

OFFICIAL



Mansfield Shire

Council Meeting

Tuesday 20 August 2024 5:00 pm
Mansfield Shire Council Chamber
33 Highbury Street, Mansfield

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

Our aspiration for our Shire and its community

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

Councillors

Cr 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 Investment & Planning
Janique Snyder, Executive Manager People, Communications & Governance
Ari Croxford-Demasi, Executive Manager Capital Works & Operations
Nola Cleeland, Executive Manager Community Health & Wellbeing

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

13.2-13.5 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.

17. Closure of meeting to members of the public

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

18. Presentation of confidential reports

19. Reopen meeting to members of the public

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

20. Close of meeting

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

Agenda Contents

1. Opening of the meeting	6
2. Present	6
3. Apologies.....	6
4. Statement of commitment	6
5. Acknowledgement of Country	6
6. Disclosure of conflicts of interest.....	6
7. Confirmation of minutes	6
8. Representations	7
9. Notices of motion.....	7
10. Mayor's report	7
11. Reports from council appointed representatives	8
12. Public question time	8
13. Officer reports.....	9
13.1. Chief Executive Officer's report	9
13.2. Investment and Planning	10
13.2.1. Station Precinct Museum Complex	10
13.2.2. C60 Planning Scheme Amendment - Mansfield Planning Strategy	14
13.2.3. Amendment C55 Redgum Estate	26
13.2.4. Planning Permit Application P001/23 - 446 Monkey Gully Road Mansfield	30
13.2.5. Mansfield District Soccer Association Licence Agreement	43
13.2.6. Planning Permit Application P016/24 - 10 Victoria Street Mansfield.....	46
13.2.7. P092/23 - Two Lot Subdivision - 24 Changue Road, Merrijig	64
13.3. People, Communications and Governance	78
13.3.1. Media and Communications Policy	78
13.3.2. Public Transparency Policy	80
13.3.3. S11A Instrument of Appointment and Authorisation (Planning and Environment Act 1987)	82
13.4. Community Health & Wellbeing	84
13.4.1. Volunteer Policy	84
13.4.2. Ovens Murray Child and Family Services Alliance MOU	86
13.4.3. Council Plan Actions 2023/24 Report	90
13.5. Executive Services Directorate	96
13.5.1. Acknowledgement of Traditional Custodians of Land Policy	96
14. Council Meeting Resolution Actions Status Register	99
15. Advisory and Special Committee reports	99
16. Authorisation of sealing of documents	99

17. Closure of meeting to members of the public.....99

18. Confidential Reports.....99

 18.1. Tender Award: Resheeting Program 2024/2599

 18.2. Tender Award: Reseal Preparation Program 2024/25.....100

 18.3. Tender Award: Reseal Program 2024/25100

 18.4. Supply of Quarry Panel.....100

 18.5. Tender Award: Data Migration Contract - Project CODI.....100

19. Reopen meeting to members of the public.....100

20. Close of meeting100

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

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

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

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 meetings held on 16 July 2024 and 6 August 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:

Council was happy to read in the Age that the Victorian Government has confirmed that it will not force a merger of hospital services. Mansfield Shire was named as an example of a town that demonstrated a regional backlash for the plan to amalgamate hospital services. This shows what a small community can do when we all band together and I am so proud of how our community united to fight against the planned hospital mergers. I would like to congratulate the organisers of the community led action, along with all the community members who supported this fantastic cause – 7,700 signatures is a lot given we have only 10,500 people in our shire – well done all!

Council will continue to support our community in its advocacy to retain our hospital board and CEO, with the full suite of services currently delivered to our community. As Mayor I've been honoured to play a role as one of the voices to represent our community to the media and put pressure on the decision-makers about the services that affect our Shire.

Another Mayoral role that I am pleased to fulfil is the welcoming of students to Council to learn more about the work we do here. I had the pleasure of meeting two classes of Year 10 Mansfield Secondary College students to provide them with an overview of Council's role, how it works within the three levels of Australian government and how we provide more than 100 services to our community. The students asked some very good questions, and I was pleased to engage with the students, who are the future of this community.

Some other events and projects Council has participated in over the past month include the Community Bank Mansfield and District Celebration for their 2024 Community Impact Program, and National Tree Day planting at Mansfield Botanic Park held in conjunction with Up2Us Landcare. This was a really well attended event that resulted in more than 800 trees planted at the park and in various locations across the Shire.

Often, I am invited to chair meetings for various management committees and recently I helped the Mansfield Racecourse Land Committee with their biennial meeting to elect a new President, Secretary and committee. Congratulations to Marian Dowling and Barri Scott.

The CEO and I also met Alison McCormack, CEO of Bicycle Network, who are organizing the annual Great Victorian Bike Ride with a two-night rest stop in Mansfield. This is the 40th anniversary of the event and will bring approximately 3,000 people to Mansfield over two days from November 27 this year.

Rates notices will be distributed later this month and Council are pleased to deliver a rates bill that has considered the needs of community members, with a rate rise of 2.25 percent and a significant decrease in the cost of waste management. Despite the increased cost of delivering

services and completing projects, Council has managed ratepayers’ funds effectively. This means we have been able to deliver an average rate increase of only 1.875 percent over the four-year term of this Council.

Cr Steve Rabie
Mayor

Recommendation

THAT COUNCIL receive the Mayor’s report for the period 16 July 2024 to 14 August 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	<div>▸ Mayor Cr Steve Rabie</div> <div>▸ Cr James Tehan</div> <div>▸ Cr Mark Holcombe</div>
Mansfield Shire CEO Employment Matters Committee	<div>▸ Mayor Cr Steve Rabie</div> <div>▸ Cr James Tehan</div> <div>▸ Cr Mark Holcombe</div>
Goulburn Murray Climate Alliance (GMCA)	<div>▸ Cr Rohan Webb</div>
Hume Regional Local Government Network (HRLGN)	<div>▸ Mayor Cr Steve Rabie</div>
Mansfield Shire Council Audit and Risk Committee	<div>▸ Mayor Cr Steve Rabie</div> <div>▸ Cr Mark Holcombe</div>
Municipal Association of Victoria (MAV)	<div>▸ Mayor Cr Steve Rabie</div> <div>▸ Substitute - Deputy Mayor</div> <div>▸ Cr Mark Holcombe</div>
Rural Councils Victoria (RCV)	<div>▸ Mayor Cr Steve Rabie</div> <div>▸ Cr James Tehan</div>

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
- ▶ New Initiatives
- ▶ Statutory & Strategic Planning
- ▶ Building Services
- ▶ Regulatory Services
- ▶ Waste Services
- ▶ Revenue Services
- ▶ Field Services
- ▶ Community Health and Wellbeing
- ▶ Visitor Services (Tourism & Events, Economic Development, VIC and Library)
- ▶ Communications
- ▶ Digital Transformation Project
- ▶ Electoral Roll

Recommendation
THAT COUNCIL receive and note the Chief Executive Officer’s report for the period 1 July 2024 to 31 July 2024.
Support Attachments
1. CEO Monthly Report – July 2024 [13.1.1 - 48 pages]

13.2. Investment and Planning

13.2.1. Station Precinct Museum Complex

File Number	E7183	Responsible Officer	Coordinator Economic Development, Olivia Wanigatunga
Purpose			

To seek Council endorsement of the formation of a Community Asset Committee for management of the Station Precinct Museum Complex as outlined in the Terms of Reference and Instrument of Delegation.

Executive Summary

In December 2023, Mansfield Shire Council invited Expressions of Interest (EOI) from commercial, community and not-for-profit organisations to occupy and operate by agreement the following assets within the Mansfield Station Precinct in Mansfield:

- ▶ The Goods Shed
- ▶ The Loading Platform
- ▶ The Railway Station buildings

One of the expressions of interest received was from Mansfield Historical Society (MHS) for the Loading Platform and Railway Station buildings. MHS is a non-profit organisation dedicated to preserving and highlighting the vibrant history of Mansfield and the surrounding area. Since 2006, the Society has been located at the Mansfield Railway Station Buildings and will be responsible for the day-to-day management of the new Heritage Museum currently under construction in the Station Precinct.

The Society’s EOI proposes use of the Railway Station building assets (including carriages and station platform) as a “Heritage Museum Tea Rooms” to complement the new Heritage Museum’s offering. The Tea Rooms will be managed and operated by the MHS and serve refreshments and light food to museum visitors and visitors to the Station Precinct, including users of the Great Victorian Rail Trail.

Mansfield Shire Council has explored suitable governance arrangements for the Museum Complex. The formation of a Community Asset Committee with membership from Council, Mansfield Historical Society, Museum Precinct stakeholders and community will enable the ongoing collaborative management of the new Museum building, railway carriages and Railway Station buildings.

The appointment of a Community Asset Committee Agreement is for a period of ten (10) years, together with an unlimited number of additional ten (10) year agreement options. It is proposed that the agreement can be terminated by either party.

The area proposed to be part of the agreement is detailed in Figure 1, below:



Figure 1: Area proposed for Community Asset Committee

As detailed in the attached Terms of Reference and Instrument of Delegation, the Community Asset Committee is expected to:

- ▶ Manage Mansfield's Station Precinct Museum Complex in accordance with the Instrument of Delegation;
- ▶ Actively promote the Museum Complex and its facilities, activities and events for both the local community and visitors;
- ▶ Maintain efficient and effective control over specific financials for the Museum Complex;
- ▶ Ensure a wide range of community arts, culture, historical and entertainment programs are developed for the Museum Complex; and
- ▶ In consultation with Council, prepare funding submissions for projects designed to enhance the Mansfield Station Precinct Museum Complex.

Consideration of any new agreement should have due consideration under Section 115 of the Local Government Act 2020, to provide the community with an opportunity to comment and provide input on the proposal, in accordance with Council's Community Engagement Policy.

Key Issues

Appropriate governance arrangements are necessary for the management of the Mansfield Heritage Museum and adjacent Railway Station Buildings and Loading Platform to ensure it is a thriving, activated hub for visitors and community members.

The *Local Government Act 2020* provides the capacity for Council to adopt Community Asset Committees to assist with facility use and management and provides a robust model for managing Council-owned assets where there are multiple partners involved and where there is a strong degree of community ownership.

The creation of a Community Asset Committee is proposed for ongoing management of the Museum and Railway Station buildings. Community Asset Committees provide a robust model for managing Council-owned assets where there are multiple partners involved and where there is a strong degree of community ownership. It provides Council with more direct influence and control, as well as ongoing flexibility that a fixed property lease does not necessarily offer. Neighbouring shires, such as Indigo Shire and Murrindindi Shire, have successfully implemented Community Asset Committees for comparable assets with multiple stakeholder interests. Attachment 1 provides a draft entity structure illustrating the relationships between the parties.

Consideration of Traditional Owners

The site is on Crown Land, managed by Mansfield Shire Council. The land has been reserved for the purpose of “preservation of relics and buildings, recreation, education and tourism”. The land was reserved in the name of Mansfield Shire Council under Sections 4 and 7 of the *Crown Land (Reserves) Act 1978*. It is noted that the site was not vested in Council under Section 16 of the Act, and based on this, the land is considered public land and subject to consideration under the Land Use Activity Agreement (LUAA).

Under the provisions of the LUAA, Mansfield Shire Council has provided notification to the Taungurung Land and Waters Council (TLaWC) that the works associated with the construction of the Museum on the site are a Negotiation (Class B) Activity. The TLaWC have given approval for the works on the Museum to commence while the negotiations are undertaken. Council officers have met, and will continue to meet, with representatives of the TLaWC for the negotiations of Wadama Buk payments.

Recommendation
THAT COUNCIL: <ul style="list-style-type: none">1. Enter into a Community Asset Committee agreement for the Station Precinct Museum Complex as outlined in the Terms of Reference and Instrument of Delegation, for a period of 10 years, together with an unlimited number of additional ten (10) year agreement options.2. Provides public notification of the intention to create a Community Asset Committee for the Station Precinct.3. Endorses the Chief Executive Officer executing the Community Asset Committee agreement on completion of the public notification process.
Support Attachments
<ul style="list-style-type: none">2. Draft Terms of Reference STATION PRECINCT COMMUNITY ASSET COMMITTEE (1) [13.2.1.1 - 3 pages]3. Draft Instrument of Delegation Station Precinct 6 8 24 (1) [13.2.1.2 - 4 pages]

Considerations and Implications of Recommendation

Sustainability Implications

Not Applicable

Community Engagement

Council officers are proposing to undertake a community engagement process in accordance with the Community Engagement Policy prior to finalising the Terms of Reference and Instrument of Delegation in relation to the Community Asset Committee. Direct engagement will be undertaken with the Taungurung Land and Waters Council in relation to the proposal to include representatives of their organisation on the committee.

Collaboration

Not Applicable

Financial Impact

The general repairs, maintenance, security and utilities costs have been considered as part of the ongoing budgeting for Museum Complex and wider Station Precinct operations.

Legal and Risk Implications

Not Applicable.

Regional, State and National Plans and Policies

Not Applicable

Innovation and Continuous Improvement

Not Applicable

Alignment to Council Plan

Theme 1: Connected and Healthy Community

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

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. C60 Planning Scheme Amendment - Mansfield Planning Strategy

File Number	E11066	Responsible Officer	Coordinator Statutory Planning, Nicole Embling
Purpose			

To seek Council approval to request Authorisation from the Minister for Planning to prepare and exhibit Planning Scheme Amendment C60mans, which will update the settlement policy and directions for Mansfield Shire generally in accordance with the adopted Mansfield Planning Strategy 2022.

Executive Summary

The Mansfield Planning Strategy prepared by SGS Economics and Planning was adopted by Council in May 2022, and was prepared to support the long-term land use planning of Mansfield Shire. Council resolved to both adopt the amendment and to commence preparation of a planning scheme amendment to implement the recommendations of the Strategy. A copy of the adopted Mansfield Planning Strategy is attached to this briefing paper. Planning Scheme Amendment C60mans will update the following sections of the planning scheme (further details on the specific changes are detailed in this report):

- 02.01, Context
- 02.02, Vision
- 02.03-1, Settlement
- 02.03-2, Environment and Landscape Values
- 02.03-3, Environmental Risks and Amenity
- 02.03-4 Natural Resource Management
- 02.03-5, Built Environment and Heritage
- 02.03-6, Housing
- 02.03-7, Economic Development
- 02.03-8, Transport
- 02.03-9, Infrastructure
- 02.03-10, Gaming
- 11.01-1L-01, Settlement
- 11.01-1L-02, Mansfield Township
- 14.01-1L, Protection of Agricultural Land
- 15.01-1L, Urban Design in Mansfield Township CBD
- 15.01-5L, Neighbourhood Character and Township Approaches
- 16.01-1L, Housing supply in Mansfield Township
- 16.01-3L, Rural Residential Development
- 17.01-1L, Tourism
- 32.02, Township Zone
- 32.08, General Residential Zone
- 32.09, Neighbourhood Residential Zone
- 43.02, Design and Development Overlay

- ▶ 43.04, Development Plan Overlay
- ▶ 52.17, Native Vegetation
- ▶ 72.08, Background Documents
- ▶ 74.01, Application of Zones, Overlays and Provisions
- ▶ 74.02, Further Strategic Work

The following planning scheme maps will also be subject to changes:

- ▶ Map 5, Zoning – Merton
- ▶ Map 7, Zoning – Bonnie Doon
- ▶ Map 8, Zoning – Maindample
- ▶ Map 10, Zoning – Howes Creek
- ▶ Maps 11 and 12, Zoning – Mansfield
- ▶ Maps 11 and 12, Overlays – Development Plan and Design and Development in Mansfield
- ▶ Maps 13 and 14, Zoning – Merrijig
- ▶ Maps 15, 16 and 17 Zoning – Sawmill Settlement
- ▶ Map 21 Zoning – Goughs Bay
- ▶ Map 22 Zoning – Macs Cove and Howqua Inlet
- ▶ Maps 25 and 26 Zoning – Jamieson
- ▶ Map 31 Zoning – Gaffneys Creek
- ▶ Map 34 Zoning – Woods Point

The draft Amendment has been sent to Goulburn Valley Water (GVW), Goulburn Murray Water (GMW), Goulburn Broken Catchment Management Authority (GBCMA) and the Country Fire Authority (CFA) for preliminary comments and will be formally sent to all relevant Authorities during the public exhibition process.

Attached to this report are the following:

- ▶ A copy of the existing clauses in the scheme that will be impacted by this amendment as they currently stand.
- ▶ A tracked changes version of the clauses in the scheme impacted by this amendment, with comments that detail where new provisions have been drawn from.
- ▶ A copy of the proposed final version of the amendment, being how it would look should all changes be implemented as proposed in the exhibition.
- ▶ A copy of maps with the rezonings proposed to implement the ordinance changes.
- ▶ A summary report of the officer assessment of each policy change and its implications.

Key Issues

When the Strategy was adopted in May 2022, the Council report outlined a range of objectives that were identified, with what Council would be doing to implement them. A further update, with the elements from the Strategy included in this amendment highlighted in blue, is as follows:

Objective	What was going to be done?	How did we proposed to do it?	What are we doing now?
Accommodate future population growth	Identify land for rezoning	Implement policies in the Mansfield Planning Scheme and rezone identified land.	One identified area, being 140 Dead Horse Lane, has already been rezoned. The remaining two areas proposed for rezoning are Included in this amendment.

Objective	What was going to be done?	How did we proposed to do it?	What are we doing now?
	Prepare local area/structure plans for towns, townships and settlements across the Shire.	Incorporate plan preparation for all towns, townships and settlements in the strategic planning program.	Underway: Plans have been adopted for both Bonnie Doon and Merton. The Goughs Bay Plan is currently being drafted. Community engagement has commenced on the Delatite Valley Plan.
Rural Residential Development	Assess the potential to increase capacity in the Rural Living Zone.	Undertake a Rural Living/ Rural Conservation Zone Strategy to identify appropriate areas for these types of zones.	This is included in the future strategic planning program and will be subject to funding or budget allocation.
Neighbourhood Character	Increase protection for the character of Mansfield Township, Bonnie Doon and the Shire smaller settlements	Include character statements in the Mansfield Planning Scheme to be used when considering future development.	Character statements and schedules to all residential zones are included in this amendment to increase protection for the character of townships across the municipality.
Heritage	Identify and document buildings, places and sites that have heritage value.	Include a Heritage Study for the Shire in the strategic planning program.	This is identified in the future strategic work under Clause 74.02 of the Mansfield Planning Scheme and would be subject to funding or budget allocation.
Infrastructure Provision and funding	Provide development and community infrastructure to meet the needs of the growing community	Prepare an Infrastructure Plan, including community infrastructure, as part of the Strategic planning program.	Underway: Council has received funding and has engaged a consultant to prepare the Infrastructure Plan. A draft plan is due to be submitted to Council in the next two months for review.
Environment and Landscapes	Protect and enhance significant landscapes in the municipality	Review and update the Significant Landscape Overlays.	This is included in the future strategic planning program and will be subject to funding or budget allocation.
	Protect large old River Redgum, Yellow Box and other species of remnant indigenous trees	Undertake a planning scheme amendment to include “grandfather” trees in the Vegetation Protection Overlay (VPO).	Council officers are investigating options to provide for protection of large old trees with the Community Local Law review. Further consideration of a VPO will be undertaken as part of that review as well.

Extensive community consultation was undertaken prior to the adoption of the Mansfield Planning Strategy 2022, with community submissions helping to form the direction and recommendations outlined in the document. There were a range of submissions considered as part of that Strategy, and a summary of the community input, how it was considered and what this amendment does to address these comments is as follows:

Submission Area	Strategy Response	Current Status
Site specific Rezoning	All proposals were assessed, and three areas for residential rezoning were identified and included in the final strategy.	The remaining two areas recommended for rezoning are included in this amendment.
Potable water for dwellings and water supply	Environmentally Sustainable Design (ESD) initiatives, such as requirements for water tanks, must be considered as part of a broader ESD policy for incorporation into the planning scheme. Goulburn Valley Water is the authority for water supply.	This continues to be true, and no changes are required to the scheme to implement it.
Extractive Industries	State government policy is supportive of extractive industries, and local policies limiting such uses would not be supported at State Government Level.	This continues to be true.
Tree Protection	Actions included in the exhibited strategy that relate to the identification and protection of native vegetation (Strategies 42 and 43), with use of the Vegetation Protection Overlay to protect grandfather trees.	Council officers are investigating options to provide for protection of large old trees with the Community Local Law review. Further consideration of a VPO will be undertaken as part of that review as well.
Environmental Conservation	Reference is made to LandCare groups under Objective 20 of the Strategy.	Council's Environment Program works closely with LandCare groups.
Car Parking	Consideration of parking would be a part of the recommended Movement and Place Plan (Strategy 30)	Council has provided funding in the 2024/25 Budget to undertake a Parking Study.
Heritage	Action included in the exhibited strategy for heritage place identification and protection (Strategy 29)	This is identified in the future strategic work under Clause 74.02 of the Mansfield Planning Scheme and would be subject to funding or budget allocation.
Social and Affordable Housing	Council advocates for social and affordable housing within the municipality	Council has organised two Key Worker Accommodation workshops with developers and is preparing a community forum on all housing, including social and affordable housing, for September 2024.
Township Plans	Action included in the Mansfield Planning Strategy (Strategy 9)	Plans have been adopted for both Bonnie Doon and Merton. The Goughs Bay Plan is currently being drafted. Community engagement has commenced on the Delatite Valley Plan.
Climate Change	Action included in the exhibited strategy to develop a Climate Action Plan (Strategy 46)	Council adopted the Climate Action Plan in February 2023.
Rural Living Lot Size	Addressed in the exhibited strategy with action to undertake further strategic work to identify areas appropriate for reduction in minimum lot sizes (Strategy 23)	This is included in the future strategic planning program and will be subject to funding or budget allocation.

