

OFFICIAL



Mansfield Shire

# Council Meeting

Tuesday 16 April 2024 5:00 pm  
Council Chamber, 33 Highett Street, Mansfield

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

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## 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.

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### Councillors

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

### Officers

Kirsten Alexander, Chief Executive Officer  
Melissa Crane, General Manager Infrastructure & Planning  
Julie Williams, General Manager Business & Economic Development

## 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 Council considers a report from the Chief Executive Officer on the current operations, activities and projects undertaken with each department over the past month**

**13.2-13.3 Officer reports are presented to the Council, where required.**

## **14. Council resolutions report**

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

## **15. Advisory and Special Committee reports**

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

## **16. 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.

## **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 Sladdin
- Councillor Tehan
- Councillor Webb

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

Councilors 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

The Deputy Mayor 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 of 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 Tehan
- Councillor Sladdin
- Councillor Webb

## 7. Confirmation of minutes

### Recommendation

THAT the minutes of the Mansfield Shire Council meeting held 19 March 2024 be confirmed as an accurate record.

## 8. Representations

## 9. Notices of motion

Nil

## 10. Mayor's report

Mayor Steve Rabie will present the monthly Mayor's report to the Council as follows:

*March has been an important month for progressing a number of key Council initiatives, while celebrating our community with a range of events.*

*I was fortunate to be able to attend some of these great events, including the Merrijig Rodeo, the Poets of Potters – Pottery Festival launch, the High-Country Arena launch and the Bald Archy viewing. Council continues to proudly support these events which provide great opportunities for our community to come together, while increasing the economic activity of our region*

*I've also been busy visiting some of our outlying communities including attending the launch of the Jamieson Community Energy Node Project along with Helen Haines, Federal Member for Indi who officially opened the event. The project is a joint initiative of the Jamieson community and Renewal Energy Mansfield who, with the support of Council, delivered solar panels, battery, inverter and an EV charging Station to the Jamieson Memorial Hall – a Neighbourhood Safer Place, securing backup power for the community in emergency situations. One of the highlights was my trip to Woods Point and Gaffney's Creek, with the monthly Library visit. This service has been a constant connection between Mansfield and our furthest outlying communities and was a most satisfying visit to listen to their concerns.*

*We know that with our increasing population, the demand on our infrastructure, such as our sporting facilities, is increasing. We continue to invest in areas where there is a need. Works are currently underway making improvements to the Lords Reserve surface to allow for greater use through winter. These works will continue through to the end of May and in the meantime, sporting clubs who usually use this ground can continue to train at the recently upgraded College Park which has seen extensive irrigation and additional topsoil to improve the playing surface.*

*We have been working on an innovative strategy for key worker housing. We partnered with developers, financiers, government representatives and other stakeholders to discuss how we could partner to help ease the key worker housing shortage. The second workshop was held with a large number of participants, and every one of them was highly engaged and committed to great outcomes for our community. Council is thinking outside the box on this – how can we work with our community to ease this issue in the future? The population of Mansfield Shire is expected to increase its population by fifty percent over the next 20 years, from 10,540 to 16,144 people. To keep up with demand, 115 dwellings per year would need to be built, instead of the current 94 dwellings per year. There is huge demand to live in this wonderful*

*part of Victoria, so we need smart solutions and we need to work together to keep up with the demand - while maintaining what makes Mansfield Shire a beautiful place to live.*

*This is the final term for the current Council with Local Government elections occurring across the State in October. Becoming a Councillor has provided me with many challenges and many opportunities to make a real difference and contribution to my community. I have found it to be incredibly rewarding. I'd like to encourage others who are passionate about their community to consider putting up their hand to stand for Council.*

*If you'd like to find out a bit more about what the role entails, there are a number of information sessions occurring across the region in the lead up to the elections, both in person and online, making it easy to learn about how you can contribute to making our Shire a better place to live, work and play.*

- *Tuesday 11 June: Goulburn Ovens Murray Session 1 – Host: Strathbogie Shire Council*
- *Wednesday 12 June: Goulburn Ovens Murray Session 2 – Host: Mitchell Shire Council*
- *Thursday 13 June: Goulburn Ovens Murray Session 3 – Host: Wangaratta Rural City Council*
- *Wednesday 26 June: Mansfield Shire Council session, Council Chamber, 33 Highett Street, Mansfield.*

*Keep an eye out on our website for further information and details of how to register to attend any of these sessions.*

*Cr Steve Rabie  
Mayor*

### **Recommendation**

THAT COUNCIL receive the Mayor's report for the period 20 March 2024 to 10 April 2024.

## 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"> <li>▶ Mayor Cr Steve Rabie</li> <li>▶ Cr James Tehan</li> <li>▶ Cr Mark Holcombe</li> </ul>
Mansfield Shire CEO Employment Matters Committee	<ul style="list-style-type: none"> <li>▶ Mayor Cr Steve Rabie</li> <li>▶ Cr James Tehan</li> <li>▶ Cr Mark Holcombe</li> </ul>
Goulburn Murray Climate Alliance (GMCA)	<ul style="list-style-type: none"> <li>▶ Cr Rohan Webb</li> </ul>
Hume Regional Local Government Network (HRLGN)	<ul style="list-style-type: none"> <li>▶ Mayor Cr Steve Rabie</li> </ul>
Mansfield Shire Council Audit and Risk Committee	<ul style="list-style-type: none"> <li>▶ Mayor Cr Steve Rabie</li> <li>▶ Cr Mark Holcombe</li> </ul>
Municipal Association of Victoria (MAV)	<ul style="list-style-type: none"> <li>▶ Mayor Cr Steve Rabie</li> <li>▶ Substitute - Deputy Mayor Cr Mark Holcombe</li> </ul>
Rural Councils Victoria (RCV)	<ul style="list-style-type: none"> <li>▶ Mayor Cr Steve Rabie</li> <li>▶ Cr James Tehan</li> </ul>

### 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, Kirsten Alexander

##### 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
- ▶ Governance
- ▶ Capital Works
- ▶ Finance
- ▶ New Initiatives
- ▶ Statutory Planning
- ▶ Building Services
- ▶ Regulatory Services
- ▶ Leasing and Licensing
- ▶ Waste Services
- ▶ Revenue Services
- ▶ Field Services
- ▶ Community Health and Wellbeing
- ▶ Visitor Services (Tourism & Events, Economic Development, VIC and Library)
- ▶ Communications
- ▶ Digital Transformation Project

Recommendation
THAT COUNCIL receive and note the Chief Executive Officer's report for the period 19 March 2024 to 10 April 2024.
Support Attachments
1. CEO Monthly Report March 2024 [13.1.1 - 40 pages]

## 13.2. Infrastructure and Planning Directorate

### 13.2.1. P030/23 - 152 Davies Road Merrijig

<b>File Number</b>	DA3804 P030/23	<b>Responsible Officer</b>	Coordinator Statutory Planning, Nicole Embling
<b>Purpose</b>			

The purpose of this report is to seek Council's determination of application P030/23, lodged for the use and development of land for a (retrospective) dwelling, two (2) outbuildings (shipping container and gazebo), and an agricultural shed, at 152 Davies Road Merrijig. This application is being referred to Council for a determination as the number of outstanding objections (12) exceeds delegation.

#### Executive Summary

<i>Application Details</i>	
<b>APPLICANT</b>	Mr Anthony Roussos
<b>PROPOSAL</b>	Use and development of land for a (retrospective) dwelling, two (2) outbuildings (Shipping Container and Gazebo), and an agricultural shed
<b>APPLICATION LODGED</b>	10 March 2023 Final further information provided on 5 April 2024
<b>NOTICE AND SUBMISSIONS</b>	Letters to owners and occupiers of neighbouring properties Sign on site There are 12 outstanding Objections
<i>Property Details</i>	
<b>PROPERTY ADDRESS</b>	152 Davies Road Merrijig
<b>LAND DESCRIPTION</b>	Lot 11 PS 148582N
<b>RESTRICTIVE COVENANTS</b>	Nil
<b>LAND AREA</b>	7.7 hectares
<b>EXISTING USE</b>	Mostly vacant cleared land with an existing building which is not being used
<i>Planning Provisions</i>	
<b>ZONE</b>	Clause 35.07 - Farming Zone (FZ)
<b>OVERLAYS</b>	Clause 42.01 - Environment Significance Overlay Schedule 2 – Catchments at Medium Risk of Water Quality Impacts (ESO2) Clause 42.03 – Significance Landscape Overlay Schedule 1 – Alpine Approach Significant Landscape Area (SLO1)
<b>MUNICIPAL PLANNING STRATEGY</b>	Clause 02.03-2 – Environmental and Landscape Values (Landscapes)

	Clause 02.03-4 – Natural resource management (Agriculture) Clause 02.03-4 – Natural resource management (Water and Declared Special Water Supply Catchments)
<b>PLANNING POLICY FRAMEWORK</b>	Clause 12.05-2L – Significant Landscapes, Ridgelines and Alpine Approaches Clause 13.02-1S – Bushfire Planning Clause 13.02-1L – Bushfire Management Clause 14.01-1S – Protection of Agricultural Land Clause 14.01-1L – Dwellings and Subdivision in Rural Areas Clause 14.02-1S - Catchment Planning and Management Clause 14.02-1L - Catchment Planning and Management Clause 15.01-6S – Design for Rural Areas
<b>PARTICULAR PROVISIONS</b>	Nil
<b>Permit Triggers</b>	
<b>CLAUSE 35.07-1 (FZ)</b>	<i>A permit is required for a dwelling on a lot less than 40ha</i>
<b>CLAUSE 35.07-4 (FZ)</b>	<i>A permit is required for a dwelling on a lot less than 40ha</i> <i>A permit is required for buildings and works within 100m of a waterway [Dwelling, Gazebo, Shipping Container &amp; Agricultural Shed]</i> <i>A permit is required for buildings and works within 100m of a dwelling not in the same ownership [Dwelling]</i>
<b>CLAUSE 42.01-2 (ESO2)</b>	<i>A permit is required for buildings and works where new wastewater is created, site cut is more than 1m deep and 300sqm in area, and stormwater discharge is within 100m of a waterway</i>
<b>CLAUSE 42.03 (SLO1)</b>	<i>A permit is required for buildings and works</i>

### Subject Land and Surrounds

The subject land is approximately 3.2km south of Merrijig. Figure 1 shows that it is one of many farming zone allotments which are under 40ha in this area with access to Davies Road via a shared Common Property driveway. The majority of the surrounding lots are developed with single dwellings and associated outbuildings.

The subject land is approximately 7.7 hectares in area and is irregularly shaped with a long 'axe-handle' on the north boundary and a farm dam near the existing vehicle access. The site is mostly clear and vacant, with the exception of some scattered large trees and an existing building which in part forms part of the retrospective nature of this application.

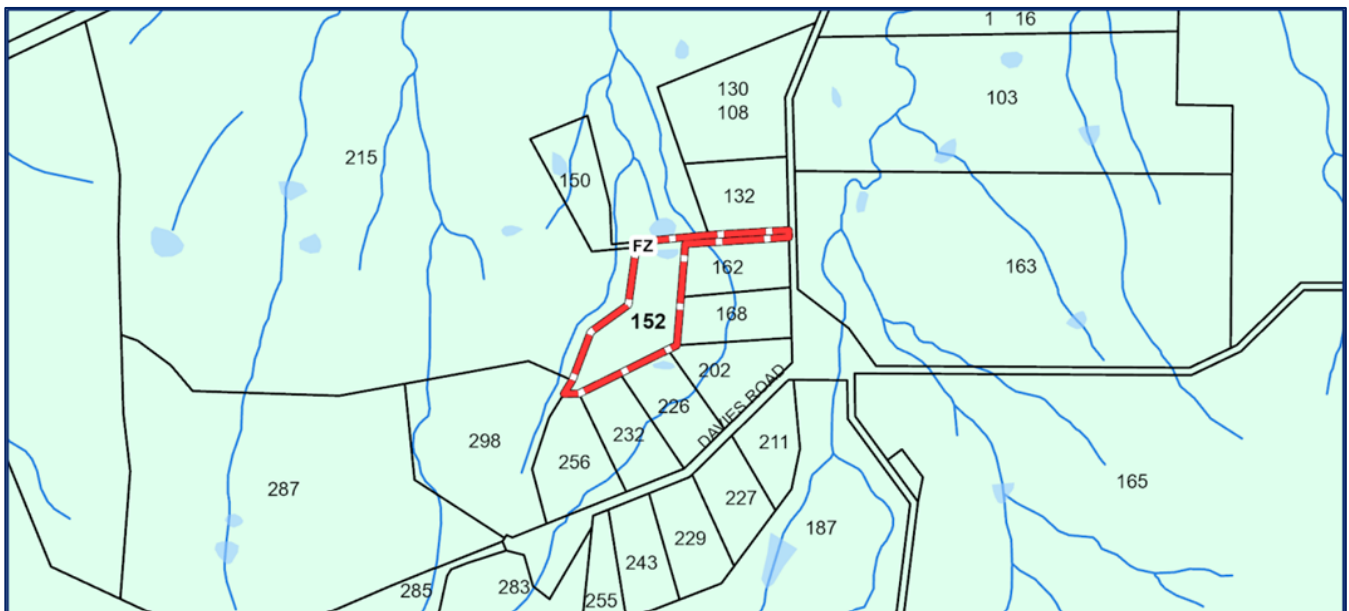


The land has a relatively significant slope, over more than 40 metres variation in elevation from the south boundary to the north. The subject land has direct views over the surrounding valley to the north including Mt Buller Road, the Delatite River and views to the nearby mountain ranges to the east.

The subject land and surrounding properties are in all in the Farming Zone with the Environmental Significance Overlay (Catchments at Medium Risk of Water Quality Impacts) and Significant Landscape Overlay (Alpine Approach Significant Landscape Area).

The adjoining properties to the south and east comprise similar sized parcels of land all established with single dwellings and landscaping. Land to the north and west is varied and includes some smaller properties developed with dwellings and other vacant lots. Many of the surrounding lots are being used for lifestyle properties, with limited associated farming activities.

The adjoining properties to the south-east are partially covered by the Bushfire Management Overlay, which is approximately 200 metres from the subject land at its closest point. The subject land is within the Bushfire Prone Area.



