maintained; and
 - b) The incorporation of on-site retention/infiltration, storage and re-use stormwater management techniques where practicable to reduce pollutant export and peak discharge from the site to the satisfaction of the Responsible Authority.
14. Appropriate measures must be implemented throughout the construction stage of development to rectify and/or minimise mud, crushed rock or other debris being carried onto public roads or footpaths from the subject land to the satisfaction of the Responsible Authority.
15. Any damage to Council managed assets (such as roads and stormwater infrastructure) as a result of the development must be repaired at the cost of the developer to the satisfaction of the Responsible Authority.
16. All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991) to the satisfaction of the Responsible Authority.
17. Prior to the commencement of use of the building hereby permitted, all redundant crossovers must be removed and reinstated with kerb, channel and nature strip (including landscaping where appropriate) to the satisfaction of the Responsible Authority.

Goulburn Valley Water Conditions

18. Connection of all sanitary fixtures within the development to reticulated sewerage, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation.
All works required are to be carried out in accordance with AS 3500.2 - 'Sanitary plumbing and drainage', and to the satisfaction of the Corporation's Property Services Section
19. The applicant shall be required to comply with the Corporation's policy for 'Structures Over Corporation Works' and the requirements of Section 148 of the *Water Act 1989*.

The operator under this permit shall be obliged to enter into an Agreement with Goulburn Valley Water Region Water Corporation, relating to the existing building over the Corporation sewer main and the sewerage connection points within Lot 2 PS639392R. A copy of the format of the Agreement will be provided on request.

Permit Expiry

20. This permit will expire if one of the following circumstances applies:
- a) The development is not started within two (2) years of the date of this permit; or
 - b) The development is not completed and used commenced within four (4) years of the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing in accordance with the *Planning and Environment Act 1987*.

And

- B. Under Section 112 of the *Local Government Act 2020*, acquire a section of land, as determined by survey, from Lot 1 and Lot 2 PS639392R as a road reserve to incorporate the new alignment of the footpath, at no cost to Mansfield Shire Council and to the satisfaction of the Responsible Authority.

Support Attachments

1. P091 21 Delegate Report 38 Highett Street Mansfield A8388 [13.2.6.1 - 15 pages]

Considerations and Implications of Recommendation

Sustainability Implications

No impacts to native vegetation are proposed. Stormwater discharge from the site will be managed in accordance with Council requirements such that the development is not considered likely to lead to a reduction in water quality or salinity issues. No natural hazard issues (such as flooding or bushfire management) apply to the site.

Community Engagement

The application for a planning permit was advertised to adjoining and nearby property owners and occupiers in accordance with Section 52 of the Planning and Environment Act 1987. One submission that wanted to ensure there was sufficient space for emergency vehicles was received, but no objections were received to the proposal.

Collaboration

Not Applicable

Financial Impact

Not Applicable

Legal and Risk Implications

The application has been assessed under the provisions of the *Planning and Environment Act 1987* and the Mansfield Planning Scheme. Should a permit be issued, the permit applicant may seek a review at the VCAT of any conditions placed on the permit. If Council determines to issue a Notice of Decision to Refuse to Grant a Permit (not recommended), the permit applicant may seek a review of this decision at the VCAT.

The application also proposes to use a section of the road reserve for parking and to vest a small section of the subject site to Council to allow the realignment of the footpath. There are no significant risks in this, however, agreement to this must be a resolution of Council.

Section 112 of the *Local Government Act 2020* allows Council to acquire land that is required to allow us to perform our relevant duties. In this case, the section of land to be acquired by Council will contain a footpath, that will be the responsibility of Council to maintain in perpetuity, and as such, needs to be vested in Mansfield Shire Council as part of the road reserve.

Regional, State and National Plans and Policies

Not Applicable

Innovation and Continuous Improvement

Not Applicable

Alignment to Council Plan

Theme 2: Vibrant Liveability Strategic Objective 3 Future focused: Intelligent land use and infrastructure

Strategy 3.2 Enhance township character

Strategy 3.3 Improve roads, drainage and footpaths

Governance - Disclosure of Conflicts of Interest

The author of this report and officers providing advice in relation to this report do not have a conflict of interest to declare in this matter, in accordance with the Local Government Act 2020.