The proposed Amendment builds off this work however, further extensive community engagement will be undertaken as part of this amendment process. The amendment proposes to make a few major changes to local policies in the following areas:

- ▶ Neighbourhood Character controls across the municipality
- ▶ Implementation of a Settlement Hierarchy
- ▶ Rezoning and application of new overlays
- ▶ Providing for stronger protection for agricultural land
- ▶ Noxious Weeds Exemption

A summary of how these changes appear in the amendment are as follows:

Neighbourhood Character Controls

The amendment seeks to introduce character controls in the form of schedules to existing and proposed Zones to provide clearer guidance for development in the General Residential, Township, and Neighbourhood Residential Zones. As well as the character controls, a character statement is included under *Clause 02.03-5 - Built Environment and Heritage* to describe the current character of each of Mansfield townships and settlement areas as distinct from each other. The existing Clause 15.01-5L – Mansfield Township Approaches, would be replaced with *Clause 15.01-5L – Neighbourhood Character and Mansfield Township Approaches* and would apply to Towns, Township, and Settlements.

The proposed character control areas are designed to preserve the current built form and preferred character of Mansfield Township and the unique character of the other townships and settlements. The character areas provide guidance on the preferred built form for development that requires a planning permit. They reflect the current preferred character of each specified area; however, they are not able to act retrospectively or be used to amend existing development within the shire.

These policies and schedules will be applied to any development that needs a planning permit. These controls will not be able to be applied to uses or developments that do not need a planning permit. Additionally, when a planning permit is triggered for a reason other than the Zone, (e.g. under the Bushfire Management Overlay) there is limited power to enforce these character controls.

However, character controls can be highly effective for larger scale developments and subdivisions, giving Planning Officers the opportunity to specify the development character in the form of Section 173 Agreements, where appropriate. This would also apply to parcels which otherwise would not require planning permission for single dwellings and would be exempt from the character controls. Having the character controls specified also provides some foresight for residents as to what future developments may look like.

The proposed character areas do not provide additional vegetation protection beyond what is already required by the Planning Scheme; however, each character control includes guidance on the preferred pattern and density of vegetation/landscaping for the area which can be reflected in landscape plan requirements during planning processes.

The affected zones are:

Existing Zone and Schedules		Proposed Schedules
General Residential Zone (GRZ)	GRZ1: Mansfield General Residential Area	GRZ1: Township Residential GRZ2: Garden Contemporary GRZ3: Town Fringe (south) GRZ4: Bushland Residential GRZ5: Rural Village GRZ6: Lakeside Character GRZ7: Alpine Approaches
Neighbourhood Residential Zone (NRZ)	NRZ1: Garden Contemporary Areas	NRZ1: Town Fringe (existing in Dead Horse Lane and on land to be rezoned in Monkey Gully Road)
Township Zone (TZ)	TZ1: Mansfield Townships	TZ1: Alpine Approaches TZ2: Rural Village TZ3: Gaffneys Creek Grouping

The four distinct character elements in Mansfield Township are as follows:

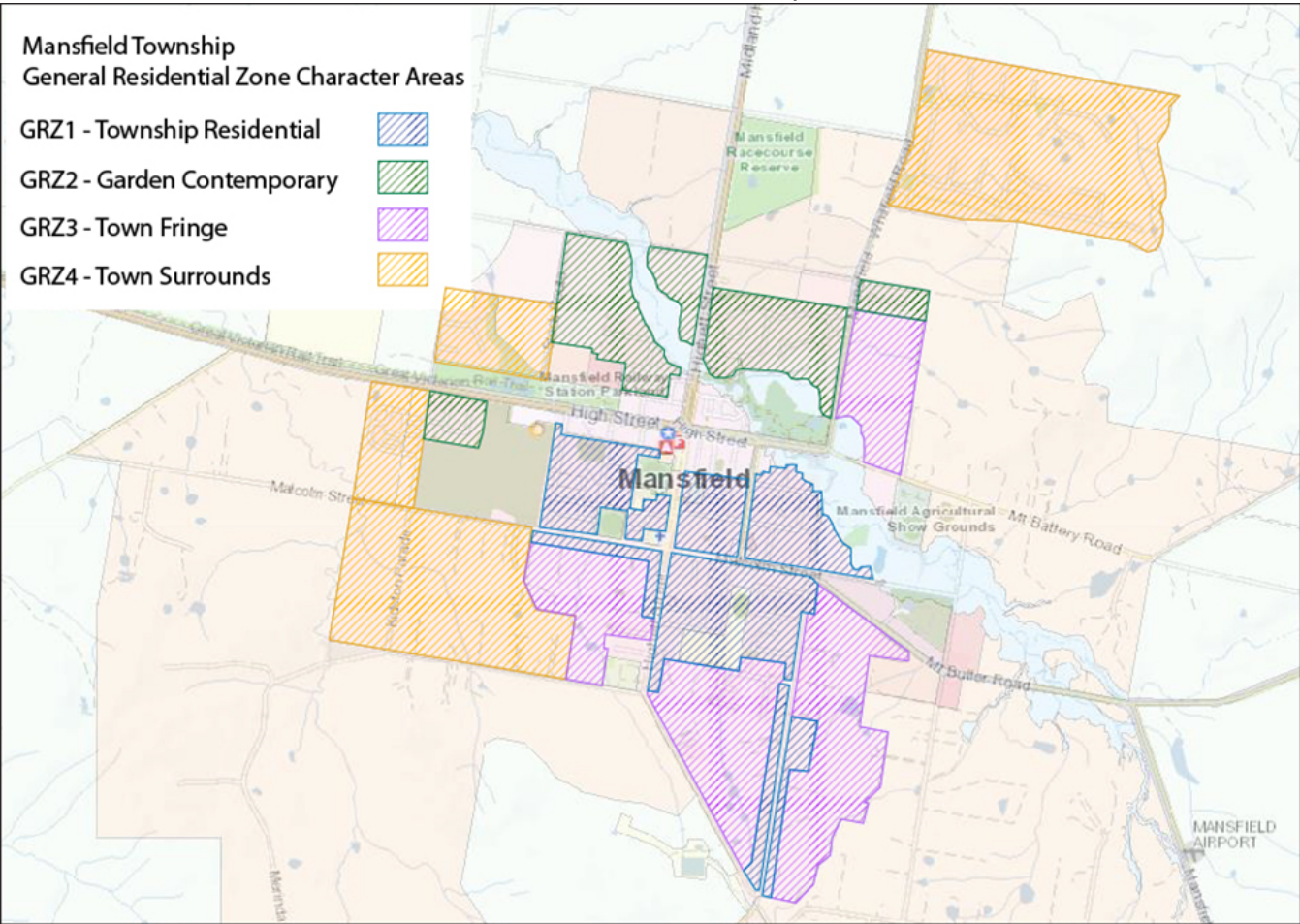


Figure 1: Proposed Character Areas in Mansfield

Settlement Hierarchy

The proposed amendment would introduce a Settlement hierarchy into Clause 02.03-1, *Settlement* and sets out policy to direct growth and preferred character statements for each Settlement area. The Settlement areas are defined in the Mansfield Planning Scheme by the township boundaries set out in the township framework plans, establishing growth boundaries for each Settlement. Rural localities do not have defined settlement areas and future growth is

not encouraged in these areas. The proposed hierarchy, and which zones apply in each area, is detailed in the below table:

Category	Settlements	Applicable Zones
Main Service Centre	Mansfield Township	*Detailed above
Town	Bonnie Doon Merrijig (emerging)	GRZ4 (Bushland Residential Character) TZ1 – Amended (Alpine Approaches)
Townships (all un-serviced)	Goughs Bay (including Mountain Bay) Jamieson Merton	GRZ6 (Lakeside Character) (SUZ1 retained at Mountain Bay) GRZ5 Rural Village TZ2 Rural Village
Serviced Settlements	Alpine Ridge (Drive) Sawmill Settlement	GRZ7 (Alpine Approaches) GRZ7 (Alpine Approaches)
Un-serviced Settlements	Gaffneys Creek Grouping Howqua Maindample Macs Cove Woods Point	TZ3 (Gaffneys Creek Grouping) GRZ6 (Lakeside Character) TZ2 (Rural Village) GRZ6 (Lakeside Character) TZ2 (Rural Village)
Rural Localities	Barjarg Kevington Matlock Tolmie Other land zoned Rural Conservation Zone or Rural Living Zone	No Changes

Rezoning and application of new Overlays

The amendment seeks to re-zone two sections of land on the Mansfield Township fringe to provide for additional housing opportunities and guide future growth, and to apply an overlay to each of these areas to help guide future development.

The first area for re-zoning is a section of existing Rural Living Zone land in between Dead Horse Lane and *The Grange Estate*, east of Mansfield-Whitfield Road. This land is proposed to become Low Density Residential Zone, to align with the adjoining land to the north, with the potential for a small increase in the number of dwellings in Mansfield. This rezoning includes a proposal to apply the Development Plan Overlay to address the provision of infrastructure and open space, as well as road layout and integration with Dead Horse Lane and Kareen Court. An approved Development Plan for Dead Horse Lane would also mitigate the potential impacts of the former landfill site on the South of Dead Horse Lane, given the absence of an Environmental Audit Overlay, and would address any concerns from the Environment Protection Authority.

The second portion of land proposed to be re-zoned is south of Stoneleigh Road and west of Monkey Gully Road, this land is currently vacant (farmland) Rural Living Zone and is proposed to become Neighbourhood Residential Zone, Schedule 1, with the application of a Design and Development Overlay. This Overlay will provide additional design and layout controls while maintaining review rights for the community on any planning permit applications. The areas proposed for rezoning are as follows:

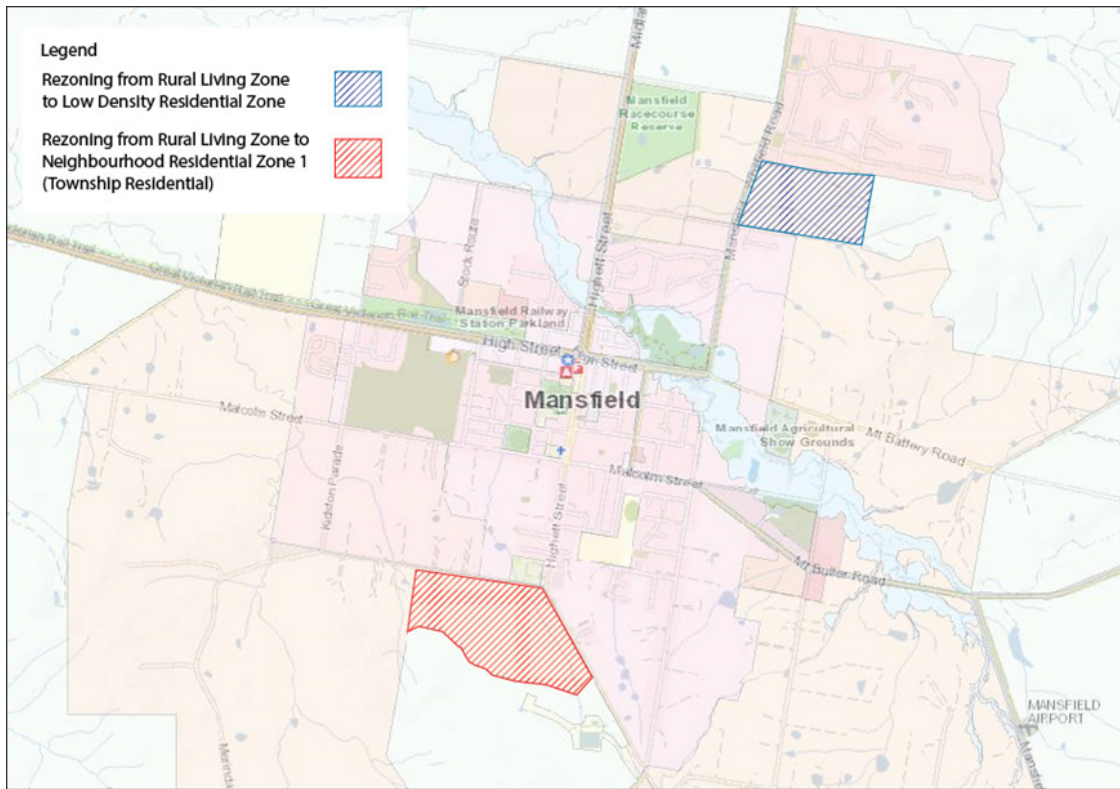


Figure 2: Proposal Re-Zoning Sites

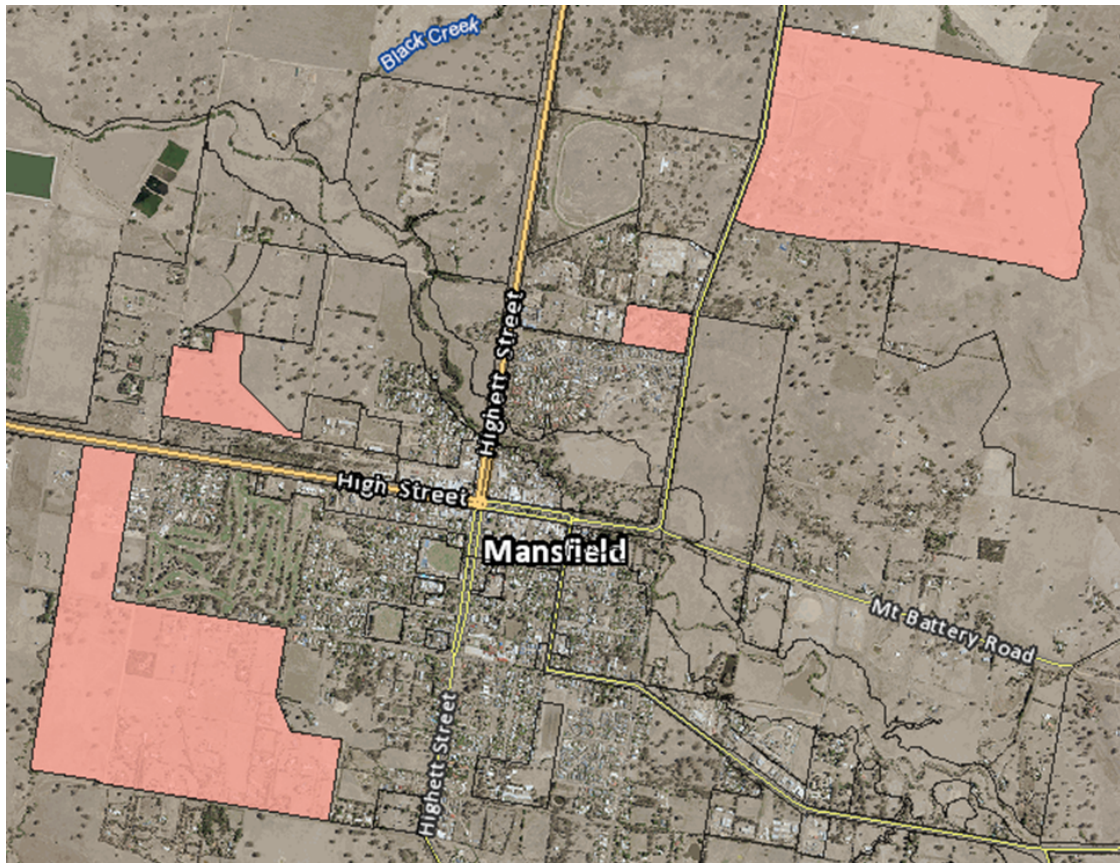


Figure 3: Mansfield Township with existing Low Density Residential Zone land coloured Pink

Protection of Agricultural Land

The amendment also includes a clearer and stronger policy direction for the protection of agricultural land across the municipality. The current policy generally only focuses on dwelling

and subdivisions in rural areas but has been broadened to include stronger protection of agricultural land. Currently, the strategies discourage dwellings and subdivisions but does not give any other significant direction on how to assess applications in the Farming Zone.

The proposed policy includes strategies for consideration in relation to use, location, Subdivision and consolidation, house lot excisions and developments separately and in more detail.

Noxious Weeds Exemption

The proposed exemption for noxious weeds has arisen in response to difficulties experienced by Council officers in relation to weed management while maintaining Council's roads. Under Clause 52.17, *Native Vegetation* there is an exemption from a permit to remove native vegetation to the minimum extent necessary to enable the removal or destruction of a weed listed in the schedule to the provision. Currently, there are no weeds listed in this schedule, meaning that this exemption cannot be used, causing great difficulty in properly removing noxious weeds on Council managed land.

The proposed amendment seeks to include all noxious weeds listed under Sections 58 and 58A of the *Catchment and Land Protection Act 1994* which can include a "State prohibited weed, regionally prohibited weed, regionally controlled weed or restricted weed" in this exemption. The impact of this is there would be a potential loss or damage to native vegetation caught in the spray area, but this would be allowed without the need for a planning permit. This will be minimised as much as possible in line with the wording of the exemption.

Some of the weeds of concern in Mansfield Shire Council are Blackberry, Hawthorn, Broom, Gorse, Bathurst Burr, Willows, Paterson's Curse and St John's Wort. The below photographs demonstrate the impacts of noxious weeds on Walhalla Road, however Council officers have been unable to undertake spraying due to the potential impact on underlying native vegetation.



Figure 3: Noxious Weeds as they currently exist on Walhalla Road and are unable to be sprayed due to the potential impacts on Native Vegetation.

Administrative Changes

Make minor administrative changes including amending zoning anomalies:

- Updates to *Clause 72.04 - Further Strategic Work*, including removing completed work and adding recommendations to explore the broadening of the Environmental Significance Overlay to include other ecological values and investigate the application of a Significant Landscape Overlay to the lakeside areas of Lake Eildon.

- ▶ 34 Bellview Court and 42 Malcolm Street Mansfield - re-zone to Public Use Zone, Schedule 2 to reflect its use as a Public-School sports field
- ▶ 51 – 53 Highett Street, Mansfield - extend the Public Use Zone, Schedule 3 to reflect the use of the land for the Mansfield District Hospital expansion
- ▶ 4 Apollo Street, Mansfield – re-zone to Public Use Zone, schedule 2 to reflect its use as a Public School.
- ▶ 2B Apollo Street, Mansfield – re-zone to Public Park and Recreation Zone to reflect its use as the Mansfield Recreation Reserve (Football Oval and Netball Courts) and Mansfield Swimming Pool.
- ▶ Reserve within Stockman’s Drive Estate, Mansfield – re-zone to Public Park and Recreation Zone to reflect its change of ownership to Council for a public open space.

Conclusion

Planning Scheme Amendment C60mans provides for the implementation of the Mansfield Planning Strategy into the Mansfield Planning Scheme. While the amendment is large, it will provide a significant improvement in recognising local values within the Scheme. The predominant positive outcomes of this amendment would be:

- ▶ Implementation of neighbourhood character controls across the municipality that can be used to influence future development.
- ▶ Implementation of a settlement hierarchy which identifies growth and character parameters for each town and settlement.
- ▶ Increased amount of residential land in Mansfield Township for residential purposes, required to provide for sufficient land for housing over the next 15 years.
- ▶ Stronger policies to protect agricultural land across the municipality.
- ▶ Expansion of exemptions for permits for native vegetation removal where it is required to better manage noxious weeds.

Recommendation
<p>THAT COUNCIL:</p> <ol style="list-style-type: none">1. Request under Section 8A (2) and (3) of the <i>Planning and Environment Act 1987</i> (‘the Act’) that the Minister for Planning authorise Mansfield Shire Council to prepare Amendment C60mans to the Mansfield Planning Scheme.2. Notify the Minister for Planning that when it exhibits Amendment C60mans Mansfield Shire Council intends to give full notification of the amendment under Section 19 of the Act for a minimum statutory exhibition period of one month.3. When authorised by the Minister for Planning, exhibit Amendment C60mans to the Mansfield Planning Scheme under Section 19 of the Act.
Support Attachments
<ol style="list-style-type: none">1. Final Adopted Mansfield Planning Strategy [13.2.2.1 - 192 pages]2. C 60 mans Draft Ordinance - Original Version [13.2.2.2 - 51 pages]3. C 60 mans Draft Ordinance - Proposed Version with Tracked Changes [13.2.2.3 - 98 pages]4. C 60 mans Draft Ordinance Version 4 - Proposed Version for Exhibition [13.2.2.4 - 75 pages]5. Mansfield C 60 mans maps [13.2.2.5 - 16 pages]

6. Mansfield Planning Scheme Amendment C 60 - Analysis of Proposed Changes [13.2.2.6 - 15 pages]

Considerations and Implications of Recommendation

Sustainability Implications

This amendment seeks to rezone approximately 96 hectares of land across two sites resulting in an intensification of residential development in these areas. There is an expectation that this will come with some loss to native vegetation and significant disturbance to the landscape in these areas. The exemption to permit requirements for the removal of noxious weeds may also result in the loss of native vegetation, however this must be kept to the minimum extent possible and will free up resources to better manage Council land.

The changes to the settlement hierarchy are expected to limit future development to established settlement areas reducing the impact of scattered development across surrounding landscape.

Community Engagement

Extensive community consultation was undertaken prior to the adoption of the Mansfield Planning Strategy 2022, with community submissions helping to form the direction and recommendations outlined in the document. The proposed Amendment builds off this work however, additional community engagement will be undertaken through mail-outs and the Engage Mansfield website to ensure residents remain informed and have the opportunity to provide feedback.

Community members and relevant referral agencies will be able to lodge submissions for consideration in the amendment prior to it being adopted by Council.