**Figure 1:** Zoning of subject site and surrounds





**Figure 2:** Aerial Image, 2023. Source: Pozi Mapping

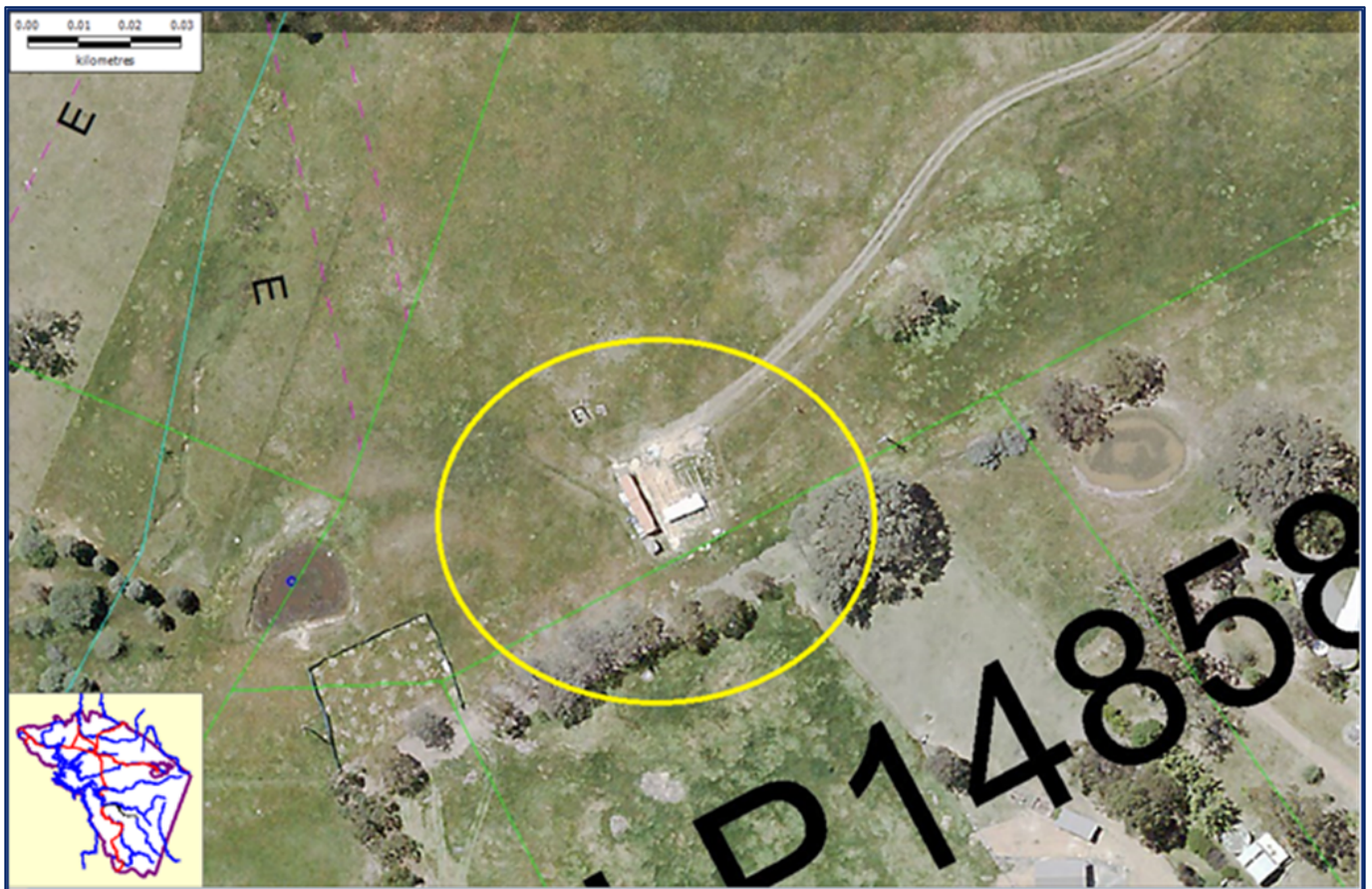
### Site History

- P0122/03 – Use and Construction of a Dwelling in accordance with the Endorsed Plans, issued 23 June 2003  
This permit was never acted upon and therefore expired in June 2004
- P119/18 – Development of Rural Store [Shipping Container], issued 1 March 2019

### Compliance Matters

Council received an anonymous complaint about building works having occurred at 152 Davies Road, Merrijig on 24 March 2021. At the time there was an existing planning permit for a shipping container (rural store) near the centre of the property and no other permissions. The building works, as visible on the 2021 aerial imagery, include a shipping container, caravan, and “timber framing to support a canvas annex”, as described by the landowner. During May 2021, the landowner granted Council’s Compliance Officer access to the property for a site inspection.





**Figure 3:** 2021 Aerial Imagery

The site inspection determined that the ‘timber framing’ was far more extensive and closely resembled a partially built dwelling constructed around a caravan. Additionally, a chemical toilet had also been placed on the land and it was noted that the shipping container was not in the location as approved by the previous Planning Permit.



**Figure 4:** Photo during Inspection, taken 6 May 2021



Relevant compliance action followed, and the landowners requested a way to formalise and legalise the partially built dwelling, in which Council Officers advised that a planning permit would be required. During the period of May 2021 until March 2023 the landowners continually requested more time to complete a planning permit application.

On 7 February 2023 Council's Compliance Officer undertook a second inspection of the site to determine any changes and discovered that further works had been occurring and included a roof, decking, insulation and cladding. The addition of domestic cooking facilities indicated that the land may have been used for habitation.



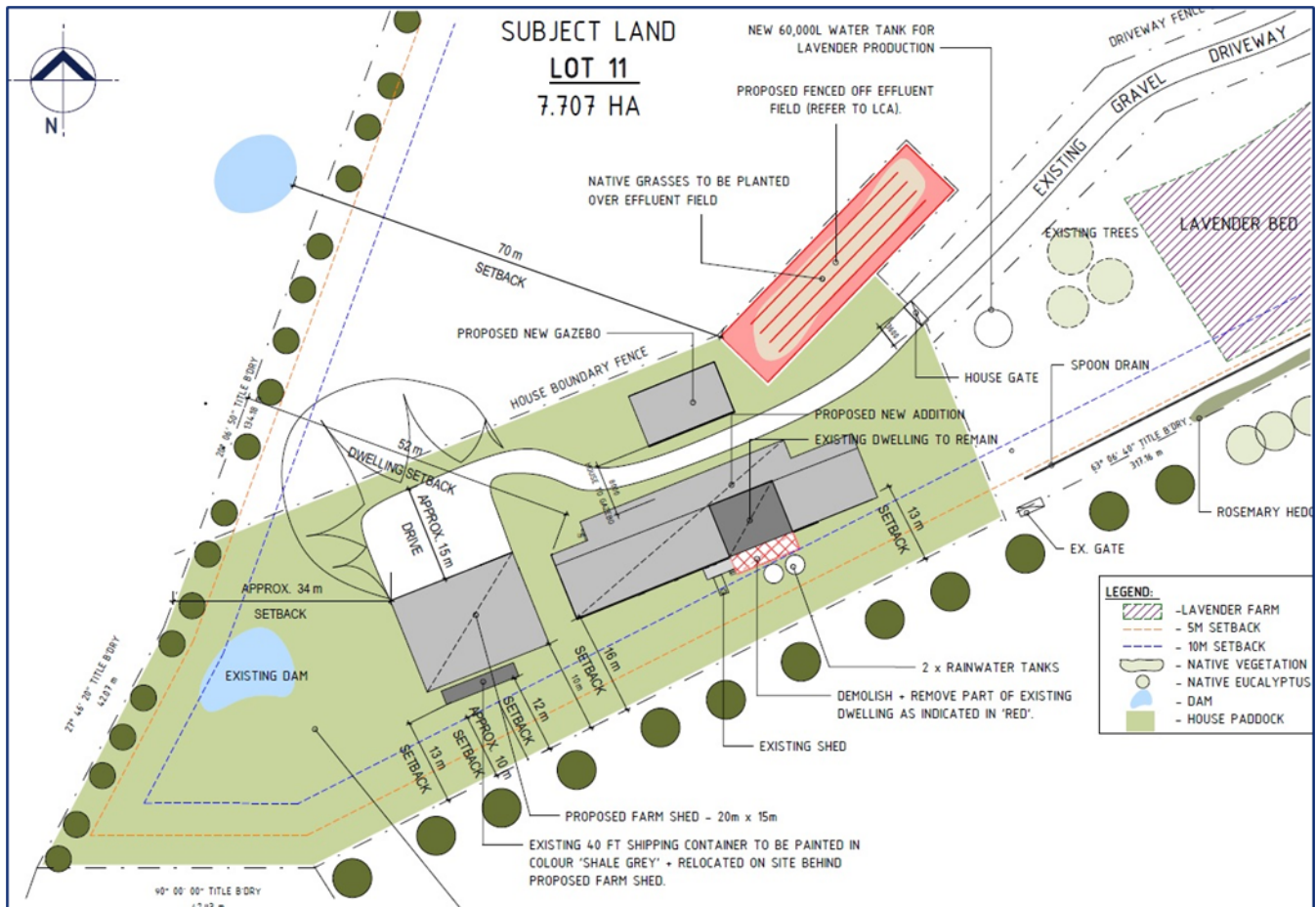
**Figure 5:** Photo during Inspection, taken 7 February 2023

Within three (3) weeks of the February 2023 inspection and a letter being sent to the owners, the current planning permit application was submitted to Council.

### **Proposal**

The proposal includes the re-development of the existing building on the land to become a dwelling with associated outbuildings in the form of a Shipping Container and Gazebo, and a Farm Shed. All of the proposed buildings and works are proposed for the southern corner of the land with a long driveway through the centre of the site connecting the infrastructure to Davies Road for vehicle access. Additionally, the application includes a Farm Management Plan for a Lavendar crop through staged development of land and some sheep grazing. Overall, the application provides details for all portions of the property to be utilised to balance the proposed domestic land uses.

The original application as submitted included an additional domestic outbuilding that was noted on the plans to be used for a personal 'Chapel.' Further iterations of the plans and an amended application have removed this structure, and it no longer forms a part of the proposal.



**Figure 6: Submitted partial Site Plan**

### Dwelling

The proposed dwelling would be constructed in the same location as the existing building, which currently comprises a Shipping Container open-floor plan mixed-use room and open air area where a Caravan has previously been parked. The proposal includes removing/demolishing part of the existing building and renovating the remainder to become the proposed dwelling.

The proposed single dwelling comprises the following features:

- Open plan Kitchen, Living and Dining area
- Three (3) bedrooms, each with ensuite bathrooms
- Additional bathroom
- Outdoor deck
- Swimming Pool
- Attached Carport
- Timber a treated Galvanised Iron Cladding

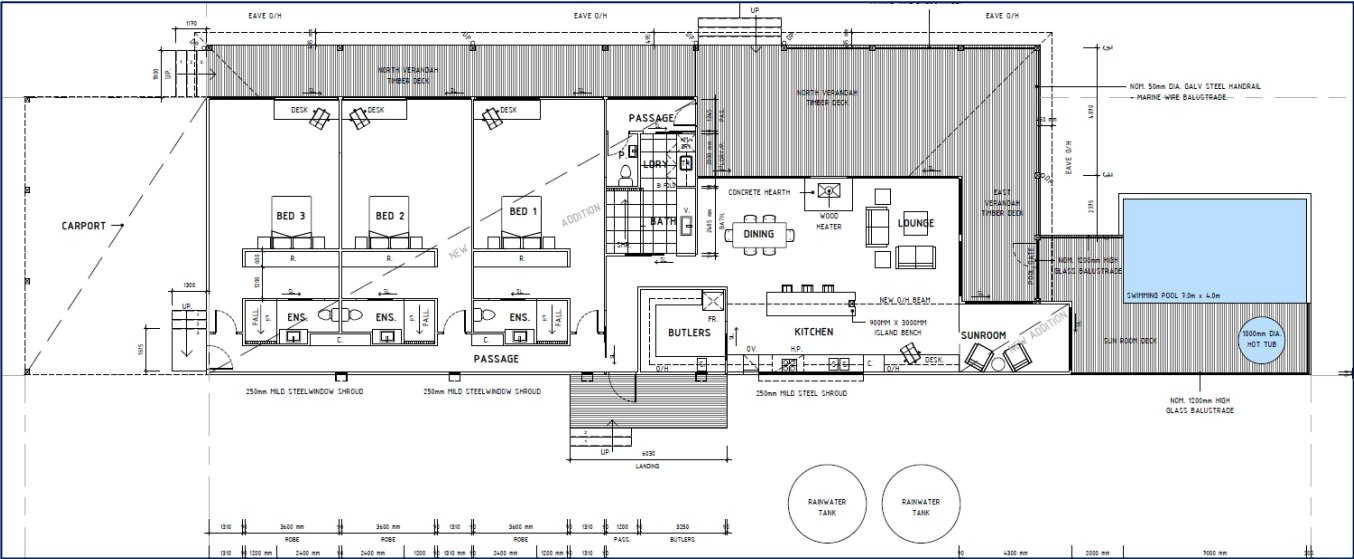


Figure 7: Dwelling Floor Plan



Figure 8: North Elevation Plan

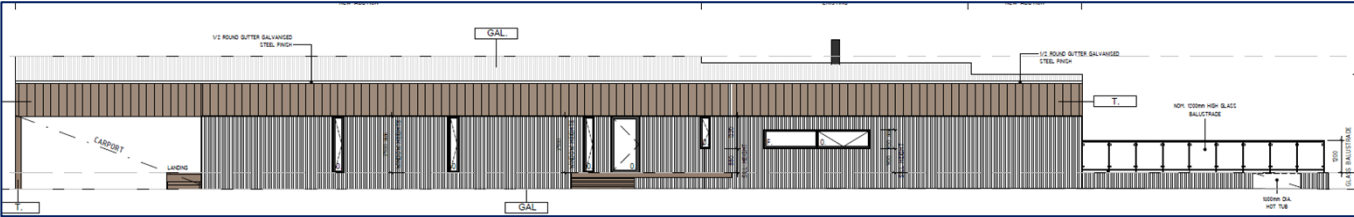


Figure 9: South Elevation Plan

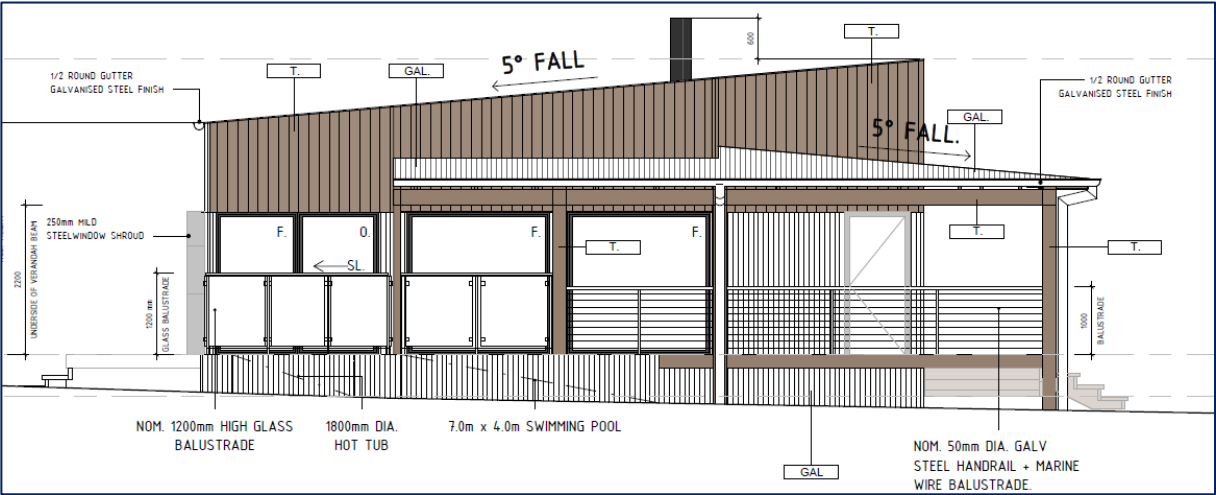
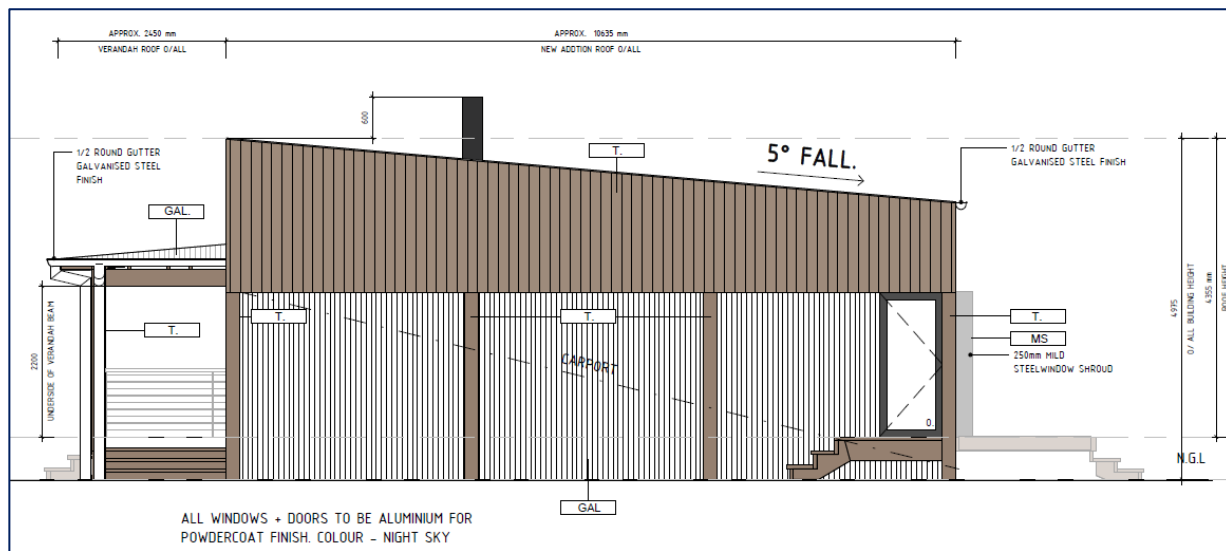


Figure 10: East Elevation Plan



**Figure 11: West Elevation Plan**

The submitted Land Capability Assessment (LCA) recommends an Aerated Wastewater Treatment System (AWTS) system to treat effluent to a minimum 20/30 quality and will discharge effluent via a land application area of 425sqm, with pressure-compensating sub-surface drip irrigation. The land application area is shown on the submitted Site Plan to be north-east of the proposed dwelling and will be parallel to the driveway access and fenced off from agricultural activities.