13.2.7. Statutory Planning Delegations Review

File Number	E328	Responsible Officer	Coordinator Statutory Planning, Tim Berger
Purpose			
The purpose of this report is to seek Council approval of the reviewed “Statutory Planning Applications – Referral to Council Policy”, which is due for review on 18 February 2022.			
Executive Summary			

The Statutory Planning Applications – Referral to Council Policy was first implemented in October 2015 and had its most recent review in February 2020.

Following this latest review, Council officers are proposing that Council endorse the updated policy, as found at Attachment 1.

The purpose and intent of the policy remains unchanged with some policy neutral changes proposed. The existing policy restates the delegations in the S6 Instrument of Delegation. In the reviewed policy, the reference is now made to the S6 Instrument of Delegation. This will ensure that any changes to the S6 Instrument will not require an amendment to this policy.

The existing delegations have the following triggers which result in a report to Council:

- ▶ Where more than four objections are received; and/or
- ▶ Where the \$value of the application exceeds \$1m; and/or
- ▶ Where the application is lodged by or on behalf of Council employees; and/or
- ▶ Where the application is lodged by* or on behalf of a sitting Councillor, except where the application is lodged by a Councillor acting as a consultant on behalf of another person/applicant
- ▶ Where officers recommend Refusal of an application, except where:
 - the use and or development proposed by an application is prohibited by the Mansfield Planning Scheme
 - the application is for an extension of time to a permit but the tests for assessing such applications (known as the Kantor Principles) have not been, or cannot be, met
 - Council has been directed to refuse an application by a determining authority

Key Issues

The amendments to the policy will reduce any future administrative work required should there be changes to the S6 Instrument of Delegation.

The proposed changes are to remove the specific references to the delegation limitations and refer the policy back to the S6 Instrument of Delegation for details on what items are to be presented to Council for a decision. The current items that are presented to Council are detailed in the Executive Summary.

The updated policy will mean that should there be any future changes in the S6 Instrument of Delegation that this will not require a change to this policy as well, as it will now be structured to accommodate those changes as they happen.

Approval of Development Plans is technically considered a “satisfaction matter” and does not require a specific delegation for officer to consider and approve or refuse. However, due to the importance of larger development plans, the current and reviewed policy ensures that Council determines development plans of significance. The reviewed policy retains the following direction for referral to Council for consideration of the approval or amendment of any Development Plan:

- Which proposes to develop land for eight (8) or more lots; and/or
- Where officers recommend Refusal of an application

The overall intent of the reviewed policy will be to provide the parameters for when officers are to refer the approval of Development Plans to Council for a decision, and detail how an application can be called-in by any Councillor, not restate delegations that are managed elsewhere.

Recommendation
THAT COUNCIL endorse the Statutory Planning Applications – Referral to Council Policy 2022.
Support Attachments
1. Draft Stat Planning Referral to Council Policy [13.2.7.1 - 3 pages]

Considerations and Implications of Recommendation

Sustainability Implications

Not Applicable

Community Engagement

Not Applicable

Collaboration

Not Applicable

Financial Impact

Not Applicable

Legal and Risk Implications

Not Applicable.

Regional, State and National Plans and Policies

Not Applicable

Innovation and Continuous Improvement

The amended policy will ensure that the instrument of delegation and the policy remain consistent without any additional administrative burden.

Alignment to Council Plan

Theme 3: A Trusted, Effective and Efficient Council Strategic Objective 8 A consultative Council that represents and empowers its community

Strategy 8.1 Increase community trust in Council to make informed decisions with “no surprises”

Governance - Disclosure of Conflicts of Interest

The author of this report and officers providing advice in relation to this report do not have a conflict of interest to declare in this matter, in accordance with the Local Government Act 2020.