Collaboration

Not Applicable

Financial Impact

The translation of the Mansfield Planning Strategy into policy for changes to the Mansfield Planning Scheme was funded by the Regional Planning Hub through a funding grant to assist with Strategic Planning. This work has been undertaken by Planning Consultancy, Schemology.

There are no other resource implications for Council given that the remainder of this project will be completed within existing resources. However, should the Amendment go to Panel, there will be costs that will need to be covered and are included in the strategic planning budget.

Legal and Risk Implications

A planning scheme amendment is required to be formally exhibited under Section 19 of the Planning and Environment Act 1987, with notification being given to potentially affected agencies, groups and landowners. A Council resolution is required to seek authorisation from the Minister for Planning for Council to formally prepare the amendment, and when authorised, to exhibit the amendment. Exhibition would take place for a minimum statutory period of one month, with advertising to potentially affected agencies, groups and landowners. Once exhibition has taken place, the proposal will then be reported to Council for:

- ▶ Consideration of any submissions;
- ▶ Referral of any submissions that cannot be resolved to an independent panel for consideration;

- ▶ Resolution, which is either adoption with or without changes or abandonment

Regional, State and National Plans and Policies

If authorised, the amendment will introduce changes to the Mansfield Planning Scheme with proposed controls to amend settlement structures, introduce character controls, and provide permit exemptions for the removal of noxious weeds.

Innovation and Continuous Improvement

Not Applicable

Alignment to Council Plan

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

- ▶ Strategy 2.3 Enhance the social and economic value of tourism to Mansfield.

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

- ▶ Strategy 3.1 Protect natural vistas and farmland
- ▶ Strategy 3.2 Enhance township character
- ▶ Strategy 3.4 Plan for and encourage appropriate housing

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

- ▶ Strategy 5.1 Create conditions that enable local businesses
- ▶ Strategy 5.2 Enable land use and base infrastructure that stimulates commercial activity

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

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.

13.2.3. **Amendment C55 Redgum Estate**

File Number	E10052	Responsible Officer	Strategic Planning Support Officer, Esther Perkins
Purpose			

To provide Councillors with the results of the additional notification required by the Department of Transport and Planning for Amendment C55mans, being for the rezoning of land in Redgum Drive, Mansfield, and to seek a resolution of Council to adopt the amendment again, then submit for approval to the Minister for Planning to be incorporated into the Mansfield Planning Scheme. A copy of the amendment proposed to be submitted for approval is attached to this paper.

Executive Summary

Amendment C55mans is a proponent driven amendment which proposes the rezoning of part of the land in Redgum Drive, Mansfield, from Urban Floodway Zone to General Residential Zone, Schedule 1, and includes changes to the extent of the Floodway Overlay and Land Subject to Inundation Overlay.

This amendment aligns with the area's revised flood levels, attributable to the earthworks associated with the development of Redgum Drive. The shift from Urban Floodway Zone reflects the reduced flood risk and will allow the residential development of this land. The amendment went through a public exhibition process, receiving submissions from referral agencies, private submitters, and the Country Fire Authority. These submissions included concerns about flood risk, traffic impacts, and native vegetation preservation. Council officers worked with all submitters to resolve their concerns, and subsequently all objections have now been withdrawn.

The amendment is consistent with the Mansfield Township Framework Plan, promoting orderly and sustainable residential development, whilst maintaining a balance with environmental concerns.

At the Council meeting held on 12 December 2023, Council resolved as follows:

13.2.5. **Amendment C55mans Redgum Drive, Mansfield**

Councillor Paul Sladdin/Councillor Mark Holcombe:
THAT COUNCIL:

1. Having been authorised by the Minister for Planning to prepare Amendment C55mans to the Mansfield Planning Scheme under Section 8A(4) of the Planning and Environment Act 1987 ('the Act');
2. Having prepared and exhibited Amendment C55mans to the Mansfield Planning Scheme under Section 19 of the Act;
3. Having considered all submissions to Amendment C55mans under Section 22 of the Act;
4. Mansfield Shire Council resolves to:
 - a. Adopt Amendment C55mans to the Mansfield Planning Scheme, in accordance with Section 29 of the Act, without changes.

CARRIED

Upon adoption of the amendment, Council officers submitted the amendment to the Department of Transport and Planning (DTP) on 18 December 2023. The Department of Transport and Planning were not satisfied that the objections had been unconditionally withdrawn and directed Council to give further notice of the amendment. This has been completed.

Key Issues

Following the authorisation of Amendment C55mans, Council officers prepared and exhibited the amendment. The amendment rezones land at Redgum Drive, Mansfield to recognise changes in the AHD flood levels due to earthworks undertaken for the approved development of Redgum Drive. The amendment will change the land from Urban Floodway Zone to General Residential Zone Schedule 1 as the land is no longer prone to significant flooding and allows for residential development.

Council originally received a total of eight submissions, with four coming from referral agencies and three from private submitters and one late submission received on 24 November 2023, from the Country Fire Authority. The three private submissions raised objections about the amendment, citing concerns about the adequacy of evidence demonstrating that the land in question was not subject to flooding. At that time, Council officers had detailed discussions with all submitters, providing clarification about the details of amendment, leading to the withdrawal of all objections.

Although Council received submissions in the first exhibition period, these submissions raised concerns about the adjacent, already approved, subdivision and did not request any changes to the amendment itself. From a legislative perspective, Council officers must comply with particular part of the *Planning and Environment Act 1987* when undertaking an amendment to the planning scheme. In relation to submissions, Section 23 of the Act, which refers to how Council makes a decision on submissions, says:

- ▶ *After considering a submission which requests a change to the amendment, the planning authority must:*
- ▶ *Change the amendment in the manner requested, or*
- ▶ *Refer the submission to a panel appointed under Part 8, or*
- ▶ *Abandon the amendment or part of the amendment.*
- ▶ *A planning authority may refer to the panel submissions which do not require a change to the amendment.*

In this case, as neither submitter was requesting a change to the amendment, Council did not have to refer it to a panel but could have if it so chose to. Council officers determined that the time and money this would add to the process was unreasonable, particularly as no changes were requested to the amendment itself, resulting in the recommendation to Council to adopt the amendment.

Upon adoption of the amendment, Council officers submitted the amendment to the Department of Transport and Planning (DTP) on 18 December 2023. The Department of Transport and Planning were not satisfied that the objections had been unconditionally withdrawn and directed Council to give further notice of the amendment. Following this direction from DTP, Council officers have undertaken further notice as required, and no submissions were received to the

additional notice. This notice now supersedes the prior notice and presents an amendment without any submissions for consideration by the Minister for Planning.

Having pursued the planning scheme amendment in accordance with the requirements of the Planning and Environment Act 1987, and following the additional notice required by DTP, on behalf of the proponent, it is noted that there are no unresolved submissions to the amendment, and it is ready for adoption by council for submission to the Minister for Planning for approval.

Recommendation
<p>THAT COUNCIL:</p> <ol style="list-style-type: none">1. Having been authorised by the Minister for Planning to prepare Amendment C55mans to the Mansfield Planning Scheme under Section 8A(4) of the Planning and Environment Act 1987 ('the Act');2. Having prepared and exhibited Amendment C55mans to the Mansfield Planning Scheme under Section 19 of the Act;3. Having considered all submissions to Amendment C55mans under Section 22 of the Act;4. Mansfield Shire Council resolves to:<ol style="list-style-type: none">a. Adopt Amendment C55mans to the Mansfield Planning Scheme, in accordance with Section 29 of the Act, without changes.
Support Attachments
<ol style="list-style-type: none">1. Mansfield C 55 mans 002 d-Isio-fo Map 12 Adoption [13.2.3.1 - 1 page]2. Mansfield C 55 mans 003 Isio-fo Map 12 Adoption [13.2.3.2 - 1 page]3. Mansfield C 55 mans 004 zn Map 12 Adoption [13.2.3.3 - 1 page]4. Mansfield C 55 mans Explanatory Report Adoption [13.2.3.4 - 8 pages]5. Mansfield C 55 mans Instruction Sheet Adoption [13.2.3.5 - 1 page]

Considerations and Implications of Recommendation

Sustainability Implications

Climate Change:

The amendment ensures that development respects floodplain management, reducing potential climate-related risks.

Economic:

The amendment supports residential development, which is vital for the local economy, particularly in the context of Mansfield's growing need for housing.

Environmental:

Environmental considerations are central to the amendment, with measures to protect floodplains and maintain ecological integrity. Contact has been made with the developer to seek the retention of native vegetation where possible within reserves.

Social:

The amendment considers the social implications of land use and development, facilitating orderly growth and catering to the projected population needs.

Community Engagement

Community engagement was conducted in alignment with Council’s Community Engagement Policy. This involved public exhibition and addressing submissions, ensuring that community views were considered and integrated into the planning process. Exhibition of this amendment was undertaken in accordance with section 19 of the *Planning and Environment Act, 1987*. In addition, further notice was provided in accordance with the directions from the Department of Transport and Planning.

Collaboration

Not applicable.

Financial Impact

The cost of this amendment is being paid for by the proponent. All internal resourcing costs are accounted for in Council’s existing strategic planning budget.

Legal and Risk Implications

Not applicable.

Regional, State and National Plans and Policies

The planning scheme amendment has been prepared and exhibited in accordance with the requirements of the *Planning and Environment Act 1987*.

Innovation and Continuous Improvement

Not applicable.

Alignment to Council Plan

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

- Strategy 3.4 Plan for and encourage appropriate housing

Governance - Disclosure of Conflicts of Interest

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

13.2.4. Planning Permit Application P001/23 - 446 Monkey Gully Road Mansfield

File Number	DA7461/P001/23	Responsible Officer	Coordinator Statutory Planning, Nicole Embling
Purpose			

This report seeks Council's determination of planning permit application P001/23, lodged for the use and development of land for Rural Industry (Farm Machinery repairs), display of Business Identification Signs, and a reduction of Car Parking requirements. This application is being referred to Council for determination as the number of objections exceed delegation.

Executive Summary	
<i>Application Details</i>	
APPLICANT	Planography Pty Ltd
PROPOSAL	Use and development of land for Rural Industry (Farm Machinery repairs), display of a Business Identification Sign, and a reduction of Car Parking requirements
APPLICATION LODGED	4 January 2023 Amended – 24 July 2024
NOTICE AND SUBMISSIONS	Notices sent to fourteen (14) Owners/Occupiers of surrounding properties (4 to 26 April 2023). Notice on site - Yes Eight (8) objections were received.
<i>Property Details</i>	
PROPERTY ADDRESS	446 Monkey Gully Road, Mansfield
LAND DESCRIPTION	Lot 1 on LP204092W
RESTRICTIVE COVENANTS	Nil
LAND AREA	Approximately 6.1ha
EXISTING USE	Dwelling and associated carport, three (3) dams and scattered vegetation
<i>Planning Provisions</i>	
ZONE	Clause 35.03 - Rural Living Zone
OVERLAYS	Nil
MUNICIPAL PLANNING STRATEGY	Clause 02.03-1 – Settlement Clause 02.03-2 – Environmental and Landscape Values Clause 02.03-3 – Environmental Risks and Amenity Clause 02.03-4 – Natural Resource Management Clause 02.03-5 – Built Environment and Heritage Clause 02.03-7 – Economic Development
PLANNING POLICY FRAMEWORK	Clause 12.03-1S – River and Riparian Corridors, Waterways, Lakes, and Wetlands Clause 13.02-1S – Bushfire Planning Clause 13.02-1L – Bushfire Management Clause 13.07-1S – Land Use Compatibility Clause 14.02-1S – Catchment Planning and Management

	Clause 14.02-1L – Catchment Planning and Management Clause 14.02-2S – Water quality Clause 15.01-2S – Building Design Clause 15.01-6S – Design for Rural Areas Clause 17.01-1R – Diversified Economy - Hume
PARTICULAR PROVISIONS	Clause 52.05 - Signs Clause 52.06 - Car Parking
<i>Permit Triggers</i>	
RURAL LIVING ZONE	Clause 35.03-1 – A permit is required to use land for Rural Industry (Section 2 Use). Clause 35.03-4 – A permit is required for a building or works associated with a Section 2 Use. Clause 35.03-4 – A permit is required for a building within the following setbacks: <ul style="list-style-type: none"> - 100 metres from a waterway - 100 metres from a dwelling not in the same ownership.
SIGNS	Clause 52.05-13 - A permit is required for a Business Identification Sign in Category 3, High Amenity Areas.
CAR PARKING	Clause 52.06-3 - A permit is required to reduce the number of car parking spaces required under Clause 52.06-5.
<i>Other</i>	
CULTURAL SENSITIVITY	The subject land is not within an area of aboriginal cultural heritage sensitivity.

The permit applicant, Planography Pty Ltd, seeks approval for the use and development of land for Rural Industry (Farm Machinery repairs), display a Business Identification Sign, and a reduction of Car Parking requirements on the land at 446 Monkey Gully Road, Mansfield (Lot 1 on LP204092W).

Subject Land

The subject land is rectangular in shape with a short boundary along Monkey Gully Road and two natural drainage lines through the site which join in the onsite dams and continue overflowing to the north through the adjoining property. There is an existing dwelling and associated infrastructure, including vehicle access. The site has access to reticulated electricity and manages potable water and wastewater onsite.



Figure 1: Aerial image of the Subject Land, source: POZI

The land is in the Rural Living Zone, Schedule 1 and no overlays apply. The adjoining properties to the north and south are also in the Rural Living Zone and there is an existing character of development of single dwellings on large residential/lifestyle properties being used for domestic purposes with some small farming or hobby farming practices. The adjoining land to the west and adjacent land across Monkey Gully Road to the east are in the Farming Zone, however, are developed in a similar way to the subject land. The land is not within an area of Cultural Heritage Sensitivity.

Proposal

The application proposes a new large shed to be used to service or repair plant or equipment used in agriculture on a small scale with one or two staff (being the landowners). It is expected that the machinery being repaired and serviced would be predominantly used for hay making, cropping, etc. The existing access from Monkey Gully Road is to be used with an alternative driveway within the site going directly to the shed, separating the domestic land use from the business. The shed is proposed to be 30 x 15 metres and will include two large sliding doors opening onto an open plan work area and a separate small kitchenette and bathroom for staff amenities. A gravel hard stand area is proposed on the northern side of the shed connected to the driveway, to serve as a temporary parking area for customers and vehicles for servicing and repairs until they are brought into the shed. The applicant has confirmed that the dimensions of the shed are capable of containing all equipment and related items, ensuring that nothing is stored outside.

The submitted plans show the shed setback 20 metres from the boundary of Monkey Gully Road, a minimum of 30 metres from the nearest waterway, and approximately 55 metres from the south boundary. The shed would be connected to a new septic system located to the north-

west of the proposed shed location. The location of the shed has suitable setbacks from the existing vegetation on the land and would not require the removal of any vegetation.

A sign of 1.265 square metres is proposed to be located on the front gate, with the plans for the sign detailing a black background with green text for the Business name; All Track. The applicant has confirmed they no longer wish to proceed with the sign on the shed, which is reflected in the amended plan requirements of the Officer Recommendation.

The business is proposed to operate:

- 8am to 6pm Monday to Friday
- 8am to 1pm Saturdays
- Closed Sundays
- Closed Public Holidays

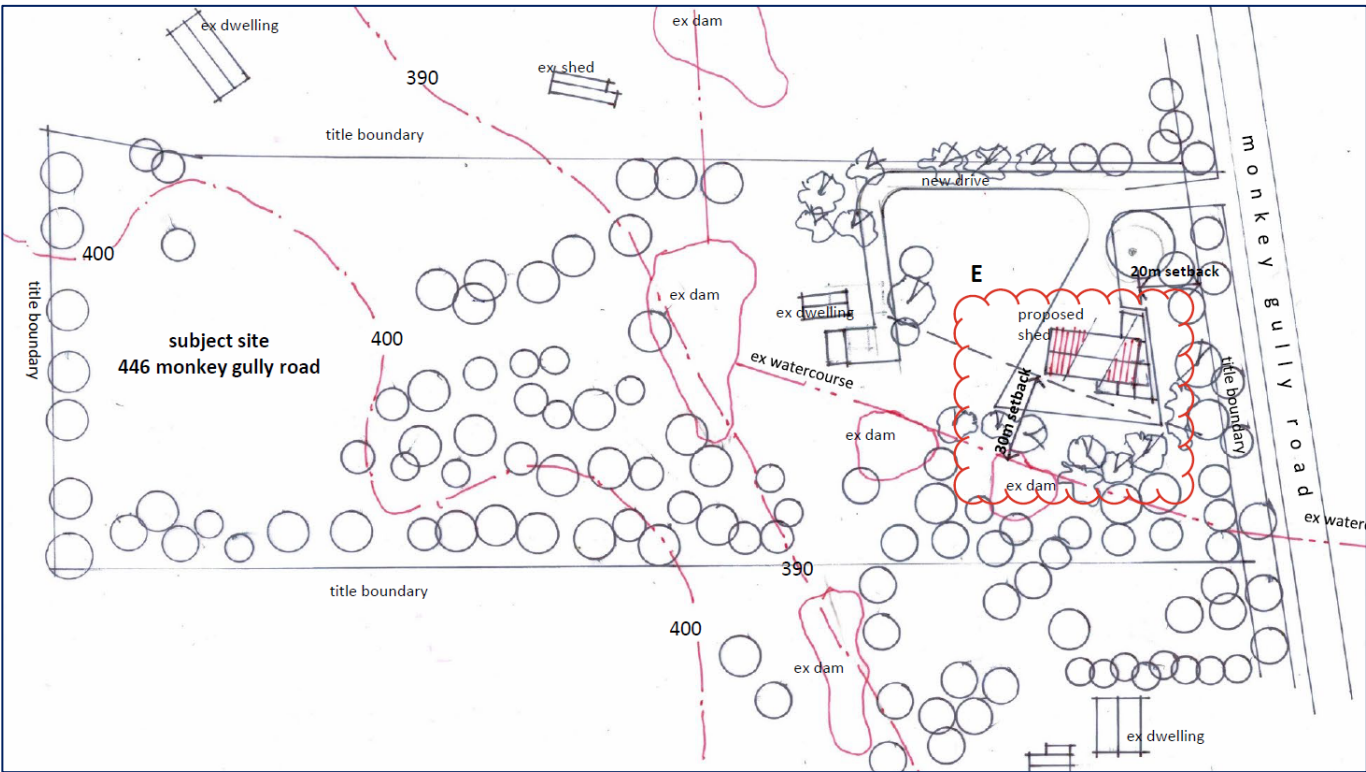


Figure 2: Submitted Site Plan

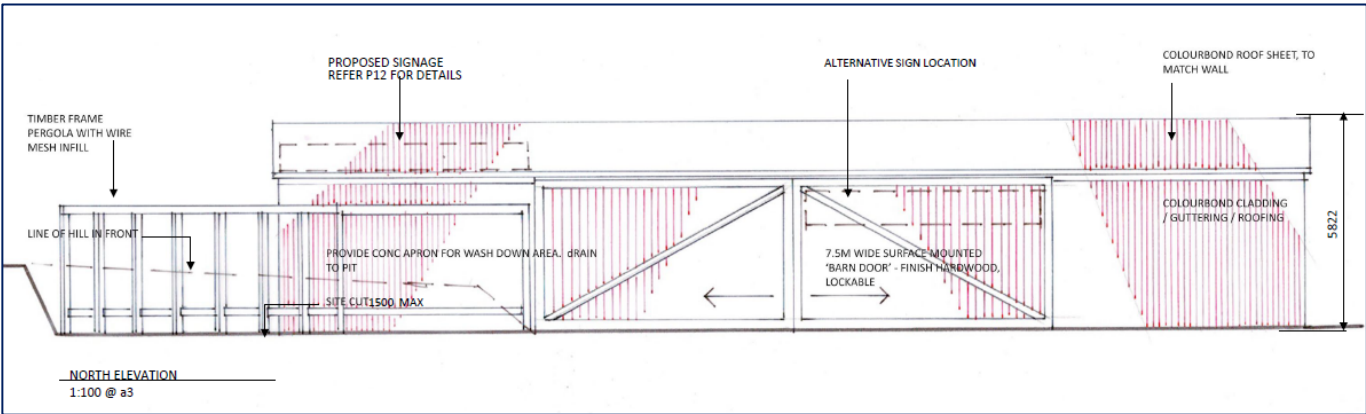


Figure 3: Submitted North Elevation of the proposed Shed

Referral Authorities

Referral Authority	Type of Referral	Response
Goulburn Murray Water (GMW) Clause 66.02-5	Section 55 - Determining	Conditional Consent
Agriculture Victoria	Section 52 - Advice	Supporting Recommendation
Councils Environmental Health Team	For Comment	Conditional Consent
Council's Engineering Team	For Comment	Conditional Consent
Council's Environment Team	For Comment	Conditional Consent

The conditional consent referral response from GMW requires a minimum 30 metre setback for the Workshop (shed) from any waterway or drainage line. In response to this consent the applicant suitably amended the plans to demonstrate how a 30 metre setback could be achieved. The amended plans form part of the attachments to this report and have been considered during the officer assessment.

The response from Agriculture Victoria was provided on 19 January 2023, following the original submission of plans, which recommends that the internal layout of the shed be detailed and suitably conditioned to restrict any use of the shed for accommodation purposes. Relevant conditions are included in the Officer Recommendation to address the Agriculture Victoria response.

The response from Council's Environment Team has provided that the use of eucalypt planting would not provide the required screening to the south of the development and an amended Landscaping Plan should be provided, detailing the use of smaller trees and large shrubs for more effective visual screening. Relevant conditions are included in the Officer Recommendation.