### Outbuildings

The proposed Gazebo is an open-sided shelter to be located north of the proposed dwelling and on the north side of the driveway, within the domestic area shown on the submitted Site Plan. The Gazebo is shown to be 12 x 6 metres with a maximum height of 3.95 metres at the peak on the north side.

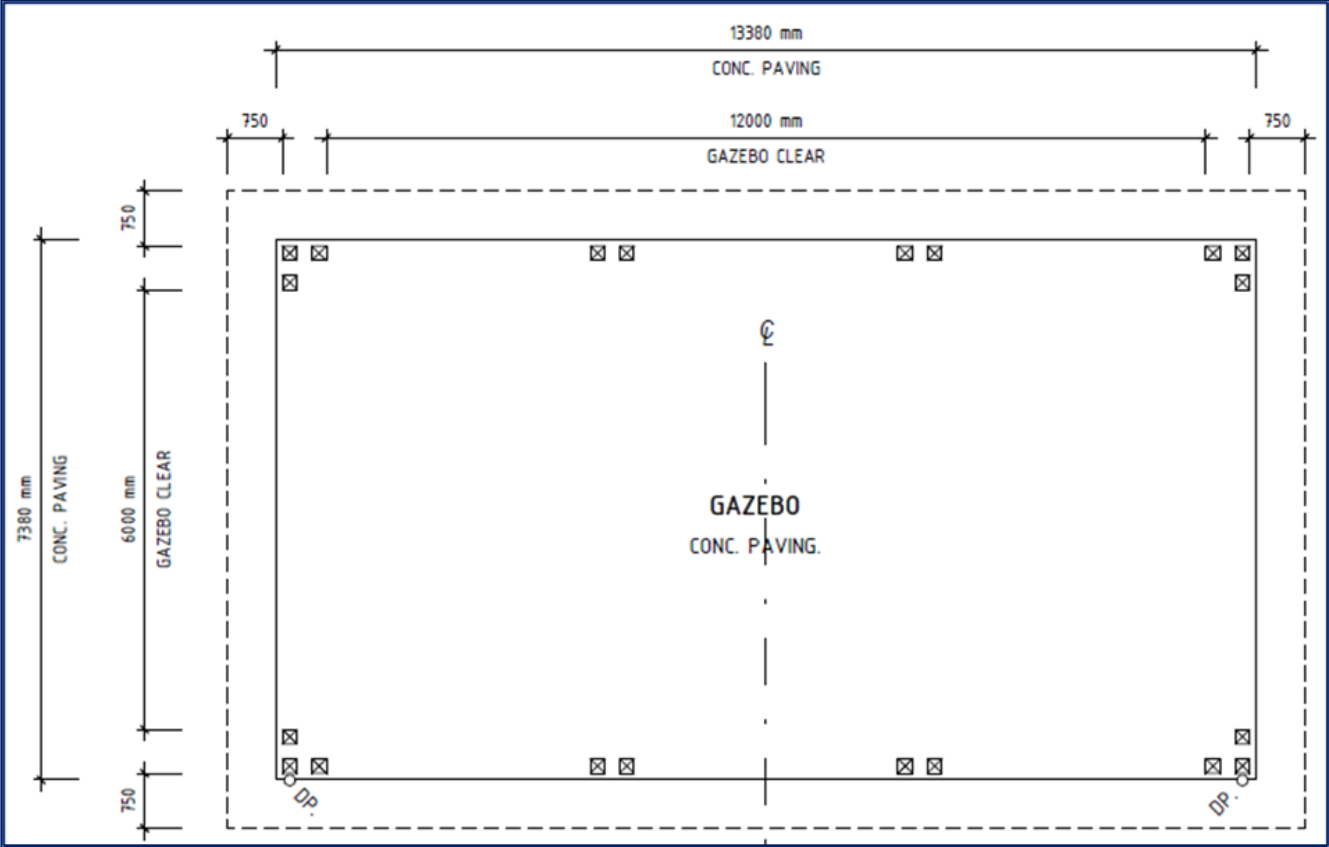


Figure 12: Gazebo Floor Plan

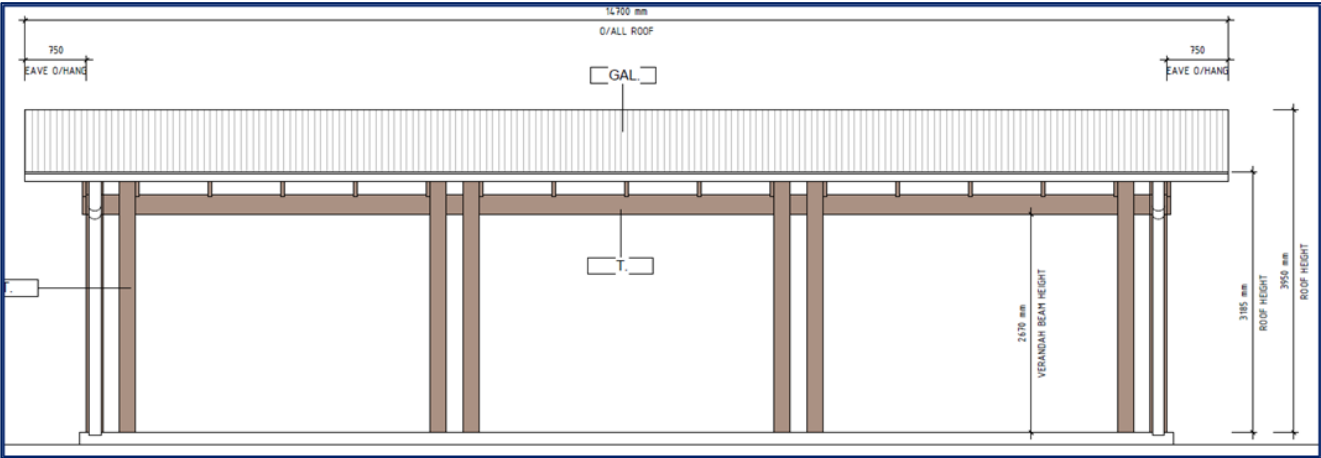


Figure 13: South Elevation Plan



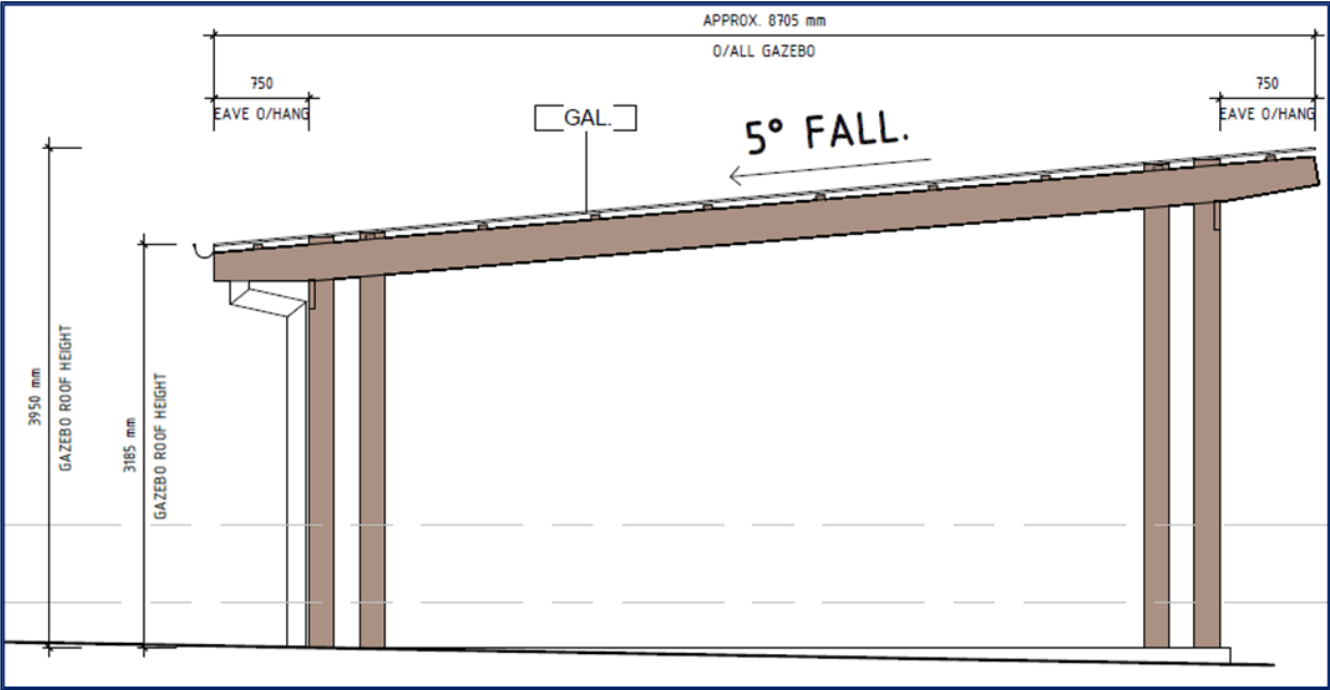


Figure 14: East Elevation Plan

The existing Shipping Container on the land is proposed to be relocated behind the Agricultural Shed, which would be on the south elevation which is reasonably screened from view of neighbouring properties by the existing vegetation along the boundary fence. The Shipping Container is 12.2 x 2.44 metres with a height of 2.59 metres. The Shipping Container is painted Colorbond Monument (dark grey) in colour. Plans of the Shipping Container have not been provided with the application as it is existing on the land.

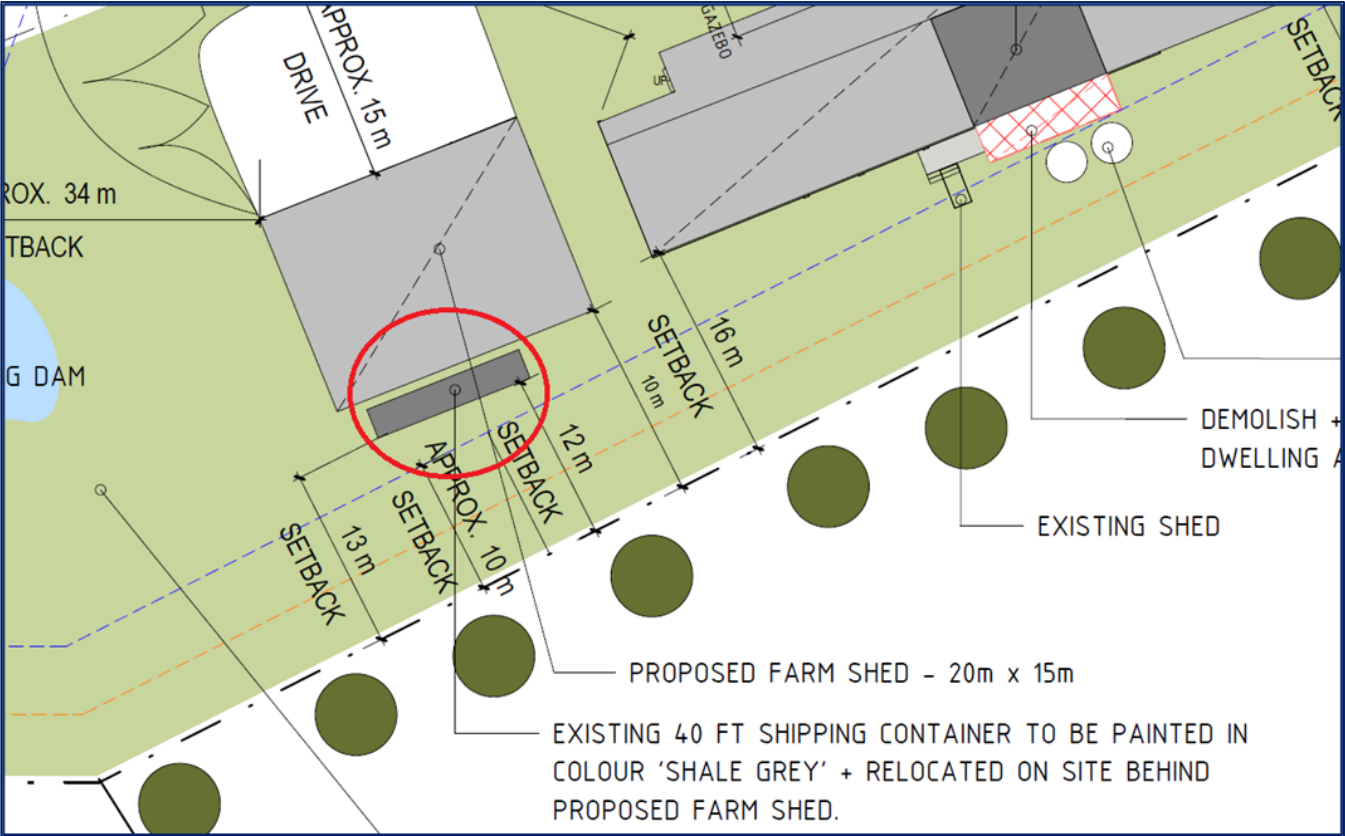


Figure 15: Partial Site Plan showing proposed location of Shipping Container



**Agricultural Shed**

The proposed agricultural shed would be located west of the dwelling with vehicle access from the driveway past the dwelling. The north orientation of the shed will provide vehicle/machinery access with four roller doors behind wooden barn doors and personal access doors on the east and west sides. The shed would be 15 x 20 metres, totalling 300 square metres in area, with a maximum height of 6.31 metres on the south side. The shed is proposed to have a mix of Colorbond Night Sky and treated Galvanised Iron.