13.3. Community and Corporate Services Directorate

13.3.1. Finance Report: 1 July 2021 to 31 December 2021

File Number	E39	Responsible Officer	Manager of Business & Performance, Anthony Smith
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Purpose

This report provides information on Council's financial performance against the 2021-22 Updated Budget for the period 1 July 2021 to 31 December 2021.

Section 97 of the Local Government Act 2020 requires quarterly reporting as soon as practicable after the end of each financial quarter, and in addition, a statement by the CEO in the second quarterly report of the financial year as to whether a revised budget is or may be required.

This report is for noting only and no decision is required.

Executive Summary

Council adopted the budget for the 2021-22 financial year at its meeting of 22 June 2021.

Subsequently Council approved carry forward projects from the 2020-21 year which have now been included and form part of the Updated Budget 2021-22.

This report explains material variances between the year-to-date actual financial results and the Updated Budget 2021-22. Favourable variances are reported as positive values, while unfavourable variances are shown as negative values.

Key Issues

Operating Finance Report

Operating Income & Expenditure Actual against Updated Budget

The year-to-date operating result is favourable (underspent) against the 2021-22 Updated Budget by \$1.5m (9%).

Major variances are summarised below.

Favourable Variances (underspend or increased income)

- ▶ \$947k Financial Services – \$833k income received in prior year which is required to be accounted for in 21/22. This is an accounting adjustment required under AASB1058 which was not budgeted.
- ▶ \$103k Salaries & Wages Clearing – Timing only due to year end accrual adjustments and timing of public holidays.
- ▶ \$129k Art, Culture & Library – Timing only due to grant income received in full and contributions/sponsorships yet to occur.
- ▶ \$348k Economic Development – Business & Industry – Activating Outdoor Dining unbudgeted Grant of \$300K received.

- ▶ \$73k Building – Employment of Contract staff underspent.
- ▶ \$253k Road Network Maintenance – \$139k under budget YTD in salaries due to vacancies and leave taken not backfilled. Plant hire under budget \$82k, however this is an internal charge only.
- ▶ \$52k Strategic Planning – Strategic planner position was vacant.
- ▶ \$106k Waste Management – timing only, due to delayed invoices.

Unfavourable Variances (overspend or decreased income)

- ▶ \$48k Plant Operating – Internal charge only, offset by reduced expenditure in Parks & Gardens and Road Maintenance.
- ▶ \$191k Working for Victoria – Timing. Final grant payment yet to be received.

Capital Works Report

Capital Income & Expenditure Actual against Budget

The net year to date capital works variance (net of capital income) is \$2.933m (72%) underspent compared to the 2021-22 year to date Updated Budget. This year's capital works program is predominately in the planning stages. Works completed YTD mainly relate to carry forwards from 2020-21.

Major variances are summarised below.

Favourable Variances (underspend or increased income)

- ▶ \$1.629m Dual Court Indoor Sporting Stadium – Project yet to be completed/invoiced.
- ▶ \$390k Plant, Machinery & Equipment – Timing of budget. No new vehicles or plant yet purchased \$316K YTD and Plant Sales Income received \$112k.
- ▶ \$995k Heavy Vehicle Alternative Route – Timing, project yet to be completed/invoiced.
- ▶ \$591k Roads to Recovery Income – Timing only, 2021-22 R2R grant allocation was made against prior year projects.
- ▶ \$266k Drainage Works – Timing only YTD, works yet to commence.

Unfavourable Variances (overspend or decreased income)

- ▶ \$543k Living Libraries Project Income – Grant funding was paid in advance, received in prior year (2020-21).
- ▶ \$114k Kerb & Channel Renewal – Timing, works carried out earlier than planned.
- ▶ \$365k Resheets – Timing only, carry forward from prior year partly spent earlier than budgeted.
- ▶ \$317k Resheets Income - 50% of the Local Roads and Community Infrastructure grant funding was paid in advance, received in prior year (2020-21).
- ▶ \$1.014m Dual Court Indoor Sporting Stadium – Grant income yet to be received.