Public Notice

Advertising was carried out in accordance with the requirements of the *Planning and Environment Act 1987* including Public Notice being sent to fourteen (14) owners and occupiers of the adjoining and nearby properties, and a sign onsite for the period of 4 to 26 April 2023.

Following the public notice period a total of eight (8) objections were received, in summary the objections relate to:

- Land use in the Rural Living Zone
 - Proximity to neighbouring dwellings
 - Height of the shed
 - Noise
 - Car Parking
 - Advertising Signs
 - Storage of equipment
- Hours of operation
 - Visual Amenity
 - Environmental and health risks
 - Landscaping
 - Road Access
 - Traffic

A detailed assessment of the objections is included below [Consideration of Objections].

A Consultative Meeting was held on 29 January 2024 and was attended by the Applicant, Landowner and five (5) of the Objectors. The purpose of the meeting was to outline the

application and planning process, and to give the objectors an opportunity to discuss their concerns and explore options for resolving them.

During the meeting, a range of actions were identified that were to be taken by both the Applicant and Council Officers. The Council Actions, which included provision of information about Home Based Businesses, planning permit application assessment criteria and the definition of Rural Industry, was circulated with the Minutes from the Meeting.

The Applicant Actions involved amending the plans, which have now been undertaken through the amended plans submitted to Council 29 May 2024 and then further amended 24 July 2024. The Objectors were given a copy of the submitted amended plans.

It is noted that one of the Actions from the meeting was for the Applicant to reconsider the location of the Shed, which was in response to specific concerns raised by the objector of the adjoining property to the south. Upon consideration, the permit applicant has increased the setback of the shed from the southern boundary to approximately 55 metres (was previously 33 metres) and has provided additional screening, as shown on the submitted Landscaping Plan.

Key Issues

Consideration of Objections

Objection Theme	Officer Comment
Land use conflicts in the Rural Living Zone	The Rural Living Zone is classified as a Rural Zone, which is considered suitable for agriculturally related commercial and industrial activities. The proposed use to service farm machinery is generally considered appropriate in a Rural Zone in accordance with the Mansfield Planning Scheme.
Proximity of the use to neighbouring dwellings	The Planning Scheme does not specify a buffer or setback distance for Rural Industry, Clause 53.10 Uses and Activities with Potential Adverse Impacts sets out a Threshold Distance for <i>Automotive body, paint, and interior repair – 100 metres</i> and <i>Rural Industry Handling, processing, or packing agricultural produce – 300 metres</i> . The proposal is not included in these categories as <i>Automotive’s</i> are defined as vehicles with a purpose of transporting people. The application is to provide repairs to farm machinery. Given the context and residential addresses of the objectors, an assessment for dwellings within 1 kilometre of the land has been undertaken which includes 17 dwellings, five of which are objectors. There is an additional objector who resides on a property approximately 1.22 kilometres from the proposed development. It is important to note that the immediate adjoining property owners to the north and west of the subject land have not made submissions. Maps showing locations of all dwellings within 1km of the subject land and all objectors are attached.
Height of the shed	The submitted amended plans show the shed having a total height of 5.822 metres above ground level, see attached Plans.
Noise	The submitted amended plans include a written response to Sound Attenuation. Additionally, the design and orientation of the shed includes the large doors on the north elevation where there is less potential noise impact to nearby sensitive uses. If the doors were to be left open during

Objection Theme	Officer Comment
	operating hours, it would not likely increase the noise impact to the adjoining dwelling to the south.
Lack of Car Parking Plan	The submitted Planning Report confirms that a Car Parking Plan could be provided. The Mansfield Planning Scheme at Clause 52.06 Car Parking requires 13 car parking spaces for use of land for 'Industry' and does not specify a requirement for 'Rural Industry'. Therefore, as part of the assessment, in the attached Planning Scheme Assessment, consideration has been given to the specific proposed land use and the likelihood of customer vehicles needing to be accommodated on the land.
Lack of detail for advertising signs	The submitted amended plans include the signs proposed, one being 7.5 square metres to be on the proposed shed and a second, 1.625 square metres on the front fence/gate.
Visual Amenity Impact from signs	The sign proposed to be on the front fence is of a relative size to act as an identification of the property as a business. It is noted that the original application included an additional sign to be displayed on the front of the shed, which has since been removed from the application.
Storage of materials and equipment on the land	The submitted amended plans include details on the Site Plan of where materials would be stored, and how those areas would be suitably bundled. Additional information is included in the Waste Management Plan on page 7 of the submitted amended plans.
Hours of operation	The hours of operation proposed: Monday to Friday – 8am to 6pm Saturdays – 8am to 1pm Sundays – Closed Public Holidays – Closed These operating hours comply with the EPA (Environmental Protection Authority) regulations for using power tools and other equipment in areas with nearby residences.
Visual amenity impact	The addition of the Pergola, included in the submitted amended plans will reduce the visual impacts of the shed from the east and south, to reduce views to the shed and associated infrastructure/services (rainwater tanks). A Landscaping Plan is also included in the submitted amended plans.
Environmental and human health risks	The submitted Waste Plan includes an assessment of the potential risks and methods to mitigate. Any permit issued would include suitable conditions.
Lack of detail of a waste plan	Waste Plan included in the submitted amended plans, see page 7. It is noted that this objection was raised prior to the submission of the Waste Plan.
Lack of Landscaping Plan	Landscaping Plan included in the submitted amended plans, see page 8. It is noted that this objection was raised prior to the submission of the Landscaping Plan.
Poor road access for large vehicles	The application proposes to utilise the existing vehicle crossover near the north boundary onto Monkey Gully Road. The use of the access has been reviewed by Council's Engineering Team who have determined the location suitable for larger vehicles.

Objection Theme	Officer Comment
	The conditional engineering consent includes conditions requiring the upgrade of the vehicle crossover.
Increase in traffic	The submitted amended Planning Report has suggested that <i>it [proposed use of land] will not be a generator of heavy traffic. The business will require deliveries to be made during regular business hours and are generally infrequent.</i>
Compliance	Should a planning permit issue for the proposal, it would include relevant conditions around the land use, determining that only farm machinery could be repaired/maintained on the land. Once issued, planning permits become legal documents that are enforceable by Council. If land use was not in accordance with a planning permit Council Officers are able to undertake suitable planning compliance action.

Officer Assessment

A complete assessment of the application against the Mansfield Planning Scheme is attached.

Compatibility with surrounding land uses

The proposed use and development would be situated on a property with an existing dwelling and the primary use of the land would continue to be domestic. The addition of a rural industry business in a separate building is considered relatively reflective of the adjoining and nearby land uses which are rural lifestyle properties. The surrounding properties are established with existing dwellings and associated domestic and hobby-farming activities, the area has remnant and planted vegetation and natural undulation.

The proposed use includes operation hours of 8am – 5pm on weekdays and 8am -1pm on Saturdays, which is reflective of typical domestic uses and respectful of possible noise implications.

The use would be occurring completely within the proposed shed and the design of the shed includes *Flexishield Sonic System Acoustic Modular Panels*, which are designed to reduce noise impacts through insulation. The submitted documents confirm that the shed doors would be closed during noisy power tools, or similar. The shed is proposed to be located approximately 97 metres from the nearest dwelling, the dwelling being directly south.

The use of land for rural industry is considered appropriate in a rural zone as it will be able to service farm machinery in a rural setting and where possible some farm vehicles may be able to be driven directly to the site, rather than having to be transported (trucked or towed). The surrounding environment is developed with single dwellings on large properties, similar to the subject land where there are reasonable setbacks from neighbouring dwellings and the proposed hours of operation are respectful of domestic uses.

Design of the Shed

The proposed shed would be located in an area that is generally undulating and has scattered vegetation throughout developed parcels of land. There is a variety of building forms and colours with a trend towards darker colours and pitched roofs. Generally, the design of the shed with a dark grey/black finish and treated wooden feature doors reflects the rural character of the area and would reasonably blend in with the surrounding landscape. The proposed site cut will reduce the shed's visual height when viewed from Monkey Gully Road.

Conclusion

Having assessed the application against the relevant clauses of the Mansfield Planning Scheme, it is considered that the proposed use and development is generally compatible with the surrounding area and the building is designed in such a way to reflect the existing rural character. The proposal would provide an essential service for the local agriculture industry in an accessible location and would have a minimal impact on the surrounds.

Recommendation
<p>THAT COUNCIL issue a Notice of Decision to Grant a Permit for Planning Application P001/23 to allow <i>use and development of land for Rural Industry (Farm Machinery repairs), display a Business Identification Sign, and a reduction of Car Parking requirements</i> on Lot 1 LP204092W, commonly addressed as 446 Monkey Gully Road, Mansfield in accordance with endorsed plans and subject to the following conditions:</p> <p>Endorsed Plans</p> <ol style="list-style-type: none">1. Prior to the commencement of works amended plans must 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 those submitted and amended:<ol style="list-style-type: none">a. Set of Plans, including a Site Plan, to remove the sign on the shed.b. A Landscaping Plan in accordance with the requirements of Condition 14 of this permit.2. The use and 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. <p>External Cladding</p> <ol style="list-style-type: none">3. The external materials of the buildings, associated structures, and water storage tanks, must be constructed of materials of muted colours to the satisfaction of the Responsible Authority. No materials having a highly reflective surface are to be used. For the purpose of this Condition 'highly reflective' includes unpainted or untreated aluminum, galvanised steel, or iron, zincalume, or similar materials. <p>Use</p> <ol style="list-style-type: none">4. The shed approved under this permit must not at any time be used for accommodation. <p>Amenity</p> <ol style="list-style-type: none">5. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:<ol style="list-style-type: none">a. Transport of materials, goods, or commodities to or from the landb. Appearance of any building, works or materialsc. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit, or oild. Presence of verminTo the satisfaction of the Responsible Authority. <p>Hours of Operation</p> <ol style="list-style-type: none">6. The use must only operate between the following times:<ol style="list-style-type: none">a. 8am and 6pm Monday to Fridayb. 8am and 1pm Saturdayc. Closed Sunday and Public HolidayThe Responsible Authority may consent in writing to vary these requirements.7. Deliveries to and from the site (including onsite waste collection) must only take place during the operation hours. <p>Noise</p> <ol style="list-style-type: none">8. At all times noise emanating from the land must comply with the requirements of the

Environment Protection Regulations 2021 (as amended from time to time) as measured in accordance with the Noise Protocol to the satisfaction of the Responsible Authority. Noise Protocol means the *Noise limit and assessment protocol of noise from commercial, industrial and trade premises and entertainment venues*, published by the Environment Protection Authority on its website, as in force from time to time.

9. Noise generated from within the premises must not be audible within the habitable rooms with windows closed off any nearby dwellings to the satisfaction of the Responsible Authority.

Waste

10. All waste and recyclables must be stored in and collected from an area set aside for this purpose. This area must be graded, drained, and screened from public view to the satisfaction of the Responsible Authority.
11. All waste material not required for further on-site processing must be regularly removed from the site to the satisfaction of the Responsible Authority. All vehicles removing waste must have fully secured and contained loads so that no waste is spilled, or dust or odor is created, to the satisfaction of the Responsible Authority.

Loading / Unloading

12. The loading and unloading of goods from vehicles must only be carried out on the land to the satisfaction of the Responsible Authority.

Lighting

13. External lighting must be designed, baffled, and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.

Landscaping

14. Prior to the commencement of any works an amended Landscape Plan must be approved by and endorsed by the Responsible Authority. The Landscape Plan must be generally in accordance with the submitted plan and amended to detail:
 - a. Suitable plant species for visual screening purposes south of the shed, including small trees and large shrubs.
 - b. Quantities and location for each plant species.
 - c. Maintenance Schedule.
15. Prior to the completion of works and commencement of use, the landscaping as shown on the endorsed Landscaping Plan must be carried out and completed to the satisfaction of the Responsible Authority.
16. At all times, the landscaping shown on the endorsed Landscaping Plan must be maintained (including the replacement of any dead, diseased or damaged plants) to the satisfaction of the Responsible Authority. This condition continues to have force and effect after the completion of the development approved by this permit.

Weed Control

17. No environmental weeds referred to in *Goulburn Broken Catchment Management Weeds of the Goulburn Broken* may be planted on or allowed to invade the site.
18. All vehicles, equipment and other machinery must be cleaned of soil and plant material before entering and leaving the site to prevent the spread of weeds and pathogens to the satisfaction of the Responsible Authority.

Sign

19. The location and details on the sign, and any supporting structure, as shown on the endorsed plans, must not be altered without the prior written consent of the Responsible Authority.
20. The sign must not be animated or contain any flashing or intermittent light.
21. The sign must not be illuminated by external or internal light.
22. The sign, including the structure and content, must be constructed, and maintained to the satisfaction of the Responsible Authority.

Engineering

23. Prior to the commencement of use the existing crossover must be upgraded in accordance with Mansfield Shire Council Infrastructure Design Manual Standard Drawing *SD255 Typical Swale Drain Vehicle Crossing (Rural Entrance)* which is available upon receipt of an application for Works Within Road Reserve Permit.
24. The internal access track must be of an all-weather construction with dimensions adequate to accommodate emergency vehicles and be sufficient to meet CFA access requirements.
25. Prior to the commencement of any works in the Road Reserve an application for Works Within Road Reserve must be submitted to and approved by Council.
26. Any damage to Council Assets, such as roads and stormwater infrastructure, must be repaired at the cost of the permit holder to the satisfaction of the Responsible Authority.
27. Prior to the commencement of any works and application for a Legal Point of Stormwater Discharge must be submitted to and approved by Council.
28. Interrupted overland flow from this development must not impact on adjacent lots.
29. No industrial or commercial waste liquids are to enter the drainage system. An Environment Protection Authority approved Waste Collection System must be maintained onsite to collect waste liquids.

Environmental Health

30. Prior to the commencement of any works an amended Land Capability Assessment must be submitted to and approved by Councils Environmental Health Team, detailing the design and location of an onsite wastewater management system that will treat wastewater to a 20/30 quality standard (Secondary Treatment).
31. The approved wastewater treatment and disposal system must be installed and maintained to the satisfaction of Council.
32. Prior to the commencement of use the existing Septic Tank System must be decommissioned to the satisfaction of the Responsible Authority. The existing Septic Tank must be desludged, holed and backfilled with inert materials. Suitable evidence of desludging must be provided to Council.

Goulburn Murray Water

33. All construction and ongoing activities must be in accordance with EPA Publication 1834.1 Civil Construction, Building and Demolition Guide (September 2023).
34. All wastewater from the dwelling & workshop 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 relevant body (or equivalent approval) and be installed, operated and maintained in accordance with the relevant Australian Standard(s) and EPA Guideline for Onsite Wastewater Management, May 2024, as updated or replaced.
35. The existing septic tank system must be decommissioned once the new system is installed and operational. All wastewater from the dwelling and workshop must be disposed of via connection to the new wastewater management system to the satisfaction of Council's Environmental Health Department.
36. The workshop must not encroach on the wastewater treatment system or disposal area or breach the minimum setback distances specified in the relevant Australian Standard(s) and EPA Guideline for Onsite Wastewater Management, May 2024, as updated or replaced. Stormwater run-off from the shed roof must not be directed towards the disposal area.
37. The workshop must not be constructed within 30m of any waterways or on any drainage lines.

Expiry

38. This permit will expire in one of the following circumstances applies:
 - a. The development is not started within two (2) years of the issued date of this permit.

- b. The development is not completed within four (4) years of the issued date of this permit.
- c. The use does not start within two (2) years of completion of the development.

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 period referred to in this condition.

39. This permit, as it relates to a sign, will expire 15 years from the issued date of this permit. On expiry of the permit, the sign and any structure built specifically to support it must be removed.

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 period referred to in this condition.

NOTATIONS

- 1) Any works within 30 metres of a waterway or natural drainage line may require a Works on a Waterway Permit under the *Water Act 1989*. An application can be made to Goulburn Broken Catchment Management Authority.
- 2) In accordance with the *Mansfield Road Management Plan, Section 5.18*, vehicle crossovers remain the property of the owner, and any repair/damage required in the future will be the responsibility of the property owner.
- 3) This permit does not authorise the commencement of any building construction works. Before any such development may commence, the permit holder must apply to obtain appropriate building approval.
- 4) 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.

Support Attachments

- 1. Assessment Against Planning Scheme [13.2.4.1 - 17 pages]
- 2. Amended Plans [13.2.4.2 - 15 pages]
- 3. Submitted Planning Report [13.2.4.3 - 16 pages]
- 4. Dwellings within 1km of the Subject Land [13.2.4.4 - 1 page]
- 5. CONFIDENTIAL - Objector Locations [13.2.4.5 - 1 page]
- 6. CONFIDENTIAL - Combined original Objections [13.2.4.6 - 17 pages]
- 7. CONFIDENTIAL - Objection - P Shepherd [13.2.4.7 - 14 pages]
- 8. CONFIDENTIAL - Consultative Meeting Minutes [13.2.4.8 - 8 pages]
- 9. CONFIDENTIAL - Council Actions from Consultative Meeting [13.2.4.9 - 3 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 sustainable industrial land use, with the requirement to make the use and 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 \$1,953.30 was received for the application. An advertising fee of \$289.10 was also received.

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 the Submitters (Objectors) 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 a Grant a Permit be issued, the permit applicant may seek a review of this decision at the Victorian Civil and Administrative Tribunal (VCAT).

Regional, State and National Plans and Policies

The application has been assessed under the provisions of 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 2: Vibrant Liveability Strategic Objective 5 Prosperous: Industries, businesses, and workforces of the future

- Strategy 5.1 Create conditions that enable local businesses
- Strategy 5.2 Enable land use and base infrastructure that stimulates commercial activity

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.

13.2.5. **Mansfield District Soccer Association Licence Agreement**

File Number	AG1239	Responsible Officer	Manager Planning & Environment. Maya Balvonova
Purpose			

To seek Council endorsement to enter into a 1-year licence agreement with six (6) months priority use for College Park Field 1 & Field 2, Storage Shed and Club House with no further terms, with Mansfield District Soccer Association.

Executive Summary

The licence agreement was presented to the Council meeting on 21 May 2024 and was referred back to Council officers for further discussion following a deputation from the association. The report recommended that Council enter into a licence agreement with the Mansfield District Soccer Association for the use of College Park Field 1 for an annual fee of \$865.20 (ex GST). The Association made a deputation to Council at the same meeting requesting the fee be reduced in recognition of the limited funds available to their club.

Since that time, Council officers have had productive discussions with representatives from Mansfield District Soccer Association. Following these discussions, the club has recognised that there is a need for them to pay a fair and reasonable fee for the usage of the sporting facilities at College Park, consistent with the requirements of Council’s Property Leasing and Licencing Policy 2024.

Key Issues

Council’s Field Services team has undertaken significant work to improve the condition of College Park Field 2, and the Association would also like to explore use of this additional field to increase their participation and income.

To provide Councillors with all the relevant information, an assessment of the fees that would be applicable for each field has been undertaken in accordance with the Property Leasing and Licencing Policy 2024, with the following parameters applied in the calculations:

- 1. Six (6) months priority usage for each field.
- 2. Category 2 (sporting club without a liquor licence): 14%

Property	Current Market Value	Current Market Return (1%)	Annual Rental (14%)	Proportional Rental (6 mths)
College Park Field 1 and Club Rooms	\$1,236,000	\$12,360	\$1,730.40	\$865.20
College Park Field 2	\$940,000	\$9,400	\$1,316.00	\$658.00
Total	\$2,176,000	\$21,760	\$3,046.40	\$1,523.20

Renewal of the existing licence for the use of College Park Field 1, Storage Shed and Club House for six (6) months of priority use at a cost of \$865.20 is proposed. Any Licensee use of

the oval in addition to that allowed for the six-month period will be charged at the community use rates specified as per Mansfield Shire Council's current Fees & Charges Schedule.

In addition, Council officers propose allowing the club to have access to Field 2 for the same period of time at nil cost, to build their membership and establish the extent of use and ongoing need for a second playing field. Should they wish to continue using this field after that time, Council officers propose to apply a fee in line with the Property Leasing and Licencing Policy.

This approach would allow the club to boost participation and initiate discussions with members about potentially raising fees to cover expenses for both fields, consistent with the approach taken with the Mansfield Women's Football Club.

Recommendation
<p>THAT COUNCIL:</p> <ol style="list-style-type: none">1. Endorses the proposal to enter into a licence agreement for the use of the sports and recreational facilities with the Mansfield District Soccer Association for six (6) months priority use with no further terms, with the commencement date on 1 July 2024.2. Receives annual licence fees from the Mansfield District Soccer Association of \$865.20 (ex GST).3. Provides public notification of the intention to enter a licence agreement with the Mansfield District Soccer Association.4. Endorses the Chief Executive Officer executing the licence agreement on completion of the public notification process.
Support Attachments
Nil

Considerations and Implications of Recommendation

Sustainability Implications

Not Applicable

Community Engagement

Community Engagement will be undertaken in accordance with Council's Community Engagement Policy by placing a notice of intention to enter into a Licence agreement with the Mansfield District Soccer Association in the Mansfield Courier and on Council's website.

Collaboration

Not Applicable

Financial Impact

The new licence agreement will not adversely impact Council's current resourcing or operational budget. The revenue has been considered when reviewing existing and future budget allocations and negotiation of the agreement is supported by existing staff resources.

Legal and Risk Implications

The licence agreement has been drafted in accordance with the Local Government Act 2020. The intention to enter into a licence agreement with the Mansfield District Soccer Association will be advertised in the Mansfield Courier and on Council's website, in accordance with Section 115 of the Local Government Act 2020.