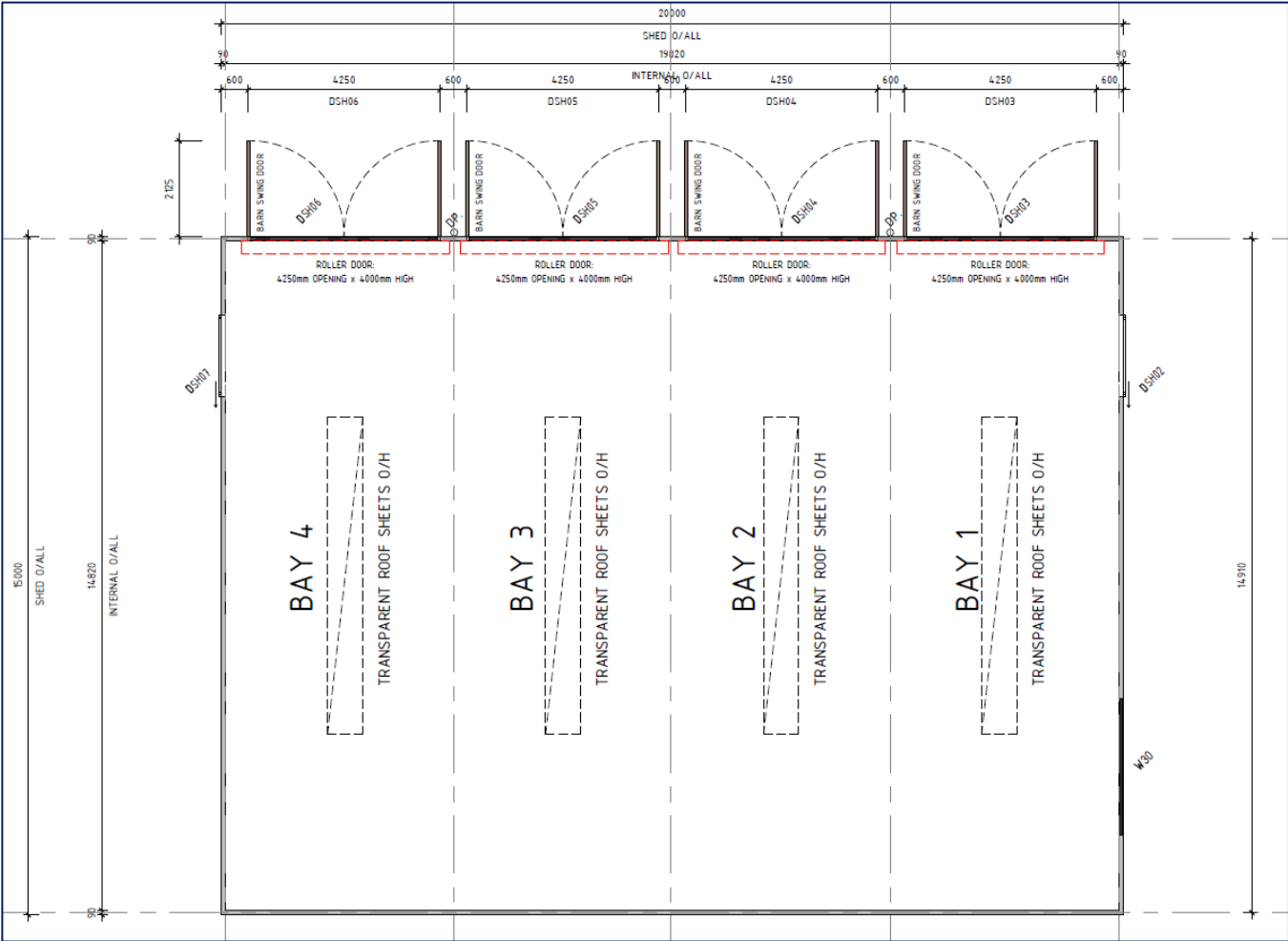


Figure 16: Agricultural Shed Floor Plan

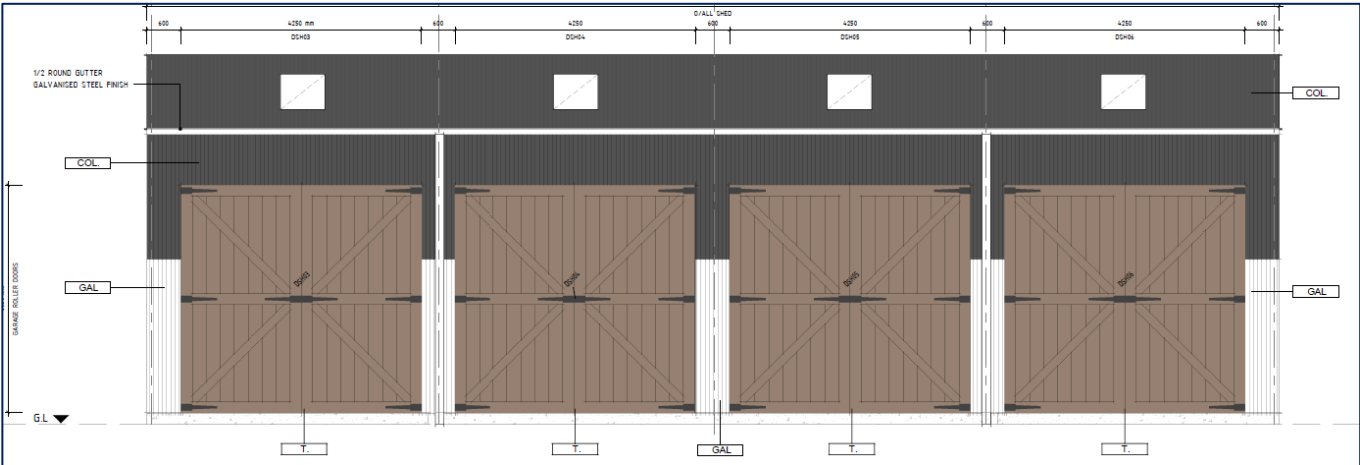
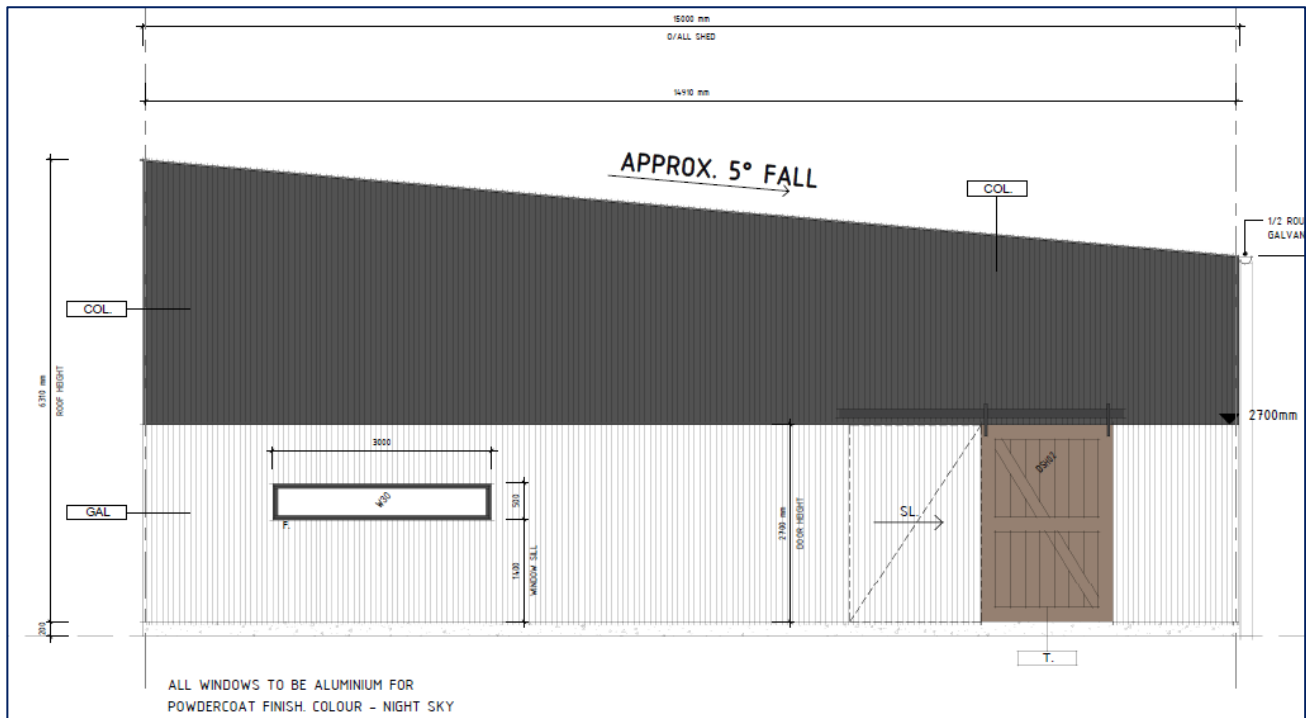


Figure 17: North Elevation Plans



**Figure 18: East Elevation Plan**

### Land Use

The application was supported by a Farm Management Plan, which was amended 18 March 2024.

The Plan details the proposal for a staged Lavender Farm, including growing, harvesting and production of lavender products onsite, including dried lavender and essential oils.

Previously the land has been used for ad hoc grazing and fodder production but is currently vacant and not being utilised. The Plan details that the property has fair soil quality and some native grasses with no existing agricultural infrastructure. The proposal for a dwelling and Lavender Farm concurrently would enable the occupiers to monitor pest animals, pest plants, biosecurity, watering and ongoing maintenance of the plants.

The Farm Management Plan determines that once established lavender plants require fairly low levels of water however irrigation may be necessary during establishment and initial growth. The proposal includes 450,000 litres of expected rainfall able to be captured yearly from the sheds and dwelling which would be stored in tanks. Additionally, the property has access to a domestic and stock groundwater licence that could provide an alternative water source.

In addition to the lavender planting the Plan proposes an appropriate number of sheep for pasture management of the areas of the property not being used for domestic purposes and the lavender. The sheep would also be able to maintain grasses around the lavender crop as they typically do not eat lavender plants. Beehives are also proposed for honey production as lavender provides a natural and productive environment.

The Plan provides a development timeline for the proposed infrastructure and farming activities which detail how the first stages of the lavender areas would be prepared during construction of the buildings and then planted in the first available season. The infrastructure to enable sheep grazing would be implemented immediately to encourage the property management.

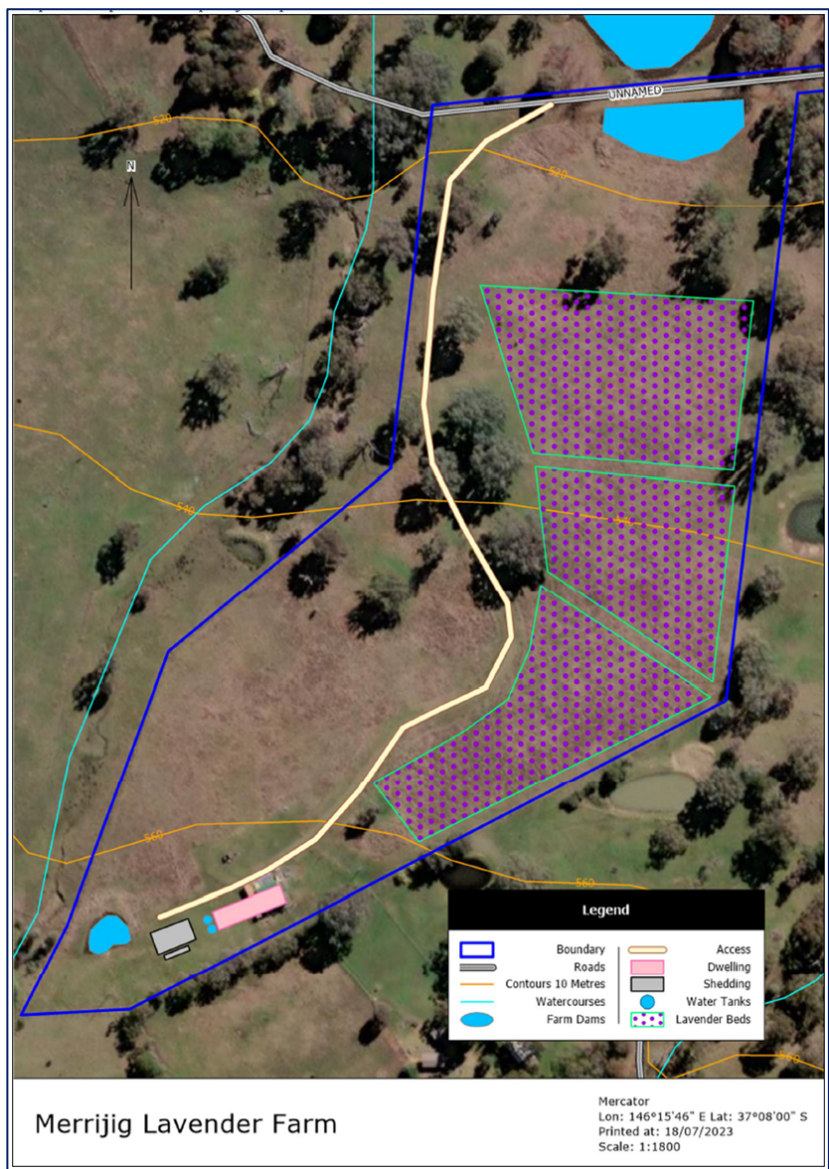


Figure 19: Farm Management Plan showing proposed location for Lavender plantings

Key Issues

Referral Authority Responses

Referral Authority	Type	Response
Goulburn Murray Water (GMW)	Determining Section 55 Clause 66.02-5 Special Water Supply Catchment	Conditional Consent 7 August 2023
Environmental Health	Internal	Conditional Consent 17 August 2023
Engineering	Internal	Conditional Consent 21 March 2024

The Officer Recommendation includes the conditions required and requested by the referral authorities.

## Public Notice

Advertising was carried out in accordance with the requirements of the Planning and Environment Act including Public Notice being sent to twenty-two (22) owners and occupiers of the adjoining and nearby properties and a sign onsite for the period of 3 to 24 August 2023.

Following the public notice period a total of thirteen (13) objections were received, in summary the objections relate to:

- Non-compliance on the property with existing uses and buildings and works
- Lack of Bushfire Risk assessment with application documents
- Lack of landscaping plans and Landscape Analysis with application documents
- Proposal is inconsistent with Decision Guidelines in the Farming Zone
- Proposal is inconsistent with Significant Landscape Overlay
- Construction and use of a 'Chapel'
- Increased traffic on Davies Road resulting in additional dust and noise
- Condition and drainage problems of the shared access in the Common Property
- Increased traffic on shared access in the Common Property
- Proposed Lavendar Farm is a Commercial Use
- Lavendar is harmful to horses and could impact the health of animals on adjoining properties
- Requirement for a dwelling to manage a Lavendar Farm is not justified
- Impact to privacy for adjoining properties
- Impact to visual amenity of the area
- Increased noise levels, use of domestic/agricultural motorbikes, etc.
- Biosecurity risks

A detailed assessment and response to the objections is included below.