Overall Position YTD

Operating Variance Favourable/(Unfavourable) \$2,249,009

Capital Variance Favourable/(Unfavourable) \$2,932,756

Total Variance Favourable/(Unfavourable) \$5,181,765

Working Capital Ratio YTD

The working capital ratio (WCR) compares current assets to current liabilities and is an indicator of Council's capacity to meet its immediate debts when they fall due. A WCR of more than 1:1 (or 100%) is considered healthy.

WCR = 6.88 (688%)

The high working capital ratio is reflective of the full year rates income being raised in August and reported as a current asset (debtors). The first instalment of rates is due 30 September 2021.

CEO Statement

Based on the analysis and review of the budget, actual year to date result and other known financial factors as at 31 December 2021, it is considered that a revised budget for the purposes of s95 of the Local Government Act 2020 is not required.

Recommendation
THAT COUNCIL: <ol style="list-style-type: none">1. Receive the Year-to-Date Finance Report for the period 1 July 2021 to 31 December 2021; and2. Note the statement by the Chief Executive Officer that a revised budget will not be required for the 2021-22 financial year.
Support Attachments
1. Quarterly Finance Report - 31 December 2021 [13.3.1.1 - 7 pages]

Considerations and Implications of Recommendation

Sustainability Implications

Not Applicable

Community Engagement

The 2021-22 budget engagement process facilitated opportunities for community input to and feedback on Council's budget. There has been no community engagement around the actual results against the budget.

Collaboration

Not Applicable

Financial Impact

There is no direct financial impact in relation to this report. The financial reports attached provide the opportunity for regular monitoring of Council's financial position to ensure compliance with budgets.

Legal and Risk Implications

Financial Risk: Regular financial reporting is part of Council's financial strategy to ensure budgets are complied with and the short to medium term financial sustainability of Council is maintained.

Regional, State and National Plans and Policies

Not Applicable

Innovation and Continuous Improvement

Not Applicable

Alignment to Council Plan

Theme 3: A Trusted, Effective and Efficient Council Strategic Objective 6: Council possesses in-house and outsourced capability to meet community expectations

Strategy 6.1 Use and gain knowledge of our community to make good decisions

Governance - Disclosure of Conflicts of Interest

The author of this report and officers providing advice in relation to this report do not have a conflict of interest to declare in this matter, in accordance with the Local Government Act 2020.

13.3.2. Outlying Communities Infrastructure Fund: Grant Outcome & Assessment Panel Recommendations

File Number	E4210	Responsible Officer	Coordinator Community Development, Clare Berghofer
Purpose			
To provide Council with the recommendations from the Assessment Panel for the Outlying Communities Infrastructure Fund 2021-22 and to seek Council endorsement to award the grants.			
Executive Summary			

Council adopted guidelines for the 2021-2022 Outlying Communities Infrastructure Fund (\$50,000 total budget) at the October 2021 meeting.

Applicants were required to meet the following requirements:

Eligible projects:

The projects must:

- ▶ demonstrate ongoing community benefit
- ▶ take place in an outlying community within the Mansfield Shire (not within Mansfield township as per the Planning Scheme)
- ▶ deliver capital improvement to:
 - buildings
 - facilities, or
 - publicly accessible land managed/maintained for community benefit
- ▶ be completed 12 months from agreement signing date

Who could apply:

- ▶ Groups and organisations registered on the Australian Government Australian Business Registry as an Incorporated Association, State or Local Government Entity
- ▶ Groups or organisations auspiced by an Incorporated Association, State or Local Government Entity
- ▶ Groups or organisations who were not successful in the 2020/2021 round

Assessment of Applications:

The applications were individually reviewed and scored by an assessment panel of Council officers, selected with consideration of the following factors:

- ▶ Technical specialism - professionals who perform a variety of technical roles that are relevant
- ▶ Professional development – opportunity to learn
- ▶ Cultural diversity – representing a culture mix of Australian society
- ▶ Regions and communities – from different geographic locations within the Shire
- ▶ Gender
- ▶ Age

The following Council Officers were part of the approved assessment panel:

- ▶ Kirsten Alexander (Chair), General Manager Infrastructure and Planning
- ▶ Clare Berghofer (Secretary), Coordinator Community Development
- ▶ Melissa Crane, Manager of Planning and Environment
- ▶ Ari Croxford-Demasi, Senior Coordinator Field Services
- ▶ Saskia Van Bever, Senior Coordinator Economic and Community Development
- ▶ Fabian Rukshan, Project Officer Operations and Capital Works

Assessment Process

- ▶ Panel members assessed each application against the published selection criteria below, scored the applications and provided comments prior to the assessment panel meeting.