Regional, State and National Plans and Policies

Not Applicable

Innovation and Continuous Improvement

Not Applicable

Alignment to Council Plan

The following strategies are relevant to this report:

Theme 1: Connected and Healthy Community

- ▶ Strategic Objective 2: Activities that promote connection and fitness of our people and visitors.
- ▶ Strategy 2.2: Create an environment where community and clubs can recreate, socialise, and contribute to the health and wellbeing of the community.

Theme 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.

13.2.6. Planning Permit Application P016/24 - 10 Victoria Street Mansfield

File Number	DA8193/P016/24	Responsible Officer	Coordinator Statutory Planning, Nicole Embling
Purpose			

This report seeks Council's determination of planning permit application P016/24, lodged for the development of land for three (3) dwellings and a three (3) lot subdivision. This application is being referred to Council for determination as the number of objections exceed delegation.

Executive Summary	
Application Details	
Applicant	Bell Legal & Planning
Proposal	Development of land for three (3) dwellings and a three (3) lot subdivision
Application Lodged	5 February 2024
Notice and Submissions	Notices sent to eight (8) Owners/Occupiers of surrounding properties (18 March to 8 April 2024). Notice on site - Yes Five (5) objections were received.
Property Details	
Property Address	10 Victoria Street, Mansfield
Land Description	Lot 1 on TP213197C
Restrictive Covenants	Nil
Land Area	Approximately 859 square metres
Existing Use	Dwelling and associated carport
Planning Provisions	
Zone	Clause 32.08 - General Residential Zone
Overlays	Nil
Particular Provisions	Clause 52.06 - Car Parking Clause 53.01 - Public Open Space Contribution and Subdivision Clause 53.18 - Stormwater Management in Urban Development Clause 55 – Two or More Dwellings on a Lot Clause 56 – Residential Subdivision
Permit Triggers	
General Residential Zone	Clause 32.08-3 – <i>A permit is required to subdivide land.</i> Clause 32.08-6 – <i>A permit is required to construct two (2) or more dwellings on a lot.</i>
Other	
Cultural Sensitivity	The subject land is not within an area of aboriginal cultural heritage sensitivity.

The permit applicant, Bell Legal & Planning, seeks approval for the development of land for three (3) dwellings and a three (3) lot subdivision on the land at 10 Victoria Street, Mansfield (Lot 1 on TP213197C).

Subject Land

The subject land is rectangular in shape and located on the south side of Victoria Street, opposite Mansfield Primary School and within 100 metres from the Lords Oval Recreation Reserve.



There is an existing single dwelling, associated domestic outbuildings (sheds and carports), some landscaping and one large non-native tree. There are two on-street car parking spaces adjoining the front boundary and the subject land abuts four properties, each containing a single dwelling.

The subject land is approximately 859 square metres. The land and the surrounding properties are in the General Residential Zone and no overlays apply. The property has existing connections to reticulated water, sewage and electricity.

Proposal

The application includes the demolition of all existing buildings on the land (which does not require a planning permit) and the construction of three new dwellings to be accessed from a common property driveway along the west boundary. The front dwelling, with frontage to Victoria Street, is designed as a single storey dwelling, and the two rear dwellings are each proposed to be double storey. All three dwellings are proposed to have two-bedrooms and a single car garage.



Figure 1: Artist 3D impression

The application plans include a Landscaping Plan which provides for seven (7) canopy trees; *Crepe Myrtles*’ (*Lagerstroemia Indica ‘Zuni’*) which grow to a mature height of 4-5 metres, and *Coral Park Japanese Maples* (*Acer Palmatum ‘Senkaki’*) which grow to a mature height of 5 metres. There are also a variety of smaller trees, shrubs and lawn areas proposed.

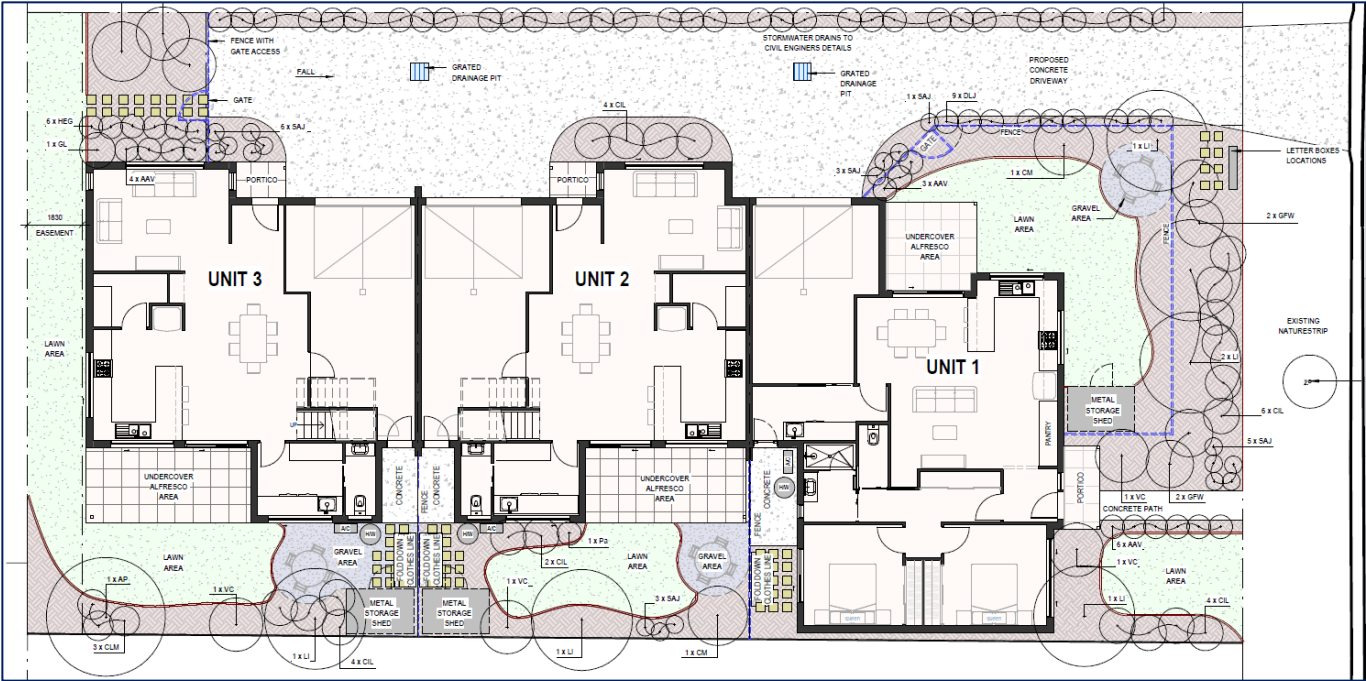


Figure 2: Submitted Landscaping Plan

The proposal also includes the subdivision of land into three (3) lots, with common property access. The proposal includes the following:

Lot 1	Approximately 272.2sqm
Lot 2	Approximately 171.7sqm
Lot 3	Approximately 233.7sqm
Common Property	Approximately 179.6sqm

The submitted plans include a scaled proposed Plan of Subdivision, which has been used to calculate the proposed lot areas above. It is noted that there are shared ‘Party Walls’ between

Units 1 and 2 on the Ground Floor only and between Units 2 and 3 on the Ground and First Floors.

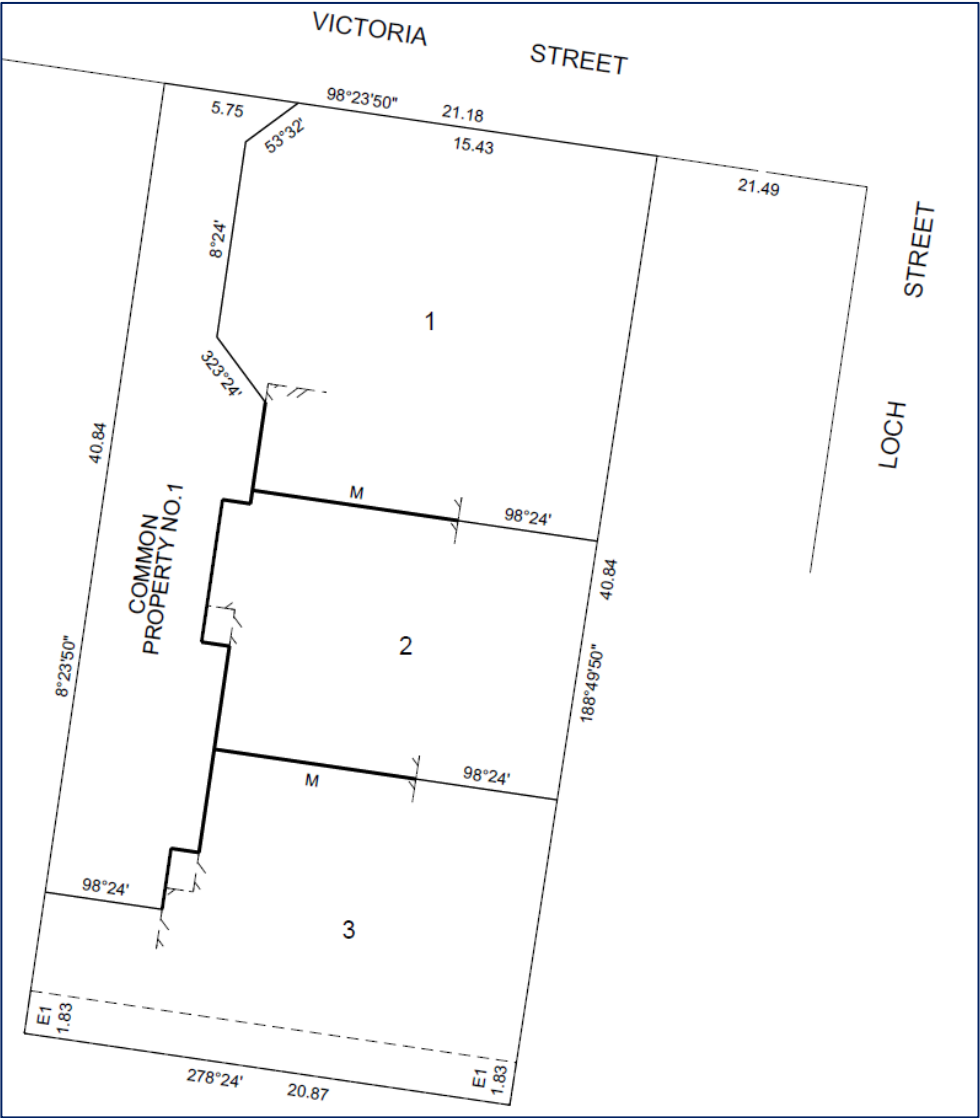


Figure 3: Proposed Plan of Subdivision

Referral Authorities

Referral Authority	Type of Referral	Response
AusNet Electricity Services	Section 55 – Determining	Conditional Consent
Goulburn Murray Water (GMW) Clause 66.02-5	Section 55 - Determining	Consent
Goulburn Valley Water (GVW)	Section 55 – Determining	Conditional Consent
Council’s Engineering Team	For Comment	Conditional Consent
Council’s Environment Team	For Comment	Conditional Consent

Public Notice

The application was advertised to the owners and occupiers of 8 neighbouring properties and a sign was placed onsite.

Following the public notice period five (5) objections were received. Copies of the objections have been given to the applicant, who responded in a written statement. Following a request

from Council Officers the Applicant provided some additional information to support the submitted plans in the form of details in the plans including:

- ▶ Garden Area annotated – 35.3%
- ▶ Height of dwellings from Natural Ground Level annotated
- ▶ Minimum side setback distances shown on the plan as dashed lines
- ▶ Private Open Space measurements annotated

A Consultative Meeting was held on 9 August 2024 and was attended by the Applicant, Draftsperson, and two (2) of the Objector Parties. The purpose of the meeting was to outline the application and planning process, and to give the objectors an opportunity to discuss their concerns and explore options for resolving them.

During the meeting the application was discussed in detail regarding the design features to restrict overlooking, impact of overshadowing, car parking and impacts during construction. Overall, there were no specific outcomes however, it seemed that the objectors present had a better understanding of the design and potential impacts to their properties.

Key Issues

Consideration of Objections

Objection Theme	Applicant Response	Officer Comment
Overlooking into private open space of adjoining properties	<i>The proposed development complies with the overlooking objective of clause 55.04-6 where views into existing secluded private open space and habitable room windows have been limited. Nevertheless, the plans have been amended to further limit the views from habitable room windows on the first floor of dwellings 2 and 3 by obscured glass on fixed window panes up to 1.7m above floor level, and awning window openings above 1.7m. There will be no direct views into adjoining private open space from the proposed development. Please refer to the elevation plans on TP09 and the overlooking plan at TP10 where the green shaded area shows the potential overlooking area screened by the existing fence.</i>	A detailed assessment against the residential development standards is included in the attached Assessment against Planning Scheme. Overall, the application has been able to demonstrate how overlooking complies with the Standards, and how additional measures have been implemented to address some of the objections. The additional measures include the First-Floor habitable windows being opaque to 1.7 metres above floor level and being fixed. The windows above 1.7 metres would have awning windows.
Overshadowing from double-storey dwellings	<i>The proposed development does not significantly overshadow any existing</i>	The submitted set of plans include Shadow Diagrams which include the existing shadows from the boundary

Objection Theme	Applicant Response	Officer Comment
	<i>secluded private open space. Overshadowing plans are provided at TP11 and TP12. These plans show that the majority of the shadows generated by the proposed two storey buildings land within the property boundary with limited shadows on adjoining allotments. The diagrams show that there is very little shadow that will extend beyond the existing shadows created by the existing fences.</i>	fence. The Diagrams detail how the shadow from the proposed dwelling minimally encroaches into the adjoining properties. The residential development standards specify that multi-dwelling development must show shadows on 22 September (September Equinox) at various times. The submitted plans, when scaled and measured, show a maximum shadow encroachment beyond the existing fence shadow of 1 metre into 8 Victoria Street, to the east and a maximum shadow beyond the fence of 1.3 metres into 3 Ryan Street. The maximum shadow encroachment into adjoining properties would not be long-lasting as the design of the dwellings has set back the upper level on the east and west, which significantly reduces the shadow impacts to adjoining properties.
Insufficient car parking provided onsite	<i>Each of the dwellings contain only two bedrooms. In accordance with clause 52.06 each two-bedroom dwelling must be provided with one car parking space. Please refer to plan TP06 which shows one secure car space for each new dwelling. For a development of less than 5 dwellings visitor parking is not required. This is similar to lots with single dwellings where visitor parking is not required.</i>	The submitted plans include a single-car garage for each dwelling and sufficient reversing (turning) areas to enable all vehicles to enter and exit the site in a forward motion. The Planning Scheme specifies a requirement for one car parking space per two-bedroom dwelling, which the proposal has complied with. It is acknowledged that there are two on-street car parking spaces adjoining the property in Victoria Street which could be utilised by Visitors or additional occupant cars.
Limited on-street car parking available due to the School	<i>The concerns raised about parking for Mansfield Primary School are an existing and ongoing situation. Any visitors parking in the street, which is available to any visitors to dwellings in the area, will have an insignificant impact on the existing traffic associated with the primary school.</i>	The Mansfield Primary School is adjacent to the subject land to the north. Unfortunately, the School does not have any car parking available on their land for staff or parents, meaning there is significant impact to on-street parking in the surrounding streets during drop-off and pick-up times. The additional two dwellings (noting the land is currently occupied by a single dwelling) are not expected to have any significant detrimental impact on car parking in the area. Typical times for workers to leave their home would be before school drop-off and they would

Objection Theme	Applicant Response	Officer Comment
		likely be returning after pick-up, limiting any conflict.
Storage for rubbish bins onsite	<i>Storage is available for four bins for each unit and is shown in each of the garages. Please refer to plan TP06. There is provision for four bins – waste, glass bottles, other recycling and green waste – which may be implemented in the future.</i>	The submitted site plan includes a separate dedicated space within each garage for the storage of up to four (4) rubbish bins, per dwelling. While there is no policy requirement for this under the Planning Scheme the applicant has included the space to improve livability and future occupants' ability to dispose of waste and recycling appropriately.
Not in keeping with the character of the area	<i>The proposed development maintains the existing character of the area with a single storey dwelling at the front of the land and the double storey dwellings to the rear, reducing any potential visual impact from the street. There are a number of two storey dwellings throughout the residential area of Mansfield and several multi-unit developments with two storeys. The Mansfield Planning Scheme does not have any policy against two storey dwellings and there is a general push for medium density housing to be located in our residential areas where there are available services and infrastructure. The proposed development is considered to be consistent with the evolving character of the residential areas of Mansfield.</i>	At this time the Mansfield Planning Scheme does not specify any character controls. However, a general assessment of the area has determined that there are mostly single-storey dwellings surrounded by canopy trees and landscaping. The homes are a mixture of brick veneer and weatherboard style of varying decades. The Victoria Street area incorporates the St Johns Anglican Church, Mansfield Primary School, Lords Reserve and Buckland House Nursing Home, in addition to the dwelling between Victoria and Malcolm Streets. Whilst there are not many double-storey dwellings in the area the overall built form height varies due to the natural topography of the land and the mixed uses. For example, the Anglican Church is significantly higher than a standard double-storey dwelling and some of the School buildings also have high pitched roofs. In relation to the vegetation and landscaping, whilst the existing vegetation and trees on the site are proposed to be removed, the Landscaping Plan details new plantings and canopy trees which will be in keeping with the character of the area. The layout of the proposed built form provides for a single-storey dwelling at the front, which will retain the streetscape character when viewed from Victoria Street and the School opposite.

Objection Theme	Applicant Response	Officer Comment
		Overall, the proposal is considered to be generally consistent with the existing character of the area.
Impact of double storey dwellings	<p><i>Contrary to the statement that there are no double-storey dwellings, there are several double storey dwellings in the residential area of Mansfield, including recently approved two storey unit development. The proposed dwellings will not tower over neighbouring dwellings as they are no more than two storeys high with a maximum building height of 6.856m. It is noted that the highest ridge of the proposed development is at RL 331.206m and the highest ridge of the existing dwelling at 8 Victoria Street is 331.24m, which is higher than the proposed dwellings. Pre-application consultation was had with Council, where it was recommended that the front dwelling was single storey and the back two dwellings were double storey to maintain the visual amenity of the street. The development has followed this recommendation.</i></p> <p><i>On any vacant lot in the residential area a two-storey dwelling can be developed without requiring a planning permit. As there is no prohibition of two storey dwellings in the General Residential Zone nor any local policy in the Planning Scheme that prohibits two storey dwellings, this proposal can be considered and complies with the requirements of the Planning Scheme. The proposed development is considered to be consistent with the evolving and</i></p>	<p>The application has been able to demonstrate to a satisfactory level that the double storey dwellings would have a minimal impact on the adjoining and nearby properties.</p>

Objection Theme	Applicant Response	Officer Comment
	<i>preferred character for the residential areas of Mansfield.</i>	
Density of Units	<p><i>There is support in the Planning Scheme for urban consolidation and in particular to increase the housing stock in the residential and serviced areas of town. It is appropriate to support medium density housing in areas close to the central part of town, within walking distance to shops, doctors and other services. Although there may not be unit development close by, new unit development should be supported on land zoned for residential development. There is unit development in Victoria Street to the west of the subject land, and again in Parwanoff Street. There is also a two unit development less than 200 metres away at 15 Victoria Street. The fact that there is a primary school opposite the site further supports the proposition that additional housing is required in this area.</i></p> <p><i>An objector has incorrectly labelled the proposed development as “high density housing”. The proposal is for medium density housing in an area zoned for residential development.</i></p> <p><i>The General Residential Zone encourages a diversity of housing types and housing growth particularly in locations offering good access to services and transport. The proposed dwellings provide a much sought after alternative to a single dwelling on a large lot.</i></p>	<p>Whilst the proposed Lot sizes are considered small in relation to the surrounding properties, the application has been able to demonstrate compliance with the residential subdivision and development standards, ensuring suitable garden area, space for canopy trees, sufficient car parking onsite and storage for rubbish bins and domestic storage. The overall design of the development includes three dwellings of reasonable size and good amenities, providing for a diversity of housing in the area. These dwellings could appeal to a younger generation who may not be very car-dependent with good accessibility to town services and walkability.</p>
Disruption to the School during construction	<p><i>Construction interruptions are expected for any construction work and is only for the duration of construction. It</i></p>	<p>It is acknowledged that as with any development the surrounding area could be impacted during construction.</p>

Objection Theme	Applicant Response	Officer Comment
	<i>cannot be avoided. This would be the case whether one dwelling was being built or three dwellings. It would be unreasonable to not allow any development in the residential areas due to the impacts of construction traffic.</i>	However, standard practice requires compliance with the EPA noise regulations and legal parking. This matter was discussed during the Consultative Meeting where it was flagged with the objectors that they could communicate with the Building Surveyor, should they have any particular issues of concern during construction.
Removal of vegetation, which could not be replaced in the limited proposed garden areas		The submitted plans indicate that the existing vegetation is proposed to be removed. As the subject land is less than 4,000sqm the Planning Scheme does not provide any protection for native vegetation onsite, and the removal of non-native vegetation is also exempt from requiring a planning permit. Whilst there is no opportunity to protect the existing vegetation, the application includes a detailed Landscaping Plan which would fit in with the surrounding character of the area.
Stormwater impacts	<i>All stormwater will be directed to the legal point of discharge. Adequate drainage infrastructure will be installed on the site in accordance with Council's requirements.</i>	The officer recommendation includes requirements for detailed stormwater designs, which has been required by Council's internal Engineering Team. It was discussed during the Consultative Meeting that the existing infrastructure on the land is impacting the adjoining land to the west with overland flows and overflow water from the gutters of the carport. The proposed development would be designed and constructed to ensure there is no impact to adjoining properties.
Extension of Sewer	<i>Goulburn Valley Water has assessed the application and is satisfied that the existing system is adequate to accommodate the additional two dwellings proposed with this development.</i>	The application was referred to Goulburn Valley Water, the determining relevant authority for sewage. The GVV response provides for conditional consent and did not raise any concerns about the future connections.