The Permit Applicant was provided copies of the objections and provided a written response, which was then provided to all objectors with an invitation to a consultative (mediation) meeting hosted by Council Officers.

The consultative meeting was held in Council Chambers 1 November 2023 and involved Council Officers, the permit applicant, and six (6) of the objectors. As an outcome the applicant agreed to the following:

- Reconsider the need for, location, design colours and size of the Chapel [which has since been removed from the plans].
- Amend the Farm Management Plan to include the proposed lavender operations and actions to mitigate potential biosecurity risks.
- Amend the application to exclude terms such as 'commercial enterprise' relating to the Chapel and lavender operations.

The above information has been submitted to Council and has been sent to the objectors for their consideration to determine if their concerns have been resolved. Following the amended plans being circulated one (1) objection has been withdrawn.

To date there are twelve (12) outstanding objections.

Objection/Concern	Officer Comments
<i>Non-compliance on the property with existing uses and buildings and works</i>	<p>There is an existing structure on the land which is partially constructed and without any permits. By way of achieving compliance with the Mansfield Planning Scheme this planning permit application was submitted. The proposal includes the partial use of the existing structure on the land to form part of the proposed dwelling.</p> <p>Issuance of a planning permit is a way to resolve compliance matters, with a suitably improved design response with a niche agricultural enterprise that is in keeping with the Farming Zone, should a permit issue.</p> <p>If a planning permit is not issued then further compliance action would be required to have the structures suitably removed from the land.</p>
<i>Lack of Bushfire Risk assessment with application documents</i>	<p>The subject land is within the Bushfire Prone Area and is not within the Bushfire Management Overlay. The relevant State and Local Planning Policies which apply at Clause 13.02 require consideration of bushfire risk and mitigation measures to ensure appropriate development however, the policies do not require any formal submission of bushfire reports.</p> <p>If a planning permit should issue there would be standard construction requirements in relation to bushfire during the Building Permit process under the <i>Building Act 1993</i>.</p> <p>Overall, the proposed location of the dwelling is in a existing clear area and would have suitably vehicle access to accommodate emergency service vehicles and therefore the application is generally considered appropriate in relation to the bushfire risk.</p>
<i>Lack of landscaping plans and Landscape Analysis with application documents</i>	<p>The submitted plans do not include a proposed landscaping plan however, have detailed all of the existing vegetation on the subject land and surrounds. The plans demonstrate that there are existing plantings along the property boundaries near to the proposed dwelling location.</p> <p>Any planning permit issued for the dwelling would conditionally require a landscaping plan to detail suitable landscaping around the dwelling to incorporate native plantings and provide additional screening from neighbouring properties.</p> <p>Additionally, any cut and fill batters will be conditionally required to be seeded to encourage regrowth of native grasses and small shrubs to stabilise the earth and improve visual amenity of the site.</p>
<i>Proposal is inconsistent with Decision Guidelines in the Farming Zone</i>	<p>An assessment of the application against the Decision Guidelines of the Farming Zone has been provided, as an attachment to this Report. The assessment determines that the application is generally in accordance with the Purpose and Decision Guidelines of the Zone. The proposal seeks to capitalise on the rural, agricultural and natural features of the land and its surrounds and therefore is considered an appropriate development in its context.</p>



Objection/Concern	Officer Comments
<i>Proposal is inconsistent with Significant Landscape Overlay</i>	<p>An assessment of the application against the Significant Landscape Overlay has been provided. The assessment determines that the application is generally in accordance with the Purpose and Decision Guidelines of the Overlay.</p> <p>The proposed design of the buildings would ensure that significant views (if any) are not impacted upon. The type and scale of built form proposed is typical of the area especially when considering the topographical characteristics of the surrounding landscape.</p> <p>Recommended permit conditions would require the development to comply with the specific requirements of the Schedule to the Significant Landscape Overlay.</p>
<i>Construction and use of a 'Chapel'</i>	<p>The proposal for a Chapel has been removed from the plans through the amended permit application in accordance with Section 57A of the <i>Planning and Environment Act 1987</i>.</p> <p>Additionally, some of the Objections received relating to the Chapel have been withdrawn following the amended application.</p>
<i>Increased traffic on Davies Road resulting in additional dust and noise</i>	<p>The proposal for a three-bedroom dwelling has expected vehicle movements of ten (10) maximum per day, in accordance with Councils Infrastructure Design Manual, this would be considered normal use and expected increase in traffic.</p> <p>As the subject land is one of the last vacant lots on Davies Road it can be expected that the levels of traffic would be very similar to current conditions with a very minor increase.</p> <p>The minor increase in vehicle movements using Davies Road would have a very minor impact to the condition of the road and its maintenance schedule. Dust created from vehicle movements can be reduced by reducing travel speeds.</p>
<i>Condition and drainage problems of the shared access in the Common Property</i>	<p>The management of the shared access is the shared responsibility of the authorised users. In this instance the access is within the subject land which is covered by a Carriageway Easement, providing access to 150 Davies Road and 215 Powers Road. It is noted that the dwelling on 215 Powers Road appears to gain access direct from Powers Road and does not have any formed driveway connecting to the Carriageway Easement.</p> <p>It is reasonably expected that any planning permit issued would require the access to be upgraded to a suitable standard to accommodate all-weather access for emergency service vehicles.</p>
<i>Increased traffic on shared access in the Common Property</i>	<p>The Carriageway Easement is on the subject land, providing legal and practical access to the adjoining properties to the west. The Plan of Subdivision which forms the current Title for the subject land was created and approved in May 1985 and provides the only legal and practical access for the land through the Carriageway Easement.</p> <p>Therefore, assuming that vehicle access would be provided for 152 Davies Road through the Easement.</p>

Objection/Concern	Officer Comments
<i>Proposed Lavender Farm is a Commercial Use</i>	<p>The proposed Lavender Farm is detailed in the submitted Farm Management Plan and includes the Financial Projections. It is generally accepted that farming/agricultural enterprises on land in the Farming Zone would generate an income, or partial income to the land managers.</p> <p>Having a financial benefit relating to agricultural activities does not change the use to 'Commercial'. The proposed lavender farm and associated productions are typical of the Farming Zone and considered agricultural practices.</p>
<i>Lavender is harmful to horses and could impact the health of animals on adjoining properties</i>	<p>Lavender is generally toxic to horses when ingested in large quantities. It is reasonable to expect suitable boundary fencing and the proposed setbacks of the lavender plantings, as shown on the submitted plans to be a minimum of 5 metres, would restrict any ingestion of the lavender by horses on neighbouring properties.</p> <p>Additionally, recommended permit conditions include screen planting with native plants and trees around the boundary of the property where the lavender is proposed which would provide a visual and physical buffer.</p>
<i>Requirement for a dwelling to manage a lavender farm is not justified</i>	<p>The application documents provide reasonable justification that the management of the Lavender Farm would be easier from on the property and whilst permanent residence is not essential, it is considered that a dwelling on the land will not detract from any agricultural potential.</p> <p>An assessment of the application in response to the Farming Zone and the protection of agricultural land has been provided earlier in this report, which determined that the use of this land for a dwelling is suitable when considering the proposed land uses, surrounding developed character of the area and proposed layout of infrastructure.</p>
<i>Impact to privacy for adjoining properties</i>	<p>The proposed dwelling has a minimum setback of 13 metres from the south property boundary, no habitable room windows and minimal windows on the southern boundary which is oriented towards the closest dwelling on a neighbouring property. It is generally expected that some views to neighbouring properties would be visible from the subject land but the generous setbacks do not enable any views to private open space of existing dwellings.</p> <p>The subject land and surrounding properties are relatively large in domestic envelopes, providing for ample space for domestic type uses which are generally screened by native vegetation around the boundaries.</p> <p>An assessment of the proposed plans have determined that impact to privacy would be very minimal.</p>
<i>Impact to visual amenity of the area</i>	<p>The proposed dwelling is to be constructed in a location that would not detract from any existing direct views to the surrounding Alpine mountains and is set on a suitably low enough elevation that should</p>

Objection/Concern	Officer Comments
	<p>not impede views to the valley. The low scale roof form and muted colours proposed for the buildings will not detract from the visual amenity of the area as they complement the surrounding landscape and any additional landscaping would further soften any impacts. The design of the dwelling, associated outbuildings and agricultural shed are considered to be generally in keeping with the existing character, being a large ranch-style home with modern features and large windows on the north elevation.</p> <p>The proposed agricultural activities would include sheep grazing and the planting of lavender which is in keeping with the existing various farming activities occurring on neighbouring properties.</p> <p>It is considered that visual amenity impacts to adjoining and nearby properties would not be disproportionate to the existing local character.</p>
<i>Increased noise levels, use of domestic/agricultural motorbikes, etc.</i>	<p>The proposed activities for agricultural including sheep grazing and lavender are not expected to be 'noisy'. There would be the occasional requirement for machinery and possibly a small farm tractor being used which would be typical of an agricultural activity in the Farming Zone. Considering the relatively low scale of agriculture proposed for the land it would not be typical that machinery would be needed early in the morning or late into the evenings and operations would typically cease at nightfall.</p> <p>Typical domestic activities associated with a dwelling can be expected and would be required to comply with the <i>Environment Protection Regulations 2021</i>.</p>
<i>Biosecurity risks</i>	<p>The submitted Farm Management Plan includes requirements relating to biosecurity and recommended actions for day-to-day practices to reduce risks.</p> <p>Additionally, <i>Agriculture Victoria</i> provide standards and regulations to reduce and control biosecurity risks which are required of any person undertaking agricultural activities, including cropping (lavender planting), stock movements and maintaining stock (sheep).</p>

### Officer Assessment

A detailed assessment of the application against the relevant provisions of the Mansfield Planning Scheme is attached within the Assessment Against Planning Scheme.

Having assessed the application against the relevant clauses of the Mansfield Planning Scheme, it is considered that the proposal responds appropriately to the requirements of the Scheme with respect to development in the Farming Zone, Significant Landscape Overlay, Environmental Significance Overlay, local and state policy, and the General Provisions. The proposal will provide an opportunity to develop an under utilised parcel of land for mixed uses including domestic and agricultural activities which are in keeping with the existing rural character of the area.



The proposal for a dwelling on the land with associated outbuildings and a farm shed to provide storage for agricultural equipment is generally in keeping with the existing rural character of the area. The design is considered respectful of the development of adjoining properties and would not detract from the significant landscape and views of the alpine regions.

The concerns raised through submissions have been considered in relation to the relevant planning policies and suitable conditions are recommended to ensure the proposal is complimentary to the surrounding landscape.

The proposal is generally consistent with the relevant provisions of the Mansfield Planning Scheme, as discussed in this report. The application is therefore recommended for approval.

Recommendation
<p>THAT COUNCIL issue a Notice of Decision to Grant a Permit for Planning Application P030/23 for Use and development of land for a (retrospective) dwelling, two (2) outbuildings (Shipping Container and Gazebo), and an agricultural shed on Lot 11 PS 148582N , commonly addressed as 152 Davies Road Merrijig in accordance with the endorsed plans and subject to the following conditions:-</p> <p><b>Amended Plans</b></p> <ol style="list-style-type: none"><li>1. Prior to the commencement of any works on site amended plans are required to be submitted to and approved by the Responsible Authority. Once approved the plans will be endorsed to form part of this permit. The plans must be generally in accordance with the submitted plans, <i>J00421, Revision G, dated 05.04.2024, prepared by Mackinnon Design</i>, and amended to detail:<ol style="list-style-type: none"><li>a. Landscaping around the proposed dwelling, Shipping Container, and agricultural shed.</li><li>b. Landscaping and native plantings in between the property boundaries and proposed Lavender planting areas.</li><li>c. A detailed Landscaping Plan in accordance with the requirements of Condition 10 of this permit.</li></ol></li></ol> <p><b>Endorsed Plans</b></p> <ol style="list-style-type: none"><li>2. 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.</li></ol> <p><b>Land Management</b></p> <ol style="list-style-type: none"><li>3. The land must be managed in accordance with the endorsed Farm Management Plan, to the satisfaction of the Responsible Authority. This condition continues to have force and effect once the development approved is completed.</li><li>4. Within three (3) months of the date of this permit the <i>First Stage</i> of the Farm Management Plan as it relates to the Lavender must be completed to the satisfaction of the Responsible Authority, including the preparation of Lavender Rows and installation of Irrigation.</li><li>5. Prior to the commencement of use of the dwelling the Actions as described in the <i>Farming Timeline</i> in the endorsed Farm Management Plan must be completed to the satisfaction of the Responsible Authority.</li><li>6. Prior to the commencement of use of the dwelling the domestic area, as shown on the endorsed plans as the <i>house paddock</i>, must be fenced to exclude all agricultural activities to the satisfaction of the Responsible Authority.</li></ol>

7. Prior to the commencement of use and completion of the dwelling the owner must enter into an agreement with the Responsible Authority under Section 173 of the *Planning and Environment Act 1987*. The agreement must state:
  - a. The property is to be managed in accordance with the Farm Management Plan, endorsed under this permit and as amended, and to the satisfaction of the Responsible Authority on a continuing basis.
  - b. The land must not be subdivided to increase the number of lots, by house lot excision, or otherwise.
  - c. The owner understands that the amenity of the dwelling may be subject to off-site impacts of adjoining or nearby agricultural activities, such as noise, dust and odour.

The landowner must pay the reasonable costs of the preparation, execution and registration of the Section 173 Agreement.

The Section 173 Agreement must be prepared by Council's preferred solicitors, to the satisfaction of the Responsible Authority and must be registered on title pursuant to Section 181 of the *Planning and Environment Act 1987*.

#### **External Cladding**

8. The external materials of the buildings, including the roof, must be constructed of materials of muted colours to protect the aesthetic amenity of the area, to the satisfaction of the Responsible Authority. No materials having a highly reflective surface must be used. For the purpose of this clause "highly reflective" includes unpainted or untreated aluminium, zinc or similar materials.
9. Within three (3) months of completion of each building all galvanised iron is to be suitably treated to reduce reflectivity to the satisfaction of the Responsible Authority. Photographic evidence is to be provided.

#### **Landscaping**

10. A detailed Landscape 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 be drawn to scale and fully dimensioned, and must include:
  - a. A planting schedule of all proposed vegetation (trees, shrubs and ground covers), which includes botanical names, common names, pot size, mature size and total quantities of each plant.
  - b. A mixture of lower, middle and upper storey vegetation, including canopy trees in the *House Paddock* area as shown on the endorsed plans.
  - c. Plant screening specifically around the Agricultural Shed, Shipping Container and south elevation of the Dwelling.
  - d. Stabilisation of cut and fill batters using top soil no deeper than 150mm sown down with suitable vegetation and drainage.
  - e. 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.
  - f. Each individual plant shown clearly on the plan.
  - g. The use drought-tolerant species, where practicable.
  - h. An appropriate irrigation system.
  - i. Staging plan for the planting of all landscaping.
11. Prior to the completion of the development and commencement of use the landscaping is to be commenced to the satisfaction of the Responsible Authority.
12. The landscaping shown on the endorsed plans must be maintained for the life of the use and development to the satisfaction of the Responsible Authority, including that any

dead, diseased, dying or damaged plants are to be replaced with like for like replacements of the same or greater size.