CRITERIA	WEIGHTING
demonstrated link to funding objective with clear evidence of demand for the project and the ongoing benefits to community	50%
detailed project planning and demonstrated capacity to deliver project successfully	40%
community contribution	10%

- ▶ The collated scores and feedback were reviewed and discussed by the panel at the Assessment Panel Meeting, and each application was ranked to enable preparation of the recommendation for Council consideration.

The recommendations by the Assessment Panel are noted and summarised in the attached 'Grant Application Panel Review & Recommendations'.

Key Issues

The fund opened on 20 October 2021 and closed on 23 December 2021. Grants of up to \$20,000 were available out of a total funding pool of \$50,000.

A total of seven applications were received with a total grant request of \$132,000.

The Assessment Panel was impressed with the submissions and, how engaged and committed the community groups in outlying communities of the Shire are to improving their respective townships and localities. The Panel also noted the significant community contributions proposed towards the various projects.

The detailed summary of 'Grant Application Panel Review & Recommendations' on each submission is attached for reference.

Table 1.1 below, provides a list of each submission, the score and the Assessment Panel ranking.

Table 1.1

Organisation Name	Project Name	Requested amount	Score	Panel Ranking
Tolmie Community Social Club	Upgrade of Community Space to Improve Functionality	\$ 20,000.00	86%	1st
Goughs Bay Area Progress Association	Goughs Bay Shelter and BBQ	\$ 20,000.00	72%	3rd
Jamieson Community Group & Associated Bodies Inc.	Jamieson Recreation Reserve shelter Restoration	\$ 20,000.00	72%	5th
Merton Campdraft	Improve Sporting and Recreation Facilities at Merton Recreation Reserve – Campdraft equipment	\$ 20,000.00	71%	2nd
Merrijig Public Hall Inc.	Repaint Merrijig Public Hall	\$ 12,347.50	60%	5th
Bonnie Doon Community Group	Bonnie Doon Historical House Project	\$ 20,000.00	57%	5th
Woods Point Progress Association	Woods Point Playground - upgrade	\$ 19,666.25	55%	4th

Recommendation

THAT COUNCIL

1. Receive the Assessment Panel report for the Outlying Communities Infrastructure Fund 2021-22;
2. Provide a grant to the Tolmie Community Social Club: Upgrade of \$20,000 for Community Space at Recreation Reserve;
3. Provide the Merton Campdraft with a grant of \$20,000 to improve Sporting and Recreation Facilities at Merton Recreation Reserve;
4. Provide a grant to the Goughs Bay Area Progress Association for the Goughs Bay Shelter and BBQ – fund at 50% of applied amount. That being \$10,000 to cover costs to build a shelter; and
5. Write to all applicants to thank the groups for their time and commitment in making an application to the Fund.

Support Attachments

1. Outlying Communities Infrastructure Fund Guidelines Final [13.3.2.1 - 7 pages]
2. OCIF Grant Application Panel Review Recommendation [13.3.2.2 - 4 pages]

Considerations and Implications of Recommendation

Sustainability Implications

Not Applicable

Community Engagement

Not Applicable

Collaboration

Not Applicable

Financial Impact

Is accounted for in the Budget 2021/2022.

This matter will require staff time to complete and is possible to achieve with current resources.

Legal and Risk Implications

Not Applicable.

Regional, State and National Plans and Policies

Not Applicable

Innovation and Continuous Improvement

The Outlying Communities Infrastructure Fund aims to support communities to develop or improve community facilities that enhance liveability and improve community resilience and connectivity in outlying communities within the Mansfield Shire.