Objection Theme	Applicant Response	Officer Comment
Increased traffic, in an already busy area	<i>There is currently a dwelling on the lot and this proposal provides for the removal of this dwelling and the replacement of three dwellings, therefore a net gain of two dwellings. The potential increase in traffic along Victoria Street, considering the primary school opposite and Lords Reserve to the west, is therefore considered negligible. The existing street is designed to accommodate additional development and is considered to be more than adequate for any low level increase in traffic.</i>	The addition of two dwellings on the land will have a minimal increase in residential traffic along Victoria Street. It is expected that the increase would not be significantly detrimental to the neighbourhood.
Reduced front setback compared to adjoining and nearby dwellings	<i>The existing dwellings on the land immediately to the west of the Subject Land have a front setback of 10 metres from Victoria Street. Dwellings at 2 and 4 Victoria Street have an approximate front setback of 4 metres and dwellings on the northern side of Victoria Street to the west of Lords Reserve have a front setback of approximately 3 metres. The proposed development is setback 6.0 metres from Victoria Street which is less than the average setback between the two adjoining allotments but is not unreasonable for multi-dwelling development and medium density development. With the proposed landscaping at the frontage of the land, it is submitted that the proposed setback is appropriate for the development.</i>	The proposed reduced front setback for proposed Unit No. 1 is less than the adjoining houses to the east and west, however is considered reasonable as it would maximise the land available for Private Open Space for Units 2 and 3. The design shows the garages for each Unit accessed from the internal shared common property access, which will not result in vehicles being parked in the driveway, maintaining a sense of openness that is often not the case for residential developments. Additionally, the application proposes significant landscaping along the frontage which would reduce the visual impact.
Impact on Property Values	<i>As held by the Victorian Civil and Administrative Tribunal property values are not a relevant planning consideration. Furthermore, this claim is unfounded as</i>	The impact from a development on property values is not able to be considered as part of a planning application.

Objection Theme	Applicant Response	Officer Comment
	<i>there is no evidence that new development in residential areas decreases the value of nearby properties.</i>	

Officer Assessment

A complete assessment of the application against the Mansfield Planning Scheme is attached.

Having assessed the application against the relevant clauses of the Mansfield Planning Scheme, it is considered that the proposed development and subdivision is generally compatible with the surrounding area and the dwellings are designed in such a way to reflect the existing character. The proposal would provide for additional housing diversity in an area with good access to services.

Recommendation

THAT COUNCIL issue a **Notice of Decision to Grant a Permit** for Planning Application P016/24 to allow *development of land for three (3) dwellings and a three (3) lot subdivision* on Lot 1 on TP213197C, commonly addressed as 10 Victoria Street, Mansfield in accordance with endorsed plans and subject to the following conditions: -

Endorsed Plans

- 1) The subdivision approved under this permit must be undertaken in accordance with the plans endorsed and forming part of this permit.
- 2) The development as shown on the endorsed plans must not be altered or modified without the written consent of the Responsible Authority.

Development of Dwellings

- 3) Prior to the issue of a statement of compliance, the lots must be developed, and works completed. If the development has not been completed, and the use commenced, a Statement of Compliance may only be issued if a Section 173 Agreement is entered into at no cost to Council. This must stipulate the following:
 - a) The development of the site must be undertaken in accordance with the Conditional Requirements of Permit P153/22 or as amended.

The Section 173 Agreement must be prepared by Council's solicitors, to the satisfaction of the Responsible Authority and must be recorded on the folio of the Register to the subject land pursuant to Section 181 of the *Planning and Environment Act 1987*.
- 4) The external materials of the buildings, associated structures and water storage tanks, must be constructed of materials of muted colours to the satisfaction of the Responsible Authority. No materials having a highly reflective surface are to be used. For the purpose of this Conditions 'highly reflective' includes unpainted or untreated aluminum, galvanised steel or iron, zincalume, or similar materials.

Lighting

- 5) The common property areas must be provided with suitable outdoor lighting that provides adequate illumination to the common property without affecting the amenity of the residents and adjoining and nearby properties to the satisfaction of the Responsible Authority.
- 6) Outdoor lighting must be designed, baffled and located to the satisfaction of the Responsible Authority such that no direct light is emitted outside the boundaries of the subject land.

Public Open Space

- 7) Prior to the issue of a Statement of Compliance under the *Subdivision Act 1988*, the permit holder must pay to the Responsible Authority:

- a) A sum in accordance with Clause 53.01 (Public Open Space Contribution and Subdivision) of Mansfield Planning Scheme at time of payment;
- b) Any costs associated with valuation of the land including valuers fees.

The permit holder must make a request to Council to commence the process involved with this condition.

Easements

- 8) All existing and proposed easements and sites for existing and required utility services and roads must be set aside in favour of the relevant authority for which the easement or site is to be created on the plan of subdivision submitted for certification under the *Subdivision Act 1988*.

Landscaping

- 9) Prior to the issue of a Statement of Compliance and the completion of works the landscaping works shown on the approved landscape plans must be carried out and completed to the satisfaction of the Responsible Authority.
- 10) At all times the landscaping shown on the approved landscape plan must be maintained (including the replacement of any dead, diseased or damaged plants) to the satisfaction of the Responsible Authority.

Telecommunications

- 11) The owner of the land must enter into an agreement with:
 - a) A telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
 - b) A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
- 12) Before the issue of a statement of compliance for any stage of the subdivision under the *Subdivision Act 1988*, the owner of the land must provide written confirmation from:
 - a) A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
 - b) A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

Stormwater Management

- 13) Prior to the commencement of works and certification of the plan of subdivision, a stormwater management plan must be approved by the Responsible Authority. The stormwater management plan must:
 - a) be prepared to the satisfaction of the Responsible Authority.
 - b) include details of the proposed stormwater management system, including drainage works and retention, detention and discharges of stormwater to the drainage system.
 - c) set out how the stormwater management system will be managed on an ongoing basis.
 - d) demonstrate how all relevant standards set out in the planning scheme relating to stormwater management will meet the objectives in the planning scheme, including modelling and calculations.

- 14) The stormwater management system approved by the Responsible Authority and included in the approved stormwater management plan must be constructed, managed and maintained to the satisfaction of the Responsible Authority. The details of the stormwater management system must not be altered from the details in the endorsed stormwater management plan without the prior written consent of the Responsible Authority.
- 15) Altered overland flow paths must pass through the designed routes within reserves for municipal purposes or within easements. No overland flow shall impact on the adjacent lots.
- 16) All stormwater infrastructure such as retardation and treatment facilities shall remain the responsibility of the developer until Statement of Compliance is issued for the final stage of the subdivision. The stormwater infrastructure must be maintained to a standard acceptable to the Responsible Authority.
- 17) Prior to the commencement of any works and application for a Legal Point of Stormwater Discharge must be submitted to and approved by Council.

Engineering

- 18) Prior to certification of the plan of subdivision and commencement of works detailed design plans must be submitted to and approved by Council for the construction of a footpath along the frontage of Victoria Street. The footpath must be 1.5 metres wide and constructed in accordance with the Mansfield Infrastructure Design Manual Standard Drawing 205. The Standard Drawing will be provided at the time of an application for Works Within a Road Reserve being submitted to Council.
- 19) Prior to the issue of a Statement of Compliance and the completion of works the footpath must be constructed within the Victoria Street Road Reserve along the frontage of the land in accordance with the approved plans.
- 20) Prior to the commencement of any works in the Road Reserve an application for Works Within Road Reserve must be submitted to and approved by Council.
- 21) The Responsible Authority for the purposes of plan checking and supervision must obtain, in writing, the name and contact details of the project coordinator appointed to oversee the works and notification of commencement date prior commencing works.
- 22) Prior to the issue of a Statement of Compliance, the developer is required to pay to The Responsible Authority a cash contribution of:
 - a) 0.75% of the total actual documented cost of the engineering works for the checking of engineering plans associated with the development approved herewith.
 - b) 2.50% of the total actual documented cost of the engineering works for the supervision of works associated with the development approved herewith.
- 23) Prior to the issue of Certificate of Practical Completion and subsequent Statement of Compliance, the Developer is to lodge a security bond to the Responsible Authority for 5% of the total actual documented cost of the engineering works based on actual tender fees. This bond will be released following a satisfactory inspection, 52 weeks after a Certificate of Practical Completion is issued.
- 24) Following completion of all works, and prior to issuing of the Statement of Compliance, "as constructed" drawings must be submitted and accepted by the Council. The preferred format of the drawings are AutoCAD *.DWG or *.DXF.
- 25) All design plans and specifications must be detailed in accordance with the IDM to the satisfaction of the Responsible Authority and will be valid for a period of 12 months only after approval. Following the expiry date design plans must be resubmitted for review and accepted prior to works commencing.
- 26) 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.

- 27) 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.
- 28) Prior to the completion of works and issue of a statement of compliance, 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 is to be contained to the pre-development runoff equivalent using detention water tanks or similar and then shall be discharged to the legal point of stormwater discharge;
 - b) The car parking spaces, access lanes, driveways and associated works and landscaping shown on the plan must be:
 - i) constructed and available for use in accordance with the plan approved by the Responsible Authority; and
 - ii) formed to such levels and drained so that they can be used in accordance with the plan; and
 - iii) treated with an all-weather seal or some other durable surface; and
 - iv) be of sufficient dimension to accommodate emergency vehicles and be sufficient to meet CFA access requirements.
- 29) The common property access must have a Council approved engineered pavement composition and have a sealed surface with catchments for stormwater.

AusNet Electricity Services

- 30) The applicant must Enter into an agreement with AusNet Electricity Services Pty Ltd for the extension, upgrading or rearrangement of the electricity supply to lots on the plan of subdivision. A payment to cover the cost of such work will be required.
- 31) The applicant must Provide electricity easements internal and external to the subdivision in favour of AusNet Electricity Services Pty Ltd to service the lots on the plan of subdivision and/or abutting lands as required by AusNet Electricity Services Pty Ltd. The provision of reserves for electricity substations may also be required.

Goulburn Valley Water

- 32) Payment of new customer contribution charges for water supply to the development, such amount being determined by the Corporation at the time of Payment.
- 33) Provision of one water tapping in Common Property with 3-way manifold meter assembly to service each Lot at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation.
- 34) Provision of separate water supply meters to each tenement within the development, located at the property boundary and to the satisfaction of Goulburn Valley Region Water Corporation.
- 35) Any existing water service that crosses any of the proposed allotment boundaries within the proposed development must be disconnected and re-located at the developer's expense, to be wholly within one allotment only, including notification of the proposed lot to be serviced by the existing water meter, to the satisfaction of the Goulburn Valley Region Water Corporation.
- 36) Payment of new customer contributions charges for sewerage services to the development, such amount being determined by the Corporation at the time of Payment.
- 37) Provision of combined sewer drains with an inspection opening to each allotment within the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation.
- 38) In the case of multi-tenement development, the works required are to be carried out in accordance with AS 3500.2 - 'Sanitary plumbing and drainage', and include disconnection

of any existing house connection drain to the satisfaction of the Corporation's Property Services department.

- 39) Connection of all sanitary fixtures within the development to reticulated sewerage, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation.
- 40) All works required are to be carried out in accordance with AS 3500.2 - 'Sanitary plumbing and drainage', and to the satisfaction of the Corporation's Property Services department.
- 41) A notation is to be placed on the plan of subdivision to note that pursuant to Section 12(2) of the Subdivision Act 1988, there exists "implied easements" over all of the allotments and the common property within the development.
- 42) Alternatively, the developer is to provide a two metre wide sewerage easement over the common portion of the house connection drain, in favour of the benefiting land, to the satisfaction of the Goulburn Valley Region Water Corporation.
- 43) The applicant shall be required to comply with the Corporation's policy for 'Structures Over Corporation Works' and the requirements of Section 148 of the Water Act 1989.
- 44) In accordance with the provisions of the above policy, the applicant will not be permitted to erect the proposed Unit 3 within 1 metre of the existing sewer connection point. To facilitate construction of Unit 3 as proposed, the applicant will be required to relocate or shorten the sewer connection point if 1 metre clearance can not be achieved.
- 45) The plan of subdivision lodged for certification is to be referred to the Goulburn Valley Region Water Corporation pursuant to Section 8(1) of the Subdivision Act, 1988.

Expiry

- 46) This permit as it relates to subdivision will expire if one of the following circumstances applies:
 - a) The plan of subdivision has not been certified under the *Subdivision Act 1988* within 2 years of the issued date of this permit.
 - b) A statement of compliance is not issued within 5 years of the date of certification.
In accordance with Section 69 of the *Planning and Environment Act 1987*, before the permit expires or within six (6) months afterwards, the owner or the occupier of the land to which it applies may submit an application to the Responsible Authority for an extension of the expiry date referred to in this condition.
- 47) This permit as it relates to development will expire if one of the following circumstances applies:
 - a) The development is not started within two (2) years of the issued date of this permit.
 - b) The development is not completed within four (4) years of the issued date of this permit.
In accordance with Section 69 of the *Planning and Environment Act 1987*, before the permit expires or within six (6) months afterwards, the owner or the occupier of the land to which it applies may submit an application to the Responsible Authority for an extension of the expiry date 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. 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.

Goulburn Valley Water

4. All structures must be constructed clear of any easement in favour of the Corporation, and one metre laterally clear of the Corporation’s assets. In addition, structure foundations must be appropriate to not impose loads onto Corporation assets and comply with Corporation requirements. It is recommended that you engage a licensed surveyor to confirm the location and alignment of any existing sewer assets. Goulburn Valley Water will assist on site with accessing sewer maintenance structures, upon request.

Support Attachments	
1.	Assessment against Planning Scheme [13.2.6.1 - 57 pages]
2.	Submitted Development Plans [13.2.6.2 - 15 pages]
3.	Proposed Plan of Subdivision [13.2.6.3 - 3 pages]
4.	Submitted Planning Report [13.2.6.4 - 23 pages]
5.	Applicant Response to Objections [13.2.6.5 - 4 pages]
6.	CONFIDENTIAL - Consultative Meeting Minutes [13.2.6.6 - 5 pages]
7.	CONFIDENTIAL - Copy of Objections [13.2.6.7 - 21 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 sustainable subdivision and residential development, with the requirement to make the use and 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 \$2,202.15 was received for the application. An advertising fee of \$107.15 was also received.

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 the Submitters (Objectors) may seek a review of Council’s 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 a Grant a Permit be issued, the permit applicant may seek a review of this decision at the Victorian Civil and Administrative Tribunal (VCAT).

Regional, State and National Plans and Policies

The application has been assessed under the provisions of 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 3.2 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.

13.2.7. P092/23 - Two Lot Subdivision - 24 Changue Road, Merrijig

File Number	DA8088 P092/23	Responsible Officer	Statutory Planner, Claire Wilkinson
Purpose			

This report seeks Council's determination of application P092/23, lodged for the subdivision of land into two (2) lots. This application is being referred to Council for a determination as the proposal has received five (5) objections which exceeds delegation for Officers.

Executive Summary	
Application Details	
Applicant	Regional Planning Services
Proposal	Two (2) Lot Subdivision
Application lodged	13 June 2023 Application amended under Section 50 - 8 March 2024
Notice and submissions	Notices sent to nineteen (19) Owners/Occupiers of surrounding properties (18 March 2024 – 8 April 2024). Notice on site - Yes Five (5) objections received
Property Details	
Property address	24 Changue Road, Merrijig
Land description	Lot 1 TP580169
Restrictive covenants	Nil
Land area	7,074 sqm
Existing use	Single dwelling (to be retained)
Planning Provisions	
Zone	Clause 32.08 – General Residential Zone
Overlays	Clause 42.01 Environmental Significance Overlay - Schedule 2 Clause 42.03 Significant Landscape Overlay - Schedule 1 Clause 44.06 Bushfire Management Overlay
Municipal Planning Strategy	Clause 02.03-2 – Environment and landscape values (Landscape) Clause 02.03.3 - Environmental risks and amenity (Bushfire) Clause 02.03-6 – Housing
Planning policy framework	Clause 11.01-1L-02 – Other Local Areas Clause 12.05-2L – Significant Landscapes, Ridgelines and Alpine Approaches Clause 13.02-1S – Bushfire Planning Clause 14.02-1S – Catchment Planning and Management Clause 14.02-2S – Water Quality Clause 15.01-3S – Subdivision design

	Clause 19.03-1L – Development and infrastructure contributions plans Clause 19.03-3S – Integrated water management
Particular provisions	Clause 53.01 – Public Open Space Contribution and Subdivision Clause 53.02 – Bushfire Planning Clause 53.18 – Stormwater Management in Urban Development Clause 56 – Residential Subdivision
General provisions	Clause 65.02 – Approval of an application to subdivide land
Permit Triggers	
General residential zone	Clause 32.08-3 – A permit is required to subdivide land.
Environmental significance overlay	Clause 42.01-2 – A permit is required to subdivide land.
Bushfire management overlay	Clause 44.06-2 – A permit is required to subdivide land.
Other	
Cultural sensitivity	The subject land is partially located in an area of aboriginal cultural heritage sensitivity. However, the proposal for a two-lot subdivision is exempt from the requirements of obtaining a Cultural Heritage Management Plan.
Site inspections	8 May 2024 8 August 2024, accompanied by Councils Development Engineer

The permit applicant, Regional Planning Services, seeks approval for a two (2) lot subdivision on the land at 24 Changue Road, Merrijig (Lot 1 on TP580169).

Subject Land and Surrounds

The subject land is situated within an established residential area located approximately 8 kilometres from Merrijig township. It is irregularly shaped and is 7,074 sqm in size with a concentration of non-native vegetation around an existing dwelling, with the western half of the lot containing minimal vegetation. The site slopes downward from east to west with an overall change in elevation of approximately 20 metres across the property.

The land is situated within a General Residential Zone (GRZ1) and is subject to a number of overlays including the Environmental Significance Overlay (ESO2) - catchments at medium risk of water quality impacts, Significance Landscape Overlay (SLO1) - Alpine Approach significant landscape area, and Bushfire Management Overlay (BMO).



Figure 1: *Aerial Imagery of subject site and nearby surrounds*

The subject site is surrounded to the north, east and south with variously sized lots. The existing established access off Changue Road is via an unsealed driveway within a carriageway easement which extends from the eastern boundary of the subject site through two adjoining allotments to the east. 18-20 and 26 Changue Road. The seven adjoining properties to the north also share a legal right to access within the easement.

The lots to the subject sites north and east consist of smaller residential blocks that have been developed with single dwellings. Many of the surrounding residences have been orientated to face north towards the Delatite River, Changue and Mt Buller Road. The larger allotment adjoining the south of the subject site (28 Changue Road) also contains a single dwelling.

The surrounding general residential subdivision is located within undulating topography within the broader bushland setting south of the Delatite River at the base of Mt Buller and Mt Stirling. There is a vegetated drainage gully that extends along the eastern side of the subject land. This gully separates the Changue Road subdivision and the dwellings on Alpine Ridge Drive which is directly west.

The subject site has access to reticulated services (sewerage, water and power).



Figure 2: *Subject Land, Proposed Lot 2*

Proposal

The applicant is seeking planning permission to subdivide the existing lot located at 24 Changue Road. The planning permit application proposes to retain the existing dwelling within proposed Lot 1 in Title Plan 580169F, created by instrument LP135162. While there is no new development proposed, the subdivision has made allowance for a single dwelling building footprint within the proposed Lot 2, this is to demonstrate that Bushfire Planning requirements such as access and defensible space can be achieved for a future dwelling.

Proposed Lots:

Lot 1: 2,820m²

Lot 2: 4,254m²

Additionally, the applicant is proposing to reconstruct the current crossover to Councils Infrastructure Design Standard Drawing 260 and upgrade the current internal access within the Carriageway Easement to comply with CFA requirements in relation to the Bushfire Management Overlay.