### **Dwelling Infrastructure**

13. Access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.
14. 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.
15. 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.
16. The dwelling approved by this permit must be connected to a reticulated electricity supply or have an alternative energy source.

### **Outbuildings**

17. The outbuildings and agricultural shed must not be used for human habitation purposes at any time.
18. The outbuildings and agricultural shed must not contain bedrooms (or rooms that could be used as bedrooms) or any facilities with the potential to produce wastewater, including toilets, kitchens or other food preparation facilities.

### **Engineering**

19. Access to the property must only be via the existing crossover and internal driveway, no additional access is permitted unless with the prior written consent of the Responsible Authority.
20. Prior to commencement of any building and civil works, application must be made to Council to obtain a Legal Point of Stormwater Discharge.
21. Interrupted overland flow from this development must not impact on the adjacent lots.
22. 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.
23. Prior to the commencement of use, 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, 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 and to provide all-weather access, to the satisfaction of the Responsible Authority.
  - c) Internal vehicle access constructed to accommodate all-weather access adequate for emergency service vehicles to the satisfaction of the Responsible Authority.

### **Environmental Health**

24. Prior to commencement of works, a 'Permit To Install Septic System' must be approved by the Environmental Health Department of Council.
25. The onsite wastewater disposal system must be developed in accordance with the Land Capability Assessment *prepared by Mansfield Land Capability Assessments, Report No. L41123*, or otherwise amended with the written consent of the Responsible Authority.

26. Prior to the commencement of use of the dwelling the approved Septic System must be installed to the satisfaction of the Responsible Authority, and thereafter maintained.

### **Goulburn Murray Water**

27. All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA 1991).
28. All wastewater from the dwelling must be treated to a standard of at least 20mg/L BOD and 30mg/L suspended solids using a package treatment plant or equivalent. The system must have a Certificate of Conformity issued by the Conformity Assessment Body (or equivalent approval) and be installed, operated and maintained in accordance with the relevant Australian Standard and EPA Code of Practice.
29. All wastewater must be applied to land via pressure-compensating sub-surface irrigation installed along the contour.
30. The wastewater disposal area must be located at least: 100m from any waterways (including dams on waterways), 40m from any drainage lines, 60m from any dams, and 20m from any bores. Where wastewater is treated to at least a secondary standard, the distance may be reduced in accordance with the current EPA Code of Practice – Onsite Wastewater Management. However where possible setback distances must be maximised.
31. The wastewater disposal area must be kept free of stock, buildings, driveways, car parking and service trenching and must be planted with appropriate vegetation to maximise its performance. Stormwater must be diverted away. Unless wastewater disposal is by subsurface irrigation methods, a reserve wastewater disposal field of equivalent size to the primary disposal field must be provided for use in the event that the primary field requires resting or has failed.
32. Stormwater run-off from buildings and other impervious surfaces must be dissipated as normal concentrated overland flow or directed to a storage tank or dam.
33. No buildings are to be constructed within 30m of any waterways (dams on waterways) or on any drainage lines.

### **Permit Expiry**

34. This permit will expire if one of the following circumstances applies:
- a) The buildings and works have not substantially commenced within two (2) years of the date of this permit.
  - b) The development is not completed, and the use commenced within four (4) years of the date of this permit.

In accordance with Section 69 of the *Planning and Environment Act 1987*, an application may be submitted to the Responsible Authority for an extension of the periods referred to in this condition.

### **NOTATIONS**

- 1) This permit does not authorise the commencement of any building works. Building approval must be obtained prior to the commencement of any approved works.
- 2) Before any earthworks are undertaken, it is recommended that you contact 'Dial Before You Dig' on 1100.
- 3) An application for works within a road reserve is required to be made prior to commencing any works on the road reserve and must comply with the requirements of the *Road Management Act 2004*.
- 4) As outlined in Mansfield Road Management Plan section 5.18, Vehicle crossovers remain property of the owner and any repair/damage required in the future will be the responsibility of the property owner.

- 5) The permit holder acknowledges and accepts that the possibility of nuisance from adjoining or nearby agricultural operations may occur. The possible off-site impacts include but are not limited to dust, odour, waste, vibration, soot smoke, or the presence of vermin, from animal husbandry, animal waste, spray drift, agricultural machinery, pumps, trucks and associated hours of operation. In acknowledging the existence of the agricultural operations being conducted from adjoining or nearby land, the permit holder shall not make complaint against lawful agricultural activities on the adjoining or nearby land.
- 6) Any failure to comply with the conditions of this permit may result in action being taken to have an Enforcement Order made against some or all persons having an interest in the land and may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.

### Support Attachments

2. Assessment against Planning Scheme [13.2.1.1 - 18 pages]
3. Plans [13.2.1.2 - 16 pages]
4. Farm Management Plan [13.2.1.3 - 28 pages]
5. Land Capability Assessment [13.2.1.4 - 22 pages]
6. CONFIDENTIAL - Objection [13.2.1.5 - 3 pages]
7. CONFIDENTIAL - Objection [13.2.1.6 - 4 pages]

## Considerations and Implications of Recommendation

### Sustainability Implications

The application has been assessed against the provisions of the Mansfield Planning Scheme, which includes consideration of building resource management, with the requirement to make the development as sustainable as possible within the current legislation.

### Community Engagement

The application was advertised to nearby and adjoining landowners and had a notice of application placed on the site, in accordance with the provisions of the Planning and Environment Act 1987 and Council's community engagement policy.

### Collaboration

Not Applicable

### Financial Impact

The application has been assessed within existing Council resources in the Statutory Planning Department. An application fee of \$1330.20 was received for the application.

### 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 submitters may seek a review of Councils decision at the VCAT, or 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, the permit applicant may seek a review of this decision at the VCAT.

## **Regional, State and National Plans and Policies**

The application has been assessed in accordance with the Planning and Environment Act 1987 and the Mansfield Planning Scheme.

## **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 3.1 Protect natural vistas and farmlets

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*.



**13.2.2. P019/24 - 160 Owens Creek Drive Mansfield**

<b>File Number</b>	P019/24 DA8049	<b>Responsible Officer</b>	Senior Statutory Planner, Claire Wilkinson
<b>Purpose</b>			

The purpose of this report is to seek Council's determination of application P019/23, lodged for the development of land for a dwelling and outbuilding. This application is being referred to Council for a determination as the estimated cost of development exceeds delegation (\$2.4 million).

<b>Executive Summary</b>	
<i>Application Details</i>	
<b>APPLICANT</b>	Ben Willick- Willick Design
<b>PROPOSAL</b>	Development of land for a dwelling and an outbuilding
<b>APPLICATION LODGED</b>	8 February 2024 Amended 5 April 2024
<b>NOTICE AND SUBMISSIONS</b>	Exempt from Notice – Clause 43.04-3
<i>Property Details</i>	
<b>PROPERTY ADDRESS</b>	160 Owens Creek Drive, Mansfield
<b>LAND DESCRIPTION</b>	Lot 32 on Plan of Subdivision 847761A
<b>RESTRICTIVE COVENANTS</b>	Agreement Section 173- AU466642L dated 17 June 2021
<b>LAND AREA</b>	8.517 hectares
<b>EXISTING USE</b>	Vacant allotment
<i>Planning Provisions</i>	
<b>ZONE</b>	Clause 35.03 Rural Living Zone – Schedule 1
<b>OVERLAYS</b>	Clause 42.01 Environmental Significance Overlay- Schedule 2 Clause 43.04 Development Plan Overlay Schedule 3
<b>PLANNING POLICY FRAMEWORK</b>	Clause 02.03 Strategic Directions Clause 02.03-2 Environmental and landscape values Clause 02.03-3 Environmental Risks and Amenity- Bushfire Clause 02-03-4 Natural resource management Clause 11.01-1-01 Mansfield Township Clause 12.05-1S Environmentally sensitive areas Clause 12.05-2S Landscapes Clause 12.05-2L Significant landscapes, ridgelines and alpine approaches Clause 14.01-1L Dwellings and subdivisions in rural areas Clause 15.01-6S Design for rural areas
<b>PARTICULAR PROVISIONS</b>	Clause 52.06 Car Parking

<b>GENERAL PROVISIONS</b>	Clause 65 Decision guidelines
<b>Permit Triggers</b>	
<b>RURAL LIVING ZONE</b>	Clause 35.03-1 A permit is required for building or works associated with accommodation located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the <i>Mineral Resources (Sustainable Development) Act 1990</i> .
<b>ENVIRONMENTAL SIGNIFICANCE OVERLAY</b>	Clause 42.01- Schedule 2. A permit is required for buildings and works on a lot less than 40 hectares where new wastewater is generated.
	Clause 42.01- Schedule 2. A permit is required for buildings and works associated with the construction of a new dwelling or outbuilding where the site cut is deeper than 1 metre and the area of the site cut is greater than 300 square metres.

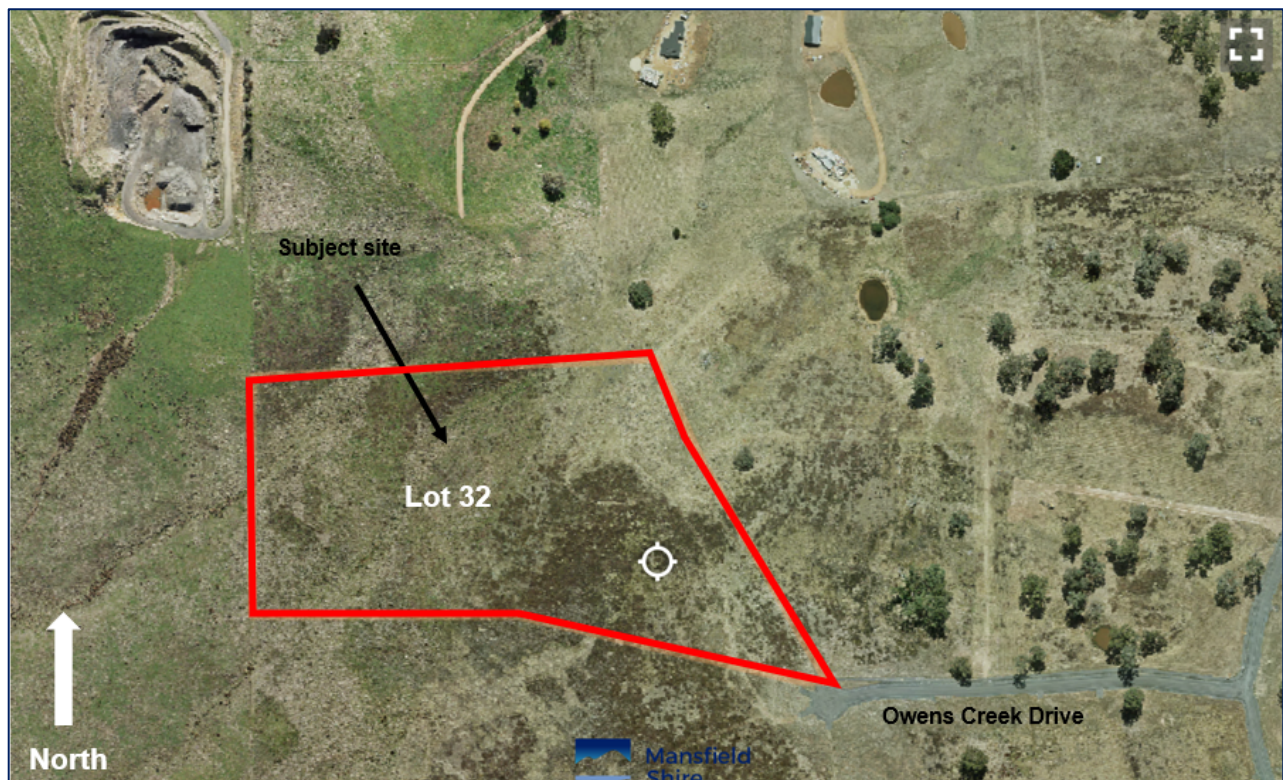
### Subject Land and Surrounds

The subject land is shown in the aerial photograph in Figure 1 and Figure 2 and is an irregular shaped parcel of land situated on the North side of Owens Creek Drive at the end of the existing court bowl. The site is approximately 8.5 kilometres south of Mansfield. The site is located within a much larger subdivision of rural living residential allotments that are a wide block of residential development along the south western corner of the Mansfield Township known as the “Stoneleigh Park Estate” between Monkey Gully Road and Stoneleigh Road. The subject site has a total area of 8.517 hectares.

The site is vacant. There are residences being constructed on a number of the surrounding properties around the site and on nearby Range View Court to the north. There is an existing unpaved crossover into the allotment.

The topography of the land has a distinctive fall to the east. There are no registered easements and one listed encumbrance listed on title for the property. The subject allotment (Lot 32) is located entirely within the 500 metre buffer area for the quarry located at 189 Howes Creek Road which is used to extract stone resources live rock, gravel, sand, soil and clay; pursuant to Work Authority 782 (WA782).





**Figure 1:** Aerial image of subject site and existing Quarry

Figure 2 shows the subject land and the existing development on the property. The property does not have access to reticulated services. The property is part of the rolling hill landscape that adjoins farmland in between the Paps Scenic Reserve, the northern end of Lake Eildon and Mansfield Township. The majority of the site is grassland and there are no remnant native paddock trees within the site.

The property is not identified as containing areas of Aboriginal Cultural Heritage Sensitivity.



**Figure 2:** View looking across the subject site from above the highest point on the site

**Proposal**



The current application is for the use and development of land for a dwelling and an outbuilding at 160 Owens Creek Drive, Mansfield (Lot 32 PS847761A). Details of the proposal are as follows:

### Dwelling

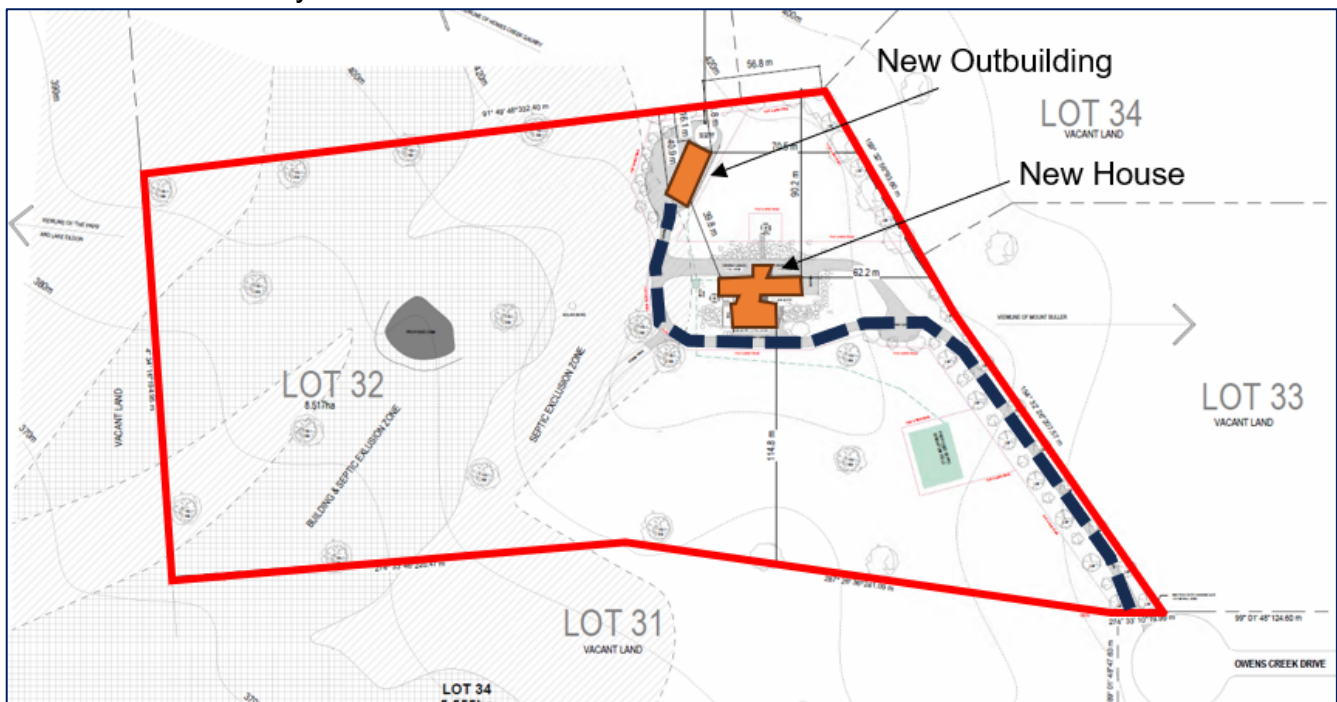
A single storey dwelling clad in concrete and corten steel exterior with a distinctive butterfly roof in two wide span sections. Entrance off the east elevation. Floor to ceiling windows with transom highlight windows on the south elevation looking across the frontage of the site. There is a substantial site cut in the north-eastern section of the site that will be required to situate the proposed footprint of development. Building reads as two story on the south elevation. The extensive earthworks and site cut will allow for a further rumpus room/ bathroom and enclosed three bay garage under the main living area.