Alignment to Council Plan

Theme 1: Connected and Healthy Community Strategic Objective 2: Activities that promote connection and fitness of our people and visitors

Strategy 2.2 Create an environment where community and clubs can recreate, socialise and contribute to the health and wellbeing of the community

Theme 2: Vibrant Liveability Strategic Objective 3 Future focused: Intelligent land use and infrastructure

Strategy 3.2 Enhance township character

Governance - Disclosure of Conflicts of Interest

The author of this report and officers providing advice in relation to this report do not have a conflict of interest to declare in this matter, in accordance with the Local Government Act 2020.

14. Assembly of Councillors

An assembly of Councillors is referred to in Council's Governance Rules as a "meeting conducted under the auspices of Council", meaning a meeting of the kind described in section 131(1) of the Act, and includes a meeting referred to in Rule 1 of Chapter 6 (whether such a meeting is known as a 'Councillor Briefing' or by some other name);

A written record of each assembly is held by Council and is available for public inspection.

The following is a list for the past month of assemblies held, the issues discussed and any conflicts of interest declared.

DATE	TYPE OF ASSEMBLY	ISSUES DISCUSSED
1 February 2022	Councillors' Briefing Session Councillors: <ul style="list-style-type: none"> Cr Mark Holcombe Cr Steve Rabie Cr Paul Sladdin Cr Rohan Webb Apologies: <ul style="list-style-type: none"> Cr James Tehan External Attendees: <ul style="list-style-type: none"> TNE Representatives, Bess Nolan-Cook, Gina Elliott, Dean Deavesmith Mansfield Autism Statewide Services representatives, Simone Reeves and Judy Dixon Consultant, Jason Ronstant Officers: <ul style="list-style-type: none"> CEO, Kaylene Conrick GM Infrastructure and Planning, Kirsten Alexander GM Community and Corporate Services, Kurt Heidecker Manager Planning and Environment, Melissa Crane Strategic Planner, Oscar Yencken Senior Coordinator Community and Economic Development, Saskia Van Bever Manager Community Health and Wellbeing, Nola Bales 	<i>Conflicts of Interest:</i> NIL <i>Issues Discussed:</i> <ul style="list-style-type: none"> Amendment C53, 104 Dead Horse Lane Amendment C51, Implementation of Commercial and Industrial Land Use Strategy Tourism North East Service Overview Operation Gamechanger project update Youth Services Review

Recommendation

THAT COUNCIL receive and note the Assembly of Councillors report for the period 11 December 2021 to 1 February 2022.

15. Council resolutions report

This report presents to Council a schedule of outstanding actions from Council meetings held from 20 July 2021 to 21 December 2021.

Recommendation
THAT COUNCIL receive and note the Council Resolutions Register as at 2 February 2022.
Support Attachments
1. Council Resolution Register (1) [15.0.1 - 5 pages]

16. Advisory and Special Committee reports

Nil

17. Authorisation of sealing of documents

Nil

18. Closure of meeting to members of the public

Council has the power to close its meeting to the public in certain circumstances pursuant to the provisions of Section 66(2) of the Local Government Act 2020. The circumstances where a meeting can be closed to the public are:

- a) the meeting is to consider confidential information; or
- b) security reasons; or
- c) it is necessary to do so to enable the meeting to proceed in an orderly manner.

The definition of confidential information is provided in Section 3(1) of the *Local Government Act 2020*.

Recommendation
THAT COUNCIL close the meeting to members of the public under Section 66(2)(a) of the Local Government Act 2020 to consider Confidential Reports in accordance with section 66(2) of the Local Government Act 2020 for reasons set out in section 19 below.

19. Confidential Reports

19.1. Reseal Program Construction Tender Award

Confidential

This report contains confidential information pursuant to the provisions of Section 66(2) of the Local Government Act 2020 under Section 3(h) - confidential meeting information, being the records of meetings closed to the public under section 66(2)(a);

20. Reopen meeting to members of the public

Recommendation

THAT Council reopen the meeting to members of the public.

21. Close of meeting