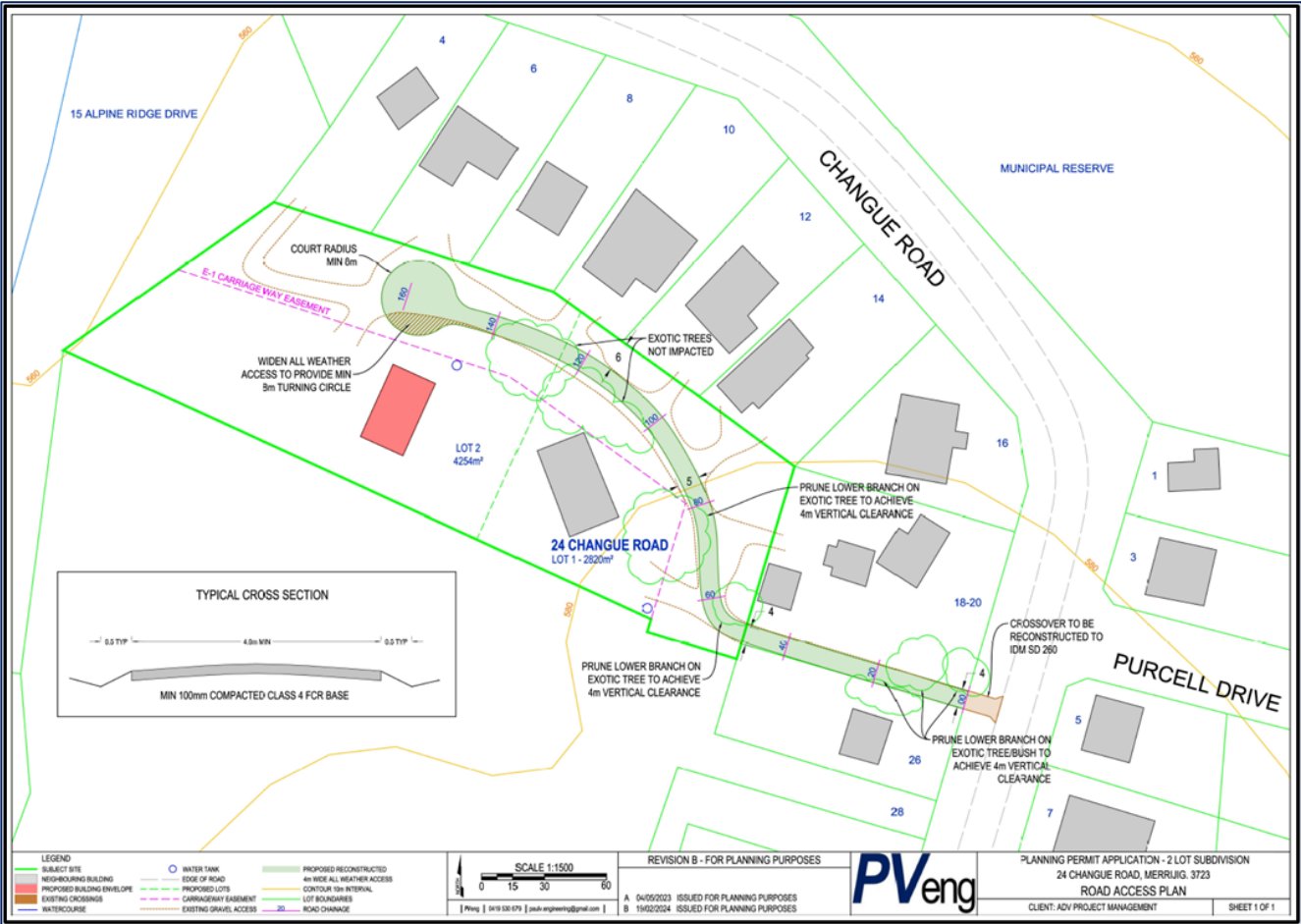


Figure 3: Proposed plan of subdivision

Referral Authorities

Referral Authority	Type of Referral	Response
Goulburn Valley Water (GVW)	For Comment	Conditional Consent – 27 March 2024 Conditions requiring the connection to reticulated water and sewage.
Country Fire Authority (CFA)	Section 55 (Recommending)	Conditional Consent – 21 March 2024 Conditions requiring an amended Bushfire Management Plan, implementation of defendable space, registration of Section 173 Agreement, construction of vehicle access, and implementation of defendable space and fire hydrant provision.
Councils Engineering Team	Internal	Conditional consent – 6 August 2024.

Public Notice

Advertising was carried out in accordance with the requirements of the Planning and Environment Act 1987 including Public Notice being sent to nineteen (19) owners and occupiers of the adjoining and nearby properties, and sign onsite for the period of 18 March to 8 April 2024.

As a result of public notification, there have been five (5) objections to the application which have been received. A detailed assessment of the objections is included below in the Consideration of Objections.

The applicant has provide a formal response to the objections raised. The applicant’s response has been provided to the objectors and a Consultative Meeting was hosted on 8 August 2024 by Council Officers. The Consultative Meeting was attended by the Applicant, Landowner and four (4) of the Objector Parties. The purpose of the meeting was to outline the application and planning process, and to give the objectors an opportunity to discuss their concerns and explore options for resolving them.

During the meeting discussions arose about the legality and maintenance of the shared access in the Carriageway Easement and future options for management, future potential further development of the subject land through additional planning permits, the safety issues with Changue Road, and upgrade requirements for the shared access to comply with emergency service vehicle requirements. Council resolved to provide a copy of the CFA Referral Response to all objectors with the Minutes from Meeting to enable them to understand the conditional consent.

The meeting did not result in any specific requests for changes to the proposal.

Key Issues

Consideration of Objections

Objections	Applicant Comments	Officer Comment
Existing access	<i>As part of the proposal, the applicant is proposing to upgrade the current existing access. Conditions of which will be addressed as part of the permit.</i>	It is recommended that Permit conditions include requirements to ensure the carriageway within the existing easement is satisfactorily upgraded to allow for improved all weather access year-round and to meet the standard requirements for emergency service vehicle access, which is specified in the response from CFA.
Vehicle Crossover	<i>As part of the proposal, the applicant is proposing to upgrade the crossover according to Industry Design Manual SD 260.</i>	It is recommended that Permit conditions include to upgrade and form the existing crossover with Changue Road to allow for improved drainage and better access for vehicles. Councils Engineering Team have specified suitable conditions in accordance with Councils Infrastructure Design Manual.
Poor drainage along the vehicle access	<i>Upgrades to the crossover will include upgrades to drainage.</i>	It is recommended that Permit conditions include works within the existing carriageway easement to provide for improved drainage.

Objections	Applicant Comments	Officer Comment
Proposed turning circle will cause vehicle head-light spill into existing dwellings	<i>It is not expected one additional dwelling will invade the privacy of the existing residents.</i>	Council is exploring the possibility of substituting the court bowl with a Y-Turning area to minimise head-light spill into the existing dwellings. The design of a Y-turning area would enable vehicles to turn to the left prong first, directing headlights towards the proposed Lot 2, away from the existing dwellings.
Amenity impacts to the existing 'quiet area'	<i>The subdivision is proposing one additional lot to be developed for a single dwelling where it is anticipated that it would create considerable inconvenience. The site is zoned general residential where it is expected that further subdivision and development could be undertaken on an underutilized lot of this size.</i>	As no development is proposed as part of this application, there are minimal anticipated amenity impacts as part of this application. The amenity impact of future development can be assessed when the development proposal is submitted.
Storage of 22 Rubbish Bins	<i>The rubbish from the property will be managed in accordance with the requirements from the Council.</i>	It is considered that the issues around waste management and storage of bins will be proactively addressed by Council through means separate to this planning permit application. The matter of rubbish bin storage falls under the jurisdiction of the Mansfield Shire Council Local Law and will be addressed by the Local Laws and Waste Teams. Additionally, the proposed subdivision would create one additional lot, requiring two extra bins be serviced in this area. In context of the amount of bins already stored at the entrance to 24 Changue Road, this is considered minimal impact.
Additional vehicles on Changue Road		No development is proposed as part of this application. Any future development will increase the number of vehicles on Changue Road, and would be assessed as part of a separate assessment should an application for development be submitted. If a permit is issued and the land is subdivided, creating one vacant, lot it would have an as-of-right use for a single dwelling, within the approved building envelope through the Bushfire Management Plan. The size of the envelope would allow for a relatively standard-sized dwelling with 3-4 bedrooms. The impact of one additional dwelling in relation to vehicle use of Changue

Objections	Applicant Comments	Officer Comment
		Road would be similar to that of the existing dwellings in the area.
Form and scale of development	<i>The applicant is signaling their intention to only place single dwelling on the lot</i>	No development is proposed as a part of this application. Any development will require a separate permit application to address the requirements of the Significant Landscape Overlay.

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 General Residential Zone, Bushfire Planning, Stormwater Management, Residential Subdivision and the General Provisions. The proposal would provide for a modest and appropriate intensification of the land that is supported by planning policy and the relevant planning controls, subject to appropriate conditions. A detailed assessment against the Mansfield Planning Scheme is attached.

Recommendation

THAT COUNCIL issue a **Notice of Decision to Grant a Permit** for planning permit application P092/23 for a Two (2) Lot subdivision on Lot 1 TP580169, commonly addressed as 24 Changue Road, Merrijig in accordance with endorsed plans and subject to the following conditions:

Amended Plans

1. Prior to the certification of the of subdivision, plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions.

The plans must be generally in accordance with the plans submitted with the application and modified to show:

- a. Functional layout for the proposed upgrades to full length of the existing access within the Carriageway Easement including width, drainage, materials and construction standard.
- b. Functional layout for an upgraded crossover connection between Changue Road and the existing shared carriageway access road including width, drainage, and Standard Drawing.
- c. An amended Bushfire Management Plan, in accordance with Condition 25 of this permit.

Endorsed Plan

2. The subdivision approved under this permit must be undertaken in accordance with the plans endorsed and forming part of this permit.

Section 173 Agreement

3. Before the statement of compliance is issued under the Subdivision Act 1988 the owner must enter into an agreement with the responsible authority under Section 173 of the Planning and Environment Act 1987. The agreement must:
 - a. State that it has been prepared for the purpose of an exemption from a planning permit under Clause 44.06-2 of the Mansfield Planning Scheme.
 - b. Incorporate the plan prepared in accordance with Clause 53.02-4.4 of this planning scheme and approved under this permit.
 - c. State that if a dwelling is constructed on the land without a planning permit that the bushfire protection measures set out in the plan incorporated into the agreement must

be implemented and maintained to the satisfaction of the responsible authority on a continuing basis.

d. Incorporate the CFA requirements included in Condition 28 of this permit.

The agreement is to be prepared by Council's preferred solicitors. Council will undertake to have the agreement prepared upon written notification from the applicant. All costs associated with the preparation and registration of the agreement shall be borne by the applicant. All fees associated with the documentation must be fully paid prior to execution and registration.

Subdivision

4. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
5. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
6. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.
7. The owner of the land must enter into an agreement with:
 - a. A telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
 - b. A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
8. Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:
 - a. A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
 - b. A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

Public Open Space

9. Prior to the issue of Statement of Compliance under the Subdivision Act 1988 for each stage of the subdivision, the permit holder must pay to the Responsible Authority:
 - a. A sum in accordance with Clause 53.01 (Public Open Space Contribution and Subdivision) of Mansfield Planning Scheme at time of payment;
 - b. Any costs associated with valuation of the land including valuers fees.
- The permit holder must make a request to Council to commence the process involved with this condition.

Engineering

10. Prior to the certification of the plan of subdivision, all design drawings must be submitted to Council for approval. All works must be designed in accordance with the Mansfield Infrastructure Design Manual (IDM) and to the satisfaction of Council. All works constructed or carried out must be in accordance with these plans to the satisfaction of the Responsible Authority.

11. Prior to any works proceeding within the road reserve, an application for Works Within Roads Reserve Permit must be made.
12. All pavement is to be constructed in accordance with the Infrastructure Design Manual (IDM) and a suitably qualified CPEng, National Engineering Registered (NER) engineer, to the satisfaction of the Responsible Authority.
13. The court bowl or 'Y' turning area, within the Carriageway Easement, is to be fully formed, signed, shaped, drained, and of all-weather construction (minimum pavement thickness 100mm, class 4 FCR), with a minimum turning radius of 10m. The vehicle court bowl or 'Y' intersection and carriageway within the existing easement must of a trafficable standard for Shire Waste Collection Vehicle entry and egress to the satisfaction of the Responsible Authority. The Responsible Authority may vary or reduce this requirement with prior written consent.
14. The extent and depth of all proposed lot filling is to be denoted on the design plan. Where depths of fill on allotments exceed 300 mm, those areas are to be clearly differentiated from areas where the depths of fill are less than 300 mm.
15. Before the certification of the plan of subdivision, construction and drainage plans and computations to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. All works constructed or carried out must be in accordance with those plans to the satisfaction of the Responsible Authority. The plans must include:
 - a. Drainage plans showing stormwater management and discharge through the property.
 - b. Altered overland flow paths must pass through the designed routes within reserves for municipal purposes or within easements. No overland flow shall impact on the adjacent lots or roads.
16. A Site Management Plan (SMP) is to be submitted and approved by Council prior to the commencement of any works. The SMP will contain at minimum:
 - a. Protection of significant native vegetation during the construction of roads, reticulated services and other infrastructure.
 - b. Prevention of adverse environmental impacts on existing waterways including through run-off and siltation.
 - c. Procedures to ensure access by construction vehicles during the construction does not impact the amenity of the surrounding neighbourhood.
 - d. Measures in accordance with EPA Victoria Publication 1834, November 2020 Civil construction building and demolition guide.
17. All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).
18. All services must avoid root zones of existing trees. Where services cannot be placed to avoid the root zone, boring and/or hand digging must be undertaken to minimise root damage to the satisfaction of the Responsible Authority.
19. Temporary barriers must be erected around the drip line of existing trees and maintained during construction to the satisfaction of the Responsible Authority.
20. Any damage to Council managed assets such as roads, footpaths, street trees and stormwater infrastructure, must be repaired at the cost of the developer to the satisfaction of the Responsible Authority.
21. Prior to the commencement of any works associated with the subdivision, a sediment fence shall be marked on a plan and erected to ensure that sediment is contained within the subject site. The sediment fence shall be maintained in good condition to the satisfaction of the Responsible Authority until the completion of the construction works on the site.

22. The Responsible Authority for plan checking and supervision must obtain, in writing, the name of the project coordinator appointed to oversee the works and notification of commencement date prior commencing works.
23. Following completion of all works, and prior to issuing of the Statement of Compliance, “as constructed” drawings must be submitted and accepted by the Council. The preferred format of the drawings are AutoCAD *.DWG or *.DXF.
24. All design plans and specifications must be detailed in accordance with the IDM to the satisfaction of the Responsible Authority and will valid for a period of 12 months only after approval. Following the expiry date design plans must be resubmitted for review and accepted prior to works commencing.

County Fire Authority

25. Prior to certification under the Subdivision Act 1988, an amended Bushfire Management Plan must be submitted to and endorsed by the Responsible Authority. Once endorsed the Bushfire Management Plan must be included as an annexure to the section 173 agreement prepared to give effect to clause 44.06-5 of the Planning Scheme and not be altered unless agreed to in writing by CFA and the Responsible Authority. The plan must be generally in accordance with Bushfire Management Plan (BMP) prepared by Terramatrix, dated 22 January 2024 but modified to replace the conditions for defendable space, construction standards and water supply with:
 - a. Defendable space around the proposed building of Lot 2 to the property boundary and over the Common Property and Carriageway Easement must be provided where vegetation (and other flammable materials) will be modified and managed in accordance with the following requirements:
 - i. Grass must be short cropped and maintained during the declared fire danger period.
 - ii. All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.
 - iii. Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.
 - iv. Plants greater than 10 centimetres in height must not be placed within 3m of a window or glass feature of the building.
 - v. Shrubs must not be located under the canopy of trees.
 - vi. Individual and clumps of shrubs must not exceed 5 sq. metres in area and must be separated by at least 5 metres.
 - vii. Trees must not overhang or touch any elements of the building.
 - viii. The canopy of trees must be separated by at least 5 metres.
 - ix. There must be a clearance of at least 2 metres between the lowest tree branches and ground level.
 - b. Construction standards for Lot 2 only:
 - i. The building must comply to a minimum Bushfire Attack Level of 29 (BAL-29).
 - c. Water supply for Lot 2 only:
 - i. 10,000 litres of effective water supply for fire fighting purposes must be provided which meets the following requirements:
 - ii. Is stored in an above ground water tank constructed of concrete or metal.
 - iii. All fixed above-ground water pipes and fittings required for firefighting purposes must be made of corrosive resistant metal.
 - iv. Include a separate outlet for occupant use.
 - v. Incorporate a ball or gate valve (British Standard Pipe (BSP) 65mm) and coupling (64 mm CFA 3 thread per inch male fitting).
 - vi. Be located within 60 metres of the outer edge of the approved building.
 - vii. The outlet/s of the water tank must be within 4m of the accessway and be unobstructed.
 - viii. Be readily identifiable from the building or appropriate identification signage to the satisfaction of CFA must be provided.

- ix. Any pipework and fittings must be a minimum of 65 mm (excluding the CFA coupling).
- d. The dwelling on Lot 1 must be labelled as 'existing dwelling'. Water, access and defensible space must be removed from Lot 1 on the map section of the plan. The "Common Property" must be labelled as such.
- 26. Before the statement of compliance is issued under the Subdivision Act 1988, the defensible space shown on the endorsed Bushfire Management Plan must be implemented to the satisfaction of the Responsible Authority.
- 27. Before the statement of compliance is issued under the Subdivision Act 1988, the vehicle access arrangements shown on the Bushfire Management Plan must be implemented to the satisfaction of the Responsible Authority.
- 28. In addition to the requirements of Clause 44.06-5 of the Scheme, the Section 173 Agreement prepared in accordance with that clause must also:
 - a. Explicitly exclude Lot one (1) from the following exemption under Clause 44.06-2 of the Scheme:

"A building or works consistent with an agreement under section 173 of the Act prepared in accordance with a condition of permit issued under the requirements of Clause 44.06-5".
 - b. Note that the subdivision includes areas of shared defensible space. These are areas where a lot owner maintains the defensible space on their land for the benefit of themselves and the owners of other lots.
 - c. Require that the defensible space shown on the endorsed Bushfire Management Plan must be implemented and maintained on an ongoing basis to the satisfaction of the Responsible Authority, regardless of whether there is a dwelling constructed on that land or not.
- 29. Prior to the issue of a Statement of Compliance under the Subdivision Act 1988 the following requirements must be met to the satisfaction of the CFA:
 - a. Above or below ground operable hydrants must be provided. The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of building envelopes, the rear of the lots) must be 120 metres and the hydrants must be no more than 200 metres apart. These distances must be measured around lot boundaries.
 - b. The hydrants must be identified with marker posts and road reflectors as applicable to the satisfaction of the Country Fire Authority.

Goulburn Valley Water

- 30. Payment of new customer contribution charges for water supply to the development, such amount being determined by the Corporation at the time of payment.
- 31. Provision of one water tapping within the Carriageway Easement with 2-way manifold meter assembly to service each Lot at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation.
- 32. Any existing water service that crosses any of the proposed allotment boundaries within the proposed development must be disconnected and re-located at the developer's expense, to be wholly within one allotment only, including notification of the proposed lot to be serviced by the existing water meter, to the satisfaction of the Goulburn Valley Region Water Corporation.
- 33. Payment of new customer contributions charges for sewerage services to the development, such amount being determined by the Corporation at the time of payment.
- 34. Provision of reticulated sewerage and associated construction works to each allotment within the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation.

35. Provision of sewerage connection points to each allotment within the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation.
36. Connection of the existing house to a sewer main of the Goulburn Valley Region Water Corporation at the developer's expense.
37. All works required are to be carried out in accordance with AS 3500.2 - 'Sanitary plumbing and drainage', and to the satisfaction of the Corporation's Property Services department. A drainage plan of this connection will be required.
38. Provision of easements in favour of the Goulburn Valley Region Water Corporation over all existing and proposed gravity sewer mains located within private property.
39. The operator under this permit shall be obliged to enter into an Agreement with Goulburn Valley Region Water Corporation relating to the design and construction of any sewerage or water works required. The form of such Agreement shall be to the satisfaction of Goulburn Valley Water. A copy of the format of the Agreement will be provided on request.
40. The plan of subdivision lodged for certification is to be referred to the Goulburn Valley Region Water Corporation pursuant to Section 8(1) of the Subdivision Act, 1988.

Expiry

41. This permit will expire if one of the following circumstances applies:
 - a. The plan of subdivision is not certified within two (2) years of the date of this permit.
 - b. The subdivision is not completed within five (5) years of the date of certification of the plan of subdivision.
- 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) CFA's requirements for identification of hydrants are specified in 'Identification of Street Hydrants for Firefighting Purposes' available under publications on the CFA web site (www.cfa.vic.gov.au).
- 2) Any works within 30 metres of a waterway or natural drainage line may require a Works on a Waterway Permit under the Water Act 1989. An application can be made to Goulburn Broken Catchment Management Authority.
- 3) 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

Support Attachments

1. Assessment Against Planning Scheme [13.2.7.1 - 15 pages]
2. Proposed Plan of Subdivision [13.2.7.2 - 1 page]
3. CONFIDENTIAL - Site Inspection Photos [13.2.7.3 - 10 pages]
4. CONFIDENTIAL - Copy of Objections [13.2.7.4 - 14 pages]
5. CONFIDENTIAL - Consultative Meeting Minutes [13.2.7.5 - 6 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 sustainable industrial land use, with the requirement to make the use and development as sustainable as possible within the current legislation.

Community Engagement

This 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 \$1,953.30 was received for the application. An advertising fee of \$289.10 was also received.

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 Council's 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 3.2 Enhance township character
- ▶ Strategy 3.4 Plan for and encourage appropriate housing

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

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

Governance - Disclosure of Conflicts of Interest

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

13.3. People, Communications and Governance

13.3.1. Media and Communications Policy

File Number	E1533	Responsible Officer	Coordinator Communications, Governance & Risk, Tanya Tabone
Purpose			

To seek Council endorsement of the Media and Communications Policy.

Executive Summary

The Media and Communications Policy was first created as an Organisational Policy in 2006. It provides a broad framework for the way Council communicates with the community through various communications and media to ensure coordinated, coherent, professional and accurate Council communication and provision of information.

Key Issues

A review of the organisational Media and Communications Policy has been completed and an updated policy has been developed. This policy includes direction for both Councillors and Council staff, and therefore is presented for review as a Council policy.

Community engagement on the updated policy was open from 18 July - 2 August 2024. No submissions were received.

Recommendation
THAT COUNCIL endorses the Media and Communications Policy 2024.
Support Attachments
1. Media and Communications Policy 2024 [13.4.1.1 - 9 pages]

Considerations and Implications of Recommendation

Sustainability Implications

Not Applicable

Community Engagement

Community Engagement has been undertaken in accordance with the Council Community Engagement Policy through Engage Mansfield from 18 July - 2 August 2024 seeking feedback on the draft policy. No comments were received for considered in the final review of the policy.