Total height of the dwelling from natural ground level to roof peak is 4.932 metres. The excavated height at the deepest point is 9.92 metres. The proposed earthworks on the site plan and detailed renderings provided by the applicant illustrate that the dwelling will be benched into the allotment.

### Outbuilding

A seven bay, 29 metre by 12 metre workshop style outbuilding is also proposed on the north western side of the dwelling. The outbuilding is 16 metres from the northern property line.

The footprint of all development is situated within the highest part of the subject site. The applicant has provided supporting information including renderings that show how the earthworks will significantly excavate into the hillside to work with the existing topography and undulations to ensure that the dwelling is not overly prominent in the surrounding landscape. An existing crossover and driveway have been established into the site. The access runs along the eastern boundary.



**Figure 3:** Site plan showing footprint of development and site access

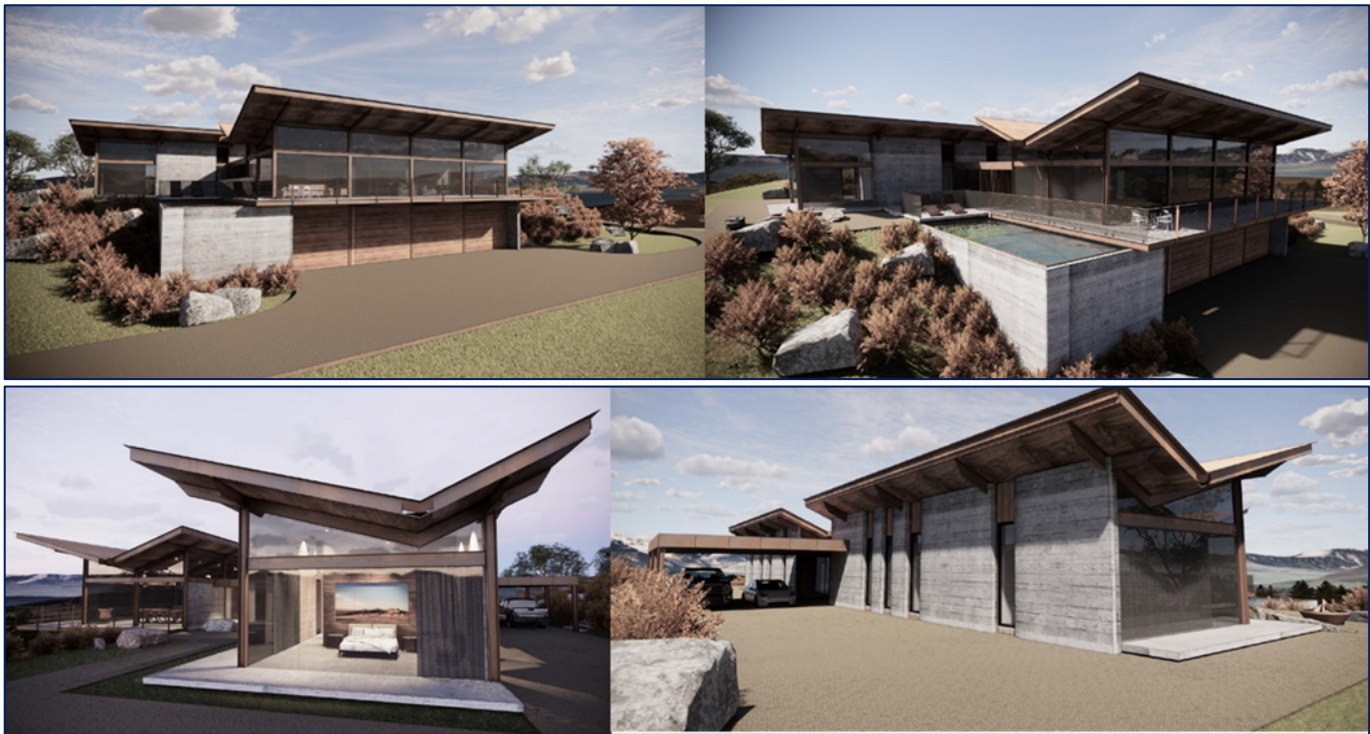


Figure 4: 3D Artist Impression / Renderings of the Proposed Dwelling

Key Issues

Permit Triggers

Rural Living Zone - Clause 35.03-1:

A permit is required for building or works associated with accommodation located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the *Mineral Resources (Sustainable Development) Act 1990*.

Environmental Significance Overlay - Clause 42.01- Schedule 2:

A permit is required for buildings and works on a lot less than 40 hectares where new wastewater is generated. A permit is required for buildings and works associated with the construction of a new dwelling or outbuilding where the site cut is deeper than 1 metre and the area of the site cut is greater than 300 square metres.

Referral Authorities

Referral Agency	Referral Trigger	Response
GOULBURN MURRAY WATER	Section 55 (Determining) Clause 66.02-5 Special water supply catchment area	Conditional Consent
EARTH AND ENERGY RESOURCES (ERR)	Section 55 (Recommending) Clause 66.02-8 Proximity to extractive industry work authority area (quarry)	Pending

Public Notice

The application is exempt from Public Notice under Clause 43.04-3.

As the subject site is located within the Development Plan Overlay Schedule 3 (Rural Living) and an approved Development Plan, Stoneleigh Estate, is current any application that is 'generally in accordance with the Development Plan' is exempt from Public Notice.

**Officer Assessment**

Having assessed the application against the relevant clauses of the Mansfield Planning Scheme, it is considered that the proposal responds appropriately to the requirements of the Scheme with respect to development in the Rural Living Zone, Environmental Significance Overlay, Development Plan Overlay, and the General Provisions. The proposal will provide for rural-residential use of the land that is supported by planning policy and the relevant planning controls, subject to appropriate conditions. Amended plans were submitted which lowered the dwelling positioning on the face of the hill which now allows for the dwelling roofline to be below the ridge. Additionally, the height of the shed was reduced by 1 metre to reduce its visual impact from surrounds. The amended plans provide for a more suitable design in relation to the topography of the land and significant landscapes.

A detailed delegate assessment report is attached.

Recommendation
<p>THAT COUNCIL issue a Planning Permit for Planning Application P019/24 for Development of land for a dwelling and an outbuilding on Lot 32 on Plan of Subdivision 847761A, commonly addressed as 160 Owens Creek Drive, Mansfield in accordance with the endorsed plans and subject to the following conditions:-</p> <p><b>Endorsed Plans</b></p> <p>1. The use as shown on the endorsed plans must not be altered or modified without the written consent of the responsible authority.</p> <p><b>External Materials</b></p> <p>2. The external materials of the buildings allowed under this permit, including the roof, must be constructed of materials that are of muted colours to the satisfaction of the Responsible Authority. No materials having a highly reflective surface must be used. For the purpose of the condition “highly reflective” includes unpainted or untreated aluminium, zinc or similar materials. Cladding materials must be coloured or painted in muted colours.</p> <p><b>Outbuilding</b></p> <p>3. The outbuilding must not be used for human habitation at any time.</p> <p><b>Dwelling Infrastructure</b></p> <p>4. Access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.</p> <p>5. 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.</p> <p>6. 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.</p> <p>7. The dwelling approved by this permit must be connected to a reticulated electricity supply or have an alternative energy source.</p>



### **Landscaping**

8. Within three (3) months of the completion of the dwelling, the landscaping as shown on the endorsed plans must be carried out, completed and maintained to the satisfaction of the Responsible Authority, unless with the prior written consent of the Responsible Authority.
9. 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.

### **Environmental Health**

10. Prior to commencement of the development, a 'Permit to Install Septic System' must be approved by the Environmental Health Department of Council.
11. The onsite wastewater disposal system must be developed in accordance with the Land Capability Assessment (Report No. A161002) prepared by Paul Williams & Association Pty Ltd, dated August 2017, to the satisfaction of the Responsible Authority.

### **Engineering**

12. 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.
13. 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.
14. 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.

### **Site Cut and Fill Batters**

15. Prior to completion of the dwelling and outbuilding, the site cut and fill batters must be managed to the satisfaction of the Responsible Authority. These works must be one of the following:
  - a. Construct sediment traps and retaining walls to ensure no erosion occurs;  
OR
  - b. Construct a batter crest catch drain above the site cut to direct runoff water away from the face of the batter, to collect and divert water onto a gentler slope that releases onto rock, easing the erosive force of channelled water at release point. Cut and fill batters are to be stabilised using top soil no deeper than 150mm sown down with suitable vegetation and properly drained in order to minimise batter erosion and slumping.

### **Erosion and Sediment Control**

16. Prior to the commencement of construction, silt fencing material such as straw hay bales (stacked and keyed into the ground surface) should be placed along drainage paths within the construction area to prevent sediment entering downstream drainage lines. Soil batters steeper than 2:1 (horizontal:vertical) should be stabilised with Environmat or an effective treatment, to the satisfaction of the Responsible Authority.
17. All works must be undertaken in a manner that minimises soil erosion to the greatest extent practicable, and any exposed areas of soil must be stabilised to prevent soil erosion, to the satisfaction of the responsible authority.
18. Polluted and/or sediment laden run-off must not be discharged directly or indirectly into drains or watercourses.

### **Stormwater**

19. 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 must be in muted, non reflective tones to the satisfaction of the Responsible Authority.

### **Goulburn Murray Water**

20. All construction and ongoing activities must be in accordance with EPA Publication 1834.1 Civil Construction, Building and Demolition Guide (September 2023).
21. All wastewater from the dwelling must be treated to a standard of at least 20mg/L BOD and 30mg/L suspended solids using a package treatment plant or equivalent. The system must have a certificate of conformity issued by the Conformity Assessment Body (or equivalent approval) and be installed, operated and maintained in accordance with the relevant Australian Standard and EPA Code of Practice.
22. The wastewater disposal area must be located generally in accordance with the Land Capability Assessment Report No. A161002, Drawing No. 5, dated August 2017, completed by Paul Williams & Associates, to the satisfaction of Council's Environmental Health Department.
23. All wastewater must be applied to land via pressure-compensating sub-surface irrigation installed along the contour.
24. The wastewater management system must be appropriately designed to manage the potential volume of wastewater generated under full occupancy (based on full occupancy of the dwelling and shed), including an appropriately sized disposal area based on a full water balance specific to the proposal and subject land in accordance with the requirements of the current EPA Code of Practice – Onsite Wastewater Management, to the satisfaction of Council's Environmental Health Department.
25. The wastewater disposal area must be kept free of stock, buildings, driveways and service trenching and must be planted with appropriate vegetation to maximise its performance. Stormwater must be diverted away. A reserve wastewater disposal field of equivalent size to the primary disposal field must be provided for use in the event that the primary field requires resting or has failed.

### **Permit Expiry**

26. 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
  - b. The development is not completed and use 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.

### **NOTATIONS**

- 1) This permit does not authorise the commencement of any building construction works. Before any such development may commence, the permit holder must apply for and obtain appropriate building approval.
- 2) A site assessment for determining the bushfire attack level (BAL) in relation to the construction of a building has not been considered as part of this planning permit.
- 3) An application for works within a road reserve is required to be made prior to commencing any works on the road reserve and must comply with the requirements of the Road Management Act 2004.

### **Support Attachments**

1. Officer Assessment Report [13.2.2.1 - 18 pages]
2. Development Plans [13.2.2.2 - 14 pages]
3. Landscape Plans & 3D Renderings [13.2.2.3 - 21 pages]
4. Land Capability Assessment [13.2.2.4 - 37 pages]

## Considerations and Implications of Recommendation

### Sustainability Implications

The application has been assessed against the provisions of the Mansfield Planning Scheme, which includes consideration of building resource management, with the requirement to make the development as sustainable as possible within the current legislation.

### Community Engagement

The application is exempt from public notice.

### Collaboration

Not applicable.

### Financial Impact

The application has been assessed within existing Council resources in the Statutory Planning Department. An application fee of \$3,665 was received for the application

### 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, the permit applicant may seek a review of this decision at the VCAT.

### Regional, State and National Plans and Policies

The application has been assessed in accordance with the Planning and Environment Act 1987 and the Mansfield Planning Scheme.

### 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 3.1 Protect natural vistas and farmlets

Strategy 3.2 Enhance township character

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.

13.2.3. High Country Arena (Mansfield Zoo) MOU for Emergency Use

File Number	E251	Responsible Officer	Emergency Management Officer, Tamara Watson
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Purpose

To seek Council endorsement for a Memorandum of Understanding (MOU) covering the emergency use of High Country Arena – Mansfield Zoo as an Emergency Relief Centre for livestock and pets.

Executive Summary

In 2021, Mansfield Shire Council supported the Bushfire Recovery funding application made by Mansfield Zoo for a large roofed under-cover arena that would also be suitable for accommodating livestock and pets including large animals such as horses in an emergency.

The site, known as the High Country Arena, is now complete and functional, and an MOU between Council and the owners has been developed to allow for the unplanned emergency use of the facility.

It is recommended below that Council authorise the Chief Executive Officer to execute this and similar MOU’s that provide for the emergency housing of livestock at identified locations.

Key Issues

Emergency plans should be enacted early during an emergency (including forecast days of extreme and catastrophic fire danger) and consider a wide variety of scenarios including unplanned departure and relocation of animals. Emergency arrangements may also need to continue for days after an emergency event whilst alternate arrangements are made.

While community members are encouraged to have their own personal emergency plans including provision for pets, animals and livestock under their control, it is recognised that there may be unforeseen circumstances where emergency relief or accommodation for animals is required. Mansfield Shire hosts many events that involve livestock, is a popular location for horse riding away from home and there is always a chance that owners may not be able to return home as planned.

The Victorian Bushfires Royal Commission (VBRC) noted that the bonds people had with their pets and stock directly impacted upon their decision making and as a direct result their safety during emergencies. The VBRC stated:

*There were also a small number of cases in which people died after refusing to leave without their pets and animals or delaying their departure for too long because of concern for their animals. Evidence demonstrates that the strong ties people have with their homes and their animals have a big impact on their decision making. (Extract from the 2009 Victorian Bushfires Royal Commission: Fire Preparation, Response and Recovery, Final Report Volume II)*

Further, the Commission noted:

*There does not appear to be a coordinated approach to animal welfare during relief operations. Improving agency coordination would help to provide more effective relief to all animals regardless of whether they are wildlife, stock, domestic animals or pets.*

In 2014 Council adopted an Emergency Animal Welfare Plan (EAWP) to address the recommendations from the Royal Commission with respect to planning for the welfare and housing of animals and stock during times of emergency.

The proposed MOU with the owners of the High Country Arena at Mansfield Zoo forms part of this planning and addresses a need to plan and prepare for emergencies including the need to accommodate animals and stock. It details the agreed conditions, roles and responsibilities of each party for the use of the High Country Arena during times of emergency.

The High Country Arena is not the only facility in Mansfield Shire with the potential to be used to accommodate animals and livestock. Individual circumstances associated with an event may mean that other facilities are required due to the location of the emergency event or the community members needing assistance.

Council officers are working to form similar MOU agreements for the emergency use of other facilities around Mansfield Shire. Council has an existing agreement with the Mansfield Showgrounds (Agricultural and Pastoral Society) for emergency use that has been in place since 2016 and is currently under review. The Mansfield Racecourse site also received grant funding and has recently completed building small yards and stalls that could also be used to accommodate horses and similar large animals during an emergency. Grant-funded facilities have also been established at McCormack Park in Merrijig and the Merton Racecourse was identified as another suitable location. Council’s Emergency Management team has commenced discussions with the relevant owners and managers.

The development of this MOU is intended to form the basis for the development of new agreements for emergency use at other sites across the shire.

Recommendation
THAT COUNCIL: <ol style="list-style-type: none"><li>Endorses the Memorandum of Understanding (MOU) with High Country Arena – Mansfield Zoo for the emergency use of the arena as an Emergency Relief Centre for livestock and pets.</li><li>Authorises the Chief Executive Officer to execute the MOU with the High Country Arena.</li><li>Authorises the Chief Executive Officer to execute future MOU’s for the emergency housing of livestock and pets at identified locations around Mansfield Shire.</li></ol>
Support Attachments
1. UPDATED MOU MSC and Mansfield High Country Arena [13.2.4.1 - 5 pages]

## Considerations and Implications of Recommendation

### Sustainability Implications

Not Applicable

## Community Engagement

Not Applicable

## Collaboration

The development of the High Country Arena facility at Mansfield Zoo was made possible through a grant funding application for which Council provided a letter of support. The drafting of the proposed MOU has occurred in collaboration of the owners of the Mansfield Zoo. The proposed MOU is based on similar documents utilised by other Councils.

Similar MOU's have also been proposed with other sites that could provide similar facilities elsewhere in the municipality to provide a network of support in the event of an emergency.

## Financial Impact

All work to create the proposed MOU has been undertaken internally by Council Officers within existing resources.

In the event of an emergency, the establishment and operation of an emergency relief centre (ERC) for animals, as for any other relief centre, is a Council responsibility. The MOU identifies that there could be limited costs associated with such use. The proposed MOU provides for 10 days per annum of free 'community' use with a day rate able to be applied after 10 days. Servicing costs are also identified in the proposed MOU as claimable from Council for the duration of the ERC. Reimbursement for these costs and associated staff costs would be claimed through disaster funding post an emergency event.

## Legal and Risk Implications

The MOU identifies the respective responsibilities of both parties and ensures that there is an agreement in place that addresses the risks identified by the Royal Commission with respect to animals and pets.

Under the MOU it is a High Country Arena – Mansfield Zoo obligation to list Mansfield Shire Council as an interested party on its insurance policy. The facility has been purpose designed and has been assessed as 'fit-for-purpose'.

Under Council's obligations, Council is to ensure that all animals brought to the facility are kept under reasonable control and supervised by their owners, that animals are to be cared for by their owners, and that relevant signage is in place. The agreement also provides for the keeping of a formal record of attendees and their animals.

## Regional, State and National Plans and Policies

Is in accordance with the Regional Plan – Regional Emergency Management Plan (REMP)

Is in accordance with the State Plan – State Emergency Management Plan (SEMP)

## Innovation and Continuous Improvement

The MOU seeks to formalise and document emergency arrangements



## **Alignment to Council Plan**

Theme 1: Connected and Healthy Community Strategic Objective 1: The health and wellbeing of families and communities is maximised and implements a recommendation from an earlier Bushfire Royal Commission to remove a potential obstacle from a person choosing not to 'leave early'

Strategy 1.1 Embed health and wellbeing enablers and protections to reduce risks to our communities.

## **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. Business and Economic Development Directorate

13.3.1. Quarterly Finance Report

File Number	E39	Responsible Officer	Financial Controller, Michael McCormack
Purpose			

This report provides information on Council’s financial performance against the 2023-24 Updated Budget for the period 1 July 2023 to 29 February 2024.

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 2023-24 financial year at its meeting of 28 June 2023. Subsequently Council adopted financial year 2022-23 carry forwards at its meeting of 28 November 2023. The Audit and Risk Committee received detail of the carry forwards at its meeting of 27 November 2023.

This report explains material variances between the year-to-date actual financial results and the Budget 2023-24 adjusted for the approved carry forwards. Favourable variances are reported as positive values, while unfavourable variances are shown as negative values in the attached reports.

Key Issues

Operating Finance Report

Operating Income & Expenditure Actual against Budget

The year-to-date operating result is unfavourable against the 2023-24 Budget by \$371K (5%) with the timing of grant income being the main influence, particularly the Victorian Grants Commission income received in the prior year. Major variances are summarised below.

Favourable Variances:

- Interest income is \$506K favourable to budget due to higher than budget cash investments and higher interest rates.
- Other Income is \$217K higher than budget largely reflecting higher property rental income associated with Council land, reserves, buildings and sporting centres (\$145K), higher sundry income from the resource recovery centre (\$50K), and above budget Visitor Information Centre income (\$20K).
- General rates income is \$23K higher than budget due to increased ratepayers than estimated at budget.

- User Charges income is \$59K higher than budget largely due to higher Environmental Health Services registration fees (\$20K), and higher cemetery income (\$65K), with these variances partly offset by lower than budget kerbside recycling collection income.
- Materials and contracts expenditure is \$1,912K lower than budget largely as a result of:
  - granted funded projects underspend against budget including the Digital Transformation Project (\$562K), Youth Bushfire Recovery programs (\$331K), and the Social Inclusion Action Group program (\$181K)
  - lower kerbside collection expenditure contract payments (\$151K) and waste disposal expenses (\$154K)
  - lower expenditure across operations activities of strategic planning (\$237K), engineering services (\$192K), and integrated water management (\$121K)
  - lower roads expenditure largely associated with rural roads (\$37K).

Unfavourable Variances (overspend or decreased income):

- Non-recurrent operational grant income is \$994K lower than budget largely due to the net of the following variances:
  - lower than budget Youth Bushfire Recovery income (\$437K)
  - lower than budget operations income related to strategic planning (\$293K)
  - lower than budget Emergency Incident Support (\$333K)
  - lower than budget Central Registration and Enrolment Scheme (\$78K)
  - lower than budget Maternal & Child Health Enhanced Income (\$52K)
  - lower than budget Digital transformation project revenue (\$121K).

This is partly offset by the following:

- higher than budget resource recovery centre project income (\$86K)
- higher than budget income recognised for the Goughs Bay Boat Club Redevelopment Project (auspiced funded project) (\$390K).
- Recurrent operational grant income is \$1,462K lower than budget largely due to
  - lower Financial Assistance Victorian Grants Commission income (\$813K) due to 100% of the funding being received in the prior financial year compared to the 75% budget assumption (no update received yet regarding the timing of 2024-25 payments).
  - lower Local Roads Operations Victorian Grants Commission income (\$665K) – as per comment above regarding receipt of income in the prior year.
  - lower Social Inclusion Action Group income recognised (\$85K).
- Employee costs unfavourable variance of \$589K reflects:
  - higher than budget Workcover expenditure (\$140K) and additional resourcing required to support emergency activities (majority grant funded), partly offset by savings arising from vacant positions.
  - Higher expenditure on annual leave, and long service leave than budgeted (\$206K) (of which a portion will be expensed to the provision at year end).
  - expenditure associated with grant projects that are funded including:
    - Digital Transformation Project (\$162K)
    - Environmental Health Services (\$86K)
    - Emergency Incident Support (\$60K).

Capital Finance Report

Capital Income & Expenditure Actual against Budget

The net year to date capital works variance (net of capital income) is \$5,655K favourable (74%) compared to the 2023-24 year to date Budget. Major variances are summarised below.

Favourable Variances:

- Materials and Contracts favourable variance of \$7,299K is the result of project timing variances including the following larger projects/programs:
  - IMPACT Route project (\$3,943K)
  - Heritage Facility (Station Precinct) project (\$1,304K)
  - Drainage projects including Apollo St upgrade (\$1,157K)

Unfavourable Variances:

- Non-recurrent capital grant income is unfavourable to budget by \$320K due to Lords Reserve Oval income not yet received (\$200K), lower than budget IMPACT route income due to timing of design works (\$985K), partly offset by unbudgeted HVAR income received (\$850K).
- Recurrent capital grant income is unfavourable to budget by \$1,084K largely due to the Roads to Recovery income not yet received (\$1,183K), partly offset by a favourable timing variance in the Local Government Infrastructure fund income (\$165K).

Summary of Financial position compared to Budget

Operating Variance	(\$371K)
Capital Variance	\$5,655K
Total Variance	\$5,285K

\*Favourable / (Unfavourable)

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.

Current WCR = 2.87 (287%), as compared with 1.92 (192%) as at the end of 2022-23 financial year.

The high working capital ratio includes the quarter four rates income that was booked in August and reported as a current asset (included in Receivables \$6,053K).

Recommendation
THAT COUNCIL receives the Budget Report for the period 1 July 2023 to 29 February 2024.
Support Attachments
1. Quarterly Finance Report Feb 2024 [13.3.1.1 - 7 pages]

Considerations and Implications of Recommendation

Sustainability Implications

Not Applicable.

**Community Engagement**

The 2023-24 budget engagement process facilitated opportunities for community input to and feedback on Council’s 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. Gravel Cycling Program Update

File Number	E11411	Responsible Officer	{position}, Jane Edwards
Purpose			

The report provides information on the Gravel Cycling Tourism Activation Program, a grant funded project being managed by Tourism North East (TNE) to establish seven proposed gravel cycling routes, with three hub locations and associated infrastructure and safety signage.

Executive Summary

Tourism North East (TNE) were successful in a 2020 bushfire funding application to deliver a Gravel Cycling Tourism Activation Program to assist with the reactivation of the High Country’s visitor economy, with \$75,000 allocated for signage and other associated infrastructure.

The program includes the establishment of a network of gravel cycling routes across the High Country, including Mansfield Shire, Alpine Shire, Falls Creek, Indigo Shire, Mt Buller Mt Stirling, Mt Hotham, Rural City of Wangaratta and Towong Shire. This initiative links Mansfield with neighbouring towns including Maindample, Merrijig, Mt Samaria and Goughs Bay through well-mapped routes.

The objectives of the project are to:

- Develop a compelling and sustainable gravel cycling product that is the longest, most comprehensive, and well-regarded in Australia.
- Generate long-term visitor demand among target markets.
- Support the economic recovery of the region.
- Attract visitors within the target market and promote dispersal throughout the region.

To enable receipt of the new infrastructure and signage associated with the project, a Memorandum of Understanding (MOU) has been established between TNE and the Councils involved in the project (refer Attachment 1 for a copy of the Mansfield Shire MOU). An engineering inspection has also been completed of each route to ensure that appropriate road safety signage is installed.

Key Issues

Seven cycling routes have been selected, involving comprehensive planning and collaboration with Council officers from the relevant shires. This initiative aims to create a safe, enjoyable, and immersive gravel cycling experience, positioning Mansfield and the High Country as a key destination for gravel cyclists in Australia. Connecting riders with local attractions and hospitality offerings, the strategic placement of hubs, integration of local attractions, and infrastructure enhancements contribute to a well-rounded program that benefits both cyclists and the local community.

To accompany the routes, three hubs are proposed to be established at the following locations:

- Mansfield Station Precinct,
- Goughs Bay Picnic Point, and
- Merrijig School Lane.

Each hub will have signage and cycling infrastructure including a bike repair station, bike rack and water station where water connection is possible.

Hub signage located at each of the three hubs provides information on routes, safety messages and a QR code to more detailed information for cyclists. Fingerboards located on the Black Swamp loop and Goughs Bay foreshore will provide directional signage.

**Cycling Routes**

Seven gravel cycling routes have been mapped around Mansfield Shire. Five out of the seven identified routes either start or finish in at the Mansfield Station Precinct.

Information on the seven routes is included in Attachment 3, in the links provided (blue headings above each map), and the A3 maps with road names.

**Gravel Cycling Hubs**

To accompany the routes, three hubs are proposed to be established; at the Mansfield Station Precinct, Goughs Bay Picnic Point, and Merrijig School Lane. Each of the hubs will have signage and cycling infrastructure.

Further information on the hubs can be found in Attachment 2.

Recommendation
THAT COUNCIL note the report and associated Memorandum of Understanding established with Tourism North East for the Activating Gravel Cycling Project.
Support Attachments
1. MANSFIELD x TNE Gravel MOU FINAL [13.3.2.1 - 14 pages] 2. Gravel Cycling Hubs and signage [13.3.2.2 - 3 pages] 3. Gravel Cycling Routes [13.3.2.3 - 4 pages]

**Considerations and Implications of Recommendation**

**Sustainability Implications**

Not Applicable

**Community Engagement**

Community Engagement in accordance with Council’s Community Engagement Policy is being undertaken to receive public feedback on the cycling routes via the Engage platform and through a direct mailout to properties along the route. Results from this engagement will be used to update the website which contains the route information.

**Collaboration**

Collaboration has occurred with other Councils and TNE during the mapping of the cycling routes.

## **Financial Impact**

The project was fully grant funded and completed within existing staff resources. Once completed the signage and other assets will be included in Council's asset management planning for ongoing maintenance and renewal. This will have a negligible ongoing financial impact.

## **Legal and Risk Implications**

The improved safety signage installed as part of the project will assist with mitigation of potential collision risks between road users.

## **Regional, State and National Plans and Policies**

Not Applicable

## **Innovation and Continuous Improvement**

The route classifications developed as part of the project are an innovation that allows cyclists to understand the level of risk and difficulty associated with each route.

## **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.

## **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. Council Meeting Resolution Actions Status Register

This report presents to Council the Mansfield Shire Council Meeting Resolution Actions Status Register

Recommendation
THAT Council receive and note the Mansfield Shire Council Meeting Resolution Actions Status Register as at 5 April 2024.
Support Attachments
1. Mansfield Shire Council Action Register as at 5 April 2024 [14.1.1 - 6 pages]

15. Advisory and Special Committee reports

Nil

16. Authorisation of sealing of documents

Nil

17. Close of meeting