Collaboration

Not Applicable

Financial Impact

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

Legal and Risk Implications

Reputation Risk: The media and communications policy considers communication with media, public signage and other visual or written publications and communications of Council. Potential reputational risks are mitigated by the implementation of this policy.

Regional, State and National Plans and Policies

Not Applicable

Innovation and Continuous Improvement

Not Applicable

Alignment to Council Plan

Theme 3: A Trusted, Effective and Efficient Council

Strategic Objective 8 A consultative Council that represents and empowers its community

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

Governance - Disclosure of Conflicts of Interest

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

13.3.2. Public Transparency Policy

File Number	E1533	Responsible Officer	Governance and Risk Officer, Chelsea Young
Purpose			

To seek Council endorsement of the revised Public Transparency Policy.

Executive Summary

The Public Transparency Policy, first implemented in 2020, is a requirement under s57 of the *Local Government Act 2020* (the Act).

The Policy documents Council’s decision making processes and articulates the publicly available Council information to provide greater awareness to the community. This policy supports good governance and open and accountable conduct, while giving effect to the Public Transparency Principles outlined in s58 of the Act.

Key Issues

A review of the Public Transparency Policy has been completed and a revised and updated Policy has been developed with minor changes. A tracked changes copy of the revised Policy is attached for reference.

Key changes include:

- Removal of Appendix 1 ‘The Public Transparency Principles’ which was an extract of the principles from the Act.
- Inclusion of a gender impact assessment.

Following consideration by Council the community will be notified of the updated policy through Mansfield Matters and it will be published on Council’s website.

Recommendation
THAT COUNCIL endorses the Public Transparency Policy 2024.
Support Attachments
1. Public Transparency Policy 2024 [13.4.2.1 - 8 pages]
2. Tracked Changes - Public Transparency Policy 2024 [13.4.2.2 - 8 pages]

Considerations and Implications of Recommendation

Sustainability Implications

Not Applicable

Community Engagement

The updated policy will be published on Council’s website and the community will be notified of the revised document through Mansfield Matters and it will be published on Council’s website.

Collaboration

Not Applicable

Financial Impact

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

Legal and Risk Implications

The Policy confirmed Council’s commitment to transparency in decision-making processes and provides the community clarity as to the availability of Council information.

Regional, State and National Plans and Policies

The Public Transparency Policy addresses s57 of the Local Government Act 2020.

Innovation and Continuous Improvement

Not Applicable

Alignment to Council Plan

Theme 3: A Trusted, Effective and Efficient Council
Strategic Objective 8:A consultative Council that represents and empowers its community
Strategy 8.1: Increase community trust in Council to make informed decisions with “no surprises”

Governance - Disclosure of Conflicts of Interest

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

13.3.3.

S11A Instrument of Appointment and Authorisation (Planning and Environment Act 1987)

File Number	E2478	Responsible Officer	Governance and Risk Officer, Chelsea Young
Purpose			

To seek Council endorsement of the revised S11A Instrument of Appointment and Authorisation (Planning and Environment Act 1987).

Executive Summary

Delegations to undertake a specific duty or power in accordance with a specific section of an Act of Parliament are essential to enable Council staff to carry out professional duties, particularly in areas which involve enforcement, such as Planning, Local Laws, Environmental Health, Animal Management, Parking Control and Road Management.

Council subscribes to a delegations and authorisations service produced by the legal firm, Maddocks. The firm reviews all legislation that impacts upon local government in Victoria, and distributes an updated schedule of delegations, reflecting recent legislative changes bi-annually. This template is used by many Victorian councils and reflects common practice within the industry.

Drawing on these updates, the Instruments are updated periodically as legislation is amended, or new legislation is introduced which impacts upon the operations of Council.

Key Issues

Section 11A Instrument of Appointment and Authorisation (Planning and Environment Act 1987) is used by Council to authorise officers to enforce the Planning and Environment Act 1987, and institute proceedings on behalf of Council or represent the Council.

There have been no legislative updates to this Schedule, however due to a review of the organisational structure this report seeks Council endorsement of the revised Section 11A Instrument of Appointment and Authorisation (Planning and Environment Act 1987).

Recommendation
<p>THAT COUNCIL:</p> <ol style="list-style-type: none">1. Revoke the existing Schedule 11A - Instrument of Appointment and Authorisation (Planning and Environment Act 1987) previously endorsed by Council on 16 March 2021.2. Endorse the Schedule 11A - Instrument of Appointment and Authorisation (Planning and Environment Act 1987) dated 20 August 2024.3. Approves Mayor Cr Steve Rabie to sign and Deputy Mayor Cr Mark Holcombe to witness the signing of Schedule 11A - Instrument of Appointment and Authorisation (Planning and Environment Act 1987).

Support Attachments	
1.	S11A - Instrument of Appointment and Authorisation (Planning and Environment Act 1987) [13.4.3.1 - 2 pages]

Considerations and Implications of Recommendation

Sustainability Implications

Not Applicable

Community Engagement

Not Applicable

Collaboration

Not Applicable

Financial Impact

Council has an annual subscription for the Maddocks delegations and authorisations service that is included in Council’s operational budget allocations. Appropriate delegations and authorisations allow Council and Council staff to operate effectively within legislative frameworks.

Legal and Risk Implications

The review and update of Council’s Instruments of Delegation and Instruments of Appointment and Authorisation contribute to Council’s risk minimisation initiatives with regard to non-compliance with statutory legislation.

Officers with delegated powers will be required to familiarise themselves with the new delegations, once approved by Council, as a further means of mitigating risk in relation to delegated powers.

Council has a statutory obligation under s11 of the Local Government Act 2020 to review the delegations it makes to Council staff.

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 6.2 Building organisational capacity through its people

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.

13.4. Community Health & Wellbeing

13.4.1. Volunteer Policy

File Number	E1533	Responsible Officer	Executive Manager Community Health & Wellbeing, Nola Cleeland
Purpose			

To seek Council endorsement of the revised Volunteers Policy.

Executive Summary

The Volunteer Policy, first implemented in 2016, outlines the principles by which Council will recruit, manage, and support volunteers engaged across the organisation’s programs, activities, events, and committees. The policy ensures Council meets its requirements of the National Standards for Volunteer Involvement (2015).

Key Issues

A review of the Volunteer Policy has been completed and a revised and updated Policy has been developed. Community engagement on the revised policy was open from 11 July - 1 August 2024, no submissions were received. A tracked changes copy of the revised Policy is attached for reference.

Changes to the revised Policy includes:

- ▶ Definition of ‘Volunteering’ and ‘Vocational placement’ added.
- ▶ Definition of Volunteers expanded to detail the inclusion of volunteers who are remunerated for their time through projects/programs.
- ▶ Inclusion of a Gender Impact Assessment.

Recommendation

THAT COUNCIL endorses the Volunteers Policy 2024.

Support Attachments

1. Volunteer Policy 2024 [13.5.1.1 - 6 pages]
2. Tracked Changes - Volunteer Policy 2024 [13.5.1.2 - 6 pages]

Considerations and Implications of Recommendation

Sustainability Implications

Not Applicable

Community Engagement

Community Engagement has been undertaken in accordance with the Council Community Engagement Policy through Engage Mansfield from 11 July 2024 – 1 August 2024 seeking feedback on the draft policy. No comments were received for consideration in the final review of the policy.

Collaboration

Not Applicable

Financial Impact

All work to review the policy has been undertaken internally by Council Officers within existing staff resources.

Legal and Risk Implications

Not Applicable.

Regional, State and National Plans and Policies

Not Applicable

Innovation and Continuous Improvement

Not Applicable

Alignment to Council Plan

Theme 1: Connected and Healthy Community Strategic Objective 1: The health and wellbeing of families and communities is maximised
Strategy 1.1 Embed health and wellbeing enablers and protections to reduce risks to our communities.
Strategy 1.3 Contribute to efforts that ensure essential community services exist locally.

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.

13.4.2. Ovens Murray Child and Family Services Alliance MOU

File Number	E5120	Responsible Officer	Executive Manager Community Health & Wellbeing, Nola Cleeland
Purpose			

To present the 2024 Ovens Murray Child and Family Services Alliance Memorandum of Understanding (MOU) to Council for endorsement to execute the MOU.

Executive Summary

Council’s Integrated Family Services program receives funding from the Department of Families, Fairness and Housing to provide family support to children, young people and their families experiencing such difficulties in their lives that they require holistic social work support, guidance, and assistance. As a registered provider of individual child and family support the program operates through a service agreement with the Department under the Children, Youth and Families Act 2005.

Key Issues

Under the current service agreement Council’s Integrated Family Services team will annually provide 2,254 hours of support to parents-to-be and parents with children from birth to 18 years of age. Case management is provided to support families in times of difficulty, build stronger family relations and parent skills, address child behaviour concerns and work with children to ensure their emotional and developmental needs are met. The team can advocate on a family’s behalf when required and assist them to access other community services and support such as family violence, drug and alcohol, financial and mental health services.

The service is free and confidential and can be accessed through The Orange Door or directly if urgent intervention is required. The 2023-24 funding was \$318,680 with additional flexible funding provided through the Child and Family Services Alliance for brokerage support to clients. This service is fully funded and provided at no cost to Council.

The Children, Youth and Families Act 2005 provides the legislative basis for an integrated system for vulnerable children, young people, and their families. The legislative context promotes the safety, stability, and healthy development of children. It also places strong emphasis on the need to consider the impacts of cumulative harm and to preserve cultural identity. Best Interest principles provide a unifying set of principles across child protection services, community-based child and family services, out-of-home care services and the Children’s Court that guides all decision making and service delivery.

The need for an integrated service response that addresses risk and supports the changing needs of children, young people, and their families led to the formation of the Child and Family Services Alliance model, with Mansfield Shire formally joining the Central Hume Area in 2010 under an MOU. Child and Family Services Alliances operate under a two-tier system with representation at Executive and Operational levels. The Executive Manager Community Health

and Wellbeing attends the Alliance Executive meetings, and the Coordinator of Integrated Family Services attends the Alliance Operations meetings.

In July 2018 it was agreed that the Central Hume and Upper Hume Child and Family Services Alliance Executive groups would merge to become the Ovens Murray Child and Family Services (OMCFS) Alliance as an ongoing and representative forum to oversee the progressive development of the integrated child and family services planning, coordination, and quality service delivery systems across the Ovens Murray catchment. In August 2021, The Orange Door commenced operation in Ovens Murray and took responsibility for the intake, assessment, and allocation of all Family Service referrals.

The Ovens Murray Child and Family Service (OMCFS) Alliance works in collaboration with The Orange Door to improve the safety, wellbeing and health of children, young people, and their families across the Local Government Areas of Alpine, Benalla, Indigo, Mansfield, Towong, Wangaratta and Wodonga.

The OMCFS Alliance membership includes the following agencies funded to deliver a range of services and programs to children, young people, and their families:

- ▶ Benalla Rural City Council
- ▶ City of Wodonga
- ▶ Department of Families, Fairness and Housing
 - ▶ Child Protection Ovens Murray
 - ▶ Agency Performance and System Support
 - ▶ The Orange Door
- ▶ Gateway Health
- ▶ Junction Support Services
- ▶ MacKillop Family Services
- ▶ Mansfield Shire Council
- ▶ Mungabareena Aboriginal Corporation
- ▶ North East Support and Action for Youth (NESAY)
- ▶ The Queen Elizabeth Centre (QEC)
- ▶ Upper Murray Family Care (UMFC)
- ▶ Victorian Aboriginal Child Care Agency (VACCA)

The 2024 MOU has been updated to reflect the current membership and aligned commitment and principles in the delivery of integrated child and family services. The MOU is required to be endorsed by all agencies.

Recommendation
THAT COUNCIL endorses execution of the 2024 Memorandum of Understanding with the Ovens Murray Child and Family Services Alliance.
Support Attachments
1. OMCFS Alliance MoU V 042024 [13.5.2.1 - 4 pages]

Considerations and Implications of Recommendation

Sustainability Implications

The Ovens Murray Child and Family Services (OMCFS) Alliance was formed to provide an ongoing and representative forum to oversee the progressive development of integrated child and family services planning, coordination, and quality service delivery systems across the Ovens Murray catchment.

Community Engagement

Not Applicable

Collaboration

As outlined above, the Alliance works in collaboration with The Orange Door and operates across across the Local Government Areas of Alpine, Benalla, Indigo, Mansfield, Towong, Wangaratta and Wodonga.

Financial Impact

The Integrated Family Services program is a fully funded program through the Department of Families, Fairness and Housing (DFFH) and is included in the 2024-25 Budget with income of \$318,680.40 and expenses of \$314,440.00.

Legal and Risk Implications

Not Applicable.

Regional, State and National Plans and Policies

Is in accordance with the following State legislation and policies:

- ▶ The Children, Youth and Families Act 2005
- ▶ Strategic Framework for Families 2007
- ▶ Wungurilwil Gapgapduir: Aboriginal Children and Families Agreement
- ▶ Program requirements for family and early parenting services in Victoria
- ▶ Procedural Guidelines for referral and consultation endorsed by Director, Child Protection, Placement
- ▶ Alliance Planning and Oversight Policy for Child and Family Services
- ▶ Alliances Demand Management of child wellbeing and safety concerns
- ▶ Roadmap for Reform: Strong Families, Safe Children 2018

Innovation and Continuous Improvement

Not Applicable

Alignment to Council Plan

Theme 1: Connected and Healthy Community Strategic Objective 1: The health and wellbeing of families and communities is maximised

Strategy 1.2 Connect, develop and support children and young people.

Strategy 1.3 Contribute to efforts that ensure essential community services exist locally.

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.

13.4.3. Council Plan Actions 2023/24 Report

File Number	E9390	Responsible Officer	Executive Manager Community Health & Wellbeing, Nola Cleeland
Purpose			

The purpose of this report is to inform Councillors on progress made against the Council Plan 2021-2025 Actions for the 2023-24 financial year.

Executive Summary

The Mansfield Shire Council Plan 2021–2025 is the key strategic document to guide Council’s decision making over the four-year term and articulates the role Council will play in leading, supporting and advocating for the best possible outcomes for the Mansfield Shire community.

The Council Plan is split into three key supporting themes:

- ▶ Theme 1: Connected and Healthy Community
- ▶ Theme 2: Vibrant Livability
- ▶ Theme 3: A Trusted, Effective and Efficient Council

Within each of these themes, there are:

- ▶ Strategic objectives - what Council will focus on to achieve its vision.
- ▶ Initiatives - what steps Council will take to achieve the strategic objectives.

Progress against these objectives and initiatives has been included in the attached report with outcomes reported against major budget initiatives, other budget initiatives, and additional activities undertaken during the 2023-24 financial year.

Key Issues

The end of financial year report shows that considerable progress has been made against the Council Plan 2021-2025 initiatives. Some highlights are summarised below for each Theme:

Theme 1: Connected and Healthy Community

- ▶ The Social Inclusion Action Group (SIAG) to support local mental health and wellbeing in the community through the Department of Health funded program was implemented, with the group officially launched in February 2024. An action plan was developed by the group, with first-round community initiatives sought with a closing date for submissions of 31 July 2024. A second round will be concluded in September 2024.
- ▶ Transition of management and EOI (Expression of Interest) process for old Police Stables site on Curia Street was completed and a lease approved to the MAD (Mansfield and District) Potters Group. The group have been successful in attracting grant funding for their kiln and have also applied for grant funding for other site improvements.
- ▶ Early years advocacy and support provided through completion of the Central Registration and Enrolment Scheme (CRES) feasibility study, revision of the Kindergarten Infrastructure and Services Plan (KISP) and the development of an Early Years Workforce Plan (EYWFP).

Recommendations from the CRES feasibility study are 85% complete, the KISP is scheduled for completion by December 2024 due to State Government changes to Early Years Reform roll out and the EYWFP is complete.

- ▶ Activities completed through the RESPOND partnership included Playtime at the Library, Soup for Schools program, Women's Health Week promotion, Spartan Kids program sessions, and workshop sessions completed for young people on health and wellbeing priorities.
- ▶ Partnered with Mansfield Emergency Services Precinct Committee to advocate for the next stage in developing the Precinct. Active reengagement with emergency services through the Technical Advisory Group was completed. Detailed design plans were developed for a grant application to the Disaster Ready Fund and submitted in March 2024 for the Resilience Centre. Awaiting outcome of grant submission.
- ▶ The Mansfield Station Precinct Master Plan was updated and adopted. The first stage of Mansfield Heritage Museum (Heritage Visitor Facility construction) contract was awarded, and construction commenced in January 2024 with the building progressing towards lock up stage and grant applications submitted to the Precincts and Partnership Fund for the activation of the precinct.
- ▶ The Community Connections Officer role was extended to June 2024 to provide support and advocacy for the aged community following relinquishment of Home Community and Care services. The officer has assisted many community members with accessing services and programs, particularly online, visiting outlying communities including Jamieson and monthly visits to Bonnie Doon Community Centre. Council officers have met regularly with the Mansfield District Hospital (MDH) Support@Home team regarding home and community care waitlists and allocation of services. Ongoing collaboration with MDH will occur to ensure the aged community is well supported and gaps identified and addressed.

Theme 2: Vibrant Livability

- ▶ Planning Scheme Amendments - Design and Development Overlay amendment C56 has been cleared by the Department of Transport and Planning for Exhibition. A Vegetation Protection Overlay was investigated and will be implemented under the review of local laws. The Mansfield Open Space Strategy has been cleared by the Department of Transport and Planning for Exhibition.
- ▶ Rectification works for landfill caps on closed landfills were investigated and a landfill monitoring program implemented to monitor results from new bores.
- ▶ Mansfield Resource Recovery Centre (MRRC) Masterplan implementation commenced with construction of a covered hardstand for glass and FOGO (Food Organics and Garden Organics) separation (externally funded). Final acquittal report submitted to DEECA (Department of Energy, Environment and Climate Action) bringing this initiative to completion.
- ▶ Engaged with community to develop street tree planting program including tree species list and five-year planting program to improve urban cooling in townships. First round of engagement completed, and a 5 Year plan completed and adopted by Council. 20 trees planted along footpath at Stockman's Rise and trees ordered for further planting including College Park pathway, Shaws Road Reserve, and Mt Battery (with approval).

- ▶ Delivery and support of key events with an expanded events program including both Council and community run events, with some new events attracting significant visitation such as the Mansfield Hunting and Fishing Expo.
- ▶ Delivery of expanded Capital Works program including significant road upgrade, pathway, and open space projects: this included completion of the Heavy Vehicle Alternate Route, commencement of the IMPACT Route, completion of Mt Buller Service Road reconstruction, Malcolm St and Monkey Gully Road shared paths and Lords Oval drainage upgrade.
- ▶ Progressed Lakin's Road Industrial Precinct, including completion of servicing and sale of land (Lot 1, 141 Lakin's Road), with final settlement on 30 July 2024.
- ▶ Continued Waste Strategy implementation and preparation for FOGO introduction on 1 July 2024. Significant community engagement for the FOGO roll out was completed, with all residents receiving information on the new service and the opt-in registration system established for outlying townships. 3050 green bins were ordered and delivered to households in June 2024. Kitchen caddies were ordered and made available to residents by collection. New contracts with Cleanaway and BioMix were executed for the kerbside collection and processing of general waste, recyclables, FOGO.
- ▶ Priority actions from Economic Development Strategy were implemented, including working with local stakeholders and prospective businesses to facilitate and deliver new business opportunities and identify market needs. This included:
 - ▶ Working with Mansfield District Hospital, businesses, government agencies and developers on key worker accommodation, including arranging two workshops and a survey of staff housing needs. The second workshop held in March focused on financing and identifying potential projects, following on from outcomes of first workshop.
 - ▶ Working with the Department of Transport and Ovens Murray Regional Partnership on developing an Integrated Transport Strategy.
 - ▶ Progressing the Sustainable Tourism Plan, with a draft Plan released for community and industry feedback. Gap analysis and industry engagement completed as part of development of the Plan.
 - ▶ Successful funding application for the development of a Tracks and Trails strategy.
 - ▶ Completed and launched the Great Victoria Rail Trail art and signage project.
 - ▶ Build resilience of businesses through promoting opportunities for funding, training, and employment in Business Newsletter and through Council investment and partnership with Tourism North East.

Theme 3: A Trusted, Effective and Efficient Council

- ▶ Governance training provided to Councillors in July 2023, and People Matters Survey results and action plan regarding gender equality completed in September 2023. Meeting and presentation from Public Sector Gender Equality Commissioner, Dr Niki Vincent, delivered to Councillors and Executive team in August 2023.
- ▶ Collaborative Digital Transformation (Project CODI) - The Regulation, Planning, and Information Management projects are in the implementation stage. Building module has been rolled out at Murrindindi and Benalla Councils. The Planning module is due to go live at Mansfield in August. The preferred ERP (Enterprise Resource Planning) solution provider was identified, and the tender was awarded to Civica by Council at the March 2024 Council Meeting.

- ▶ Improved onboarding program implemented and performance and development reviews for all staff completed. A training and development plan for the organisation was presented to the Senior Leadership Group (SLG) and organisation wide training including leadership, managing conflict and bystander training as well as departmental specific training was arranged. The new “Munch and Learn” program series was launched in September 2023.
- ▶ The Community Engagement framework and Engage platform has been used to provide timely and accurate information and seek community feedback on a wide range of projects and policy initiatives including the FOGO rollout and expanded capital program.
- ▶ Reduced consultancy fees and contractor costs were achieved through use of in-house Council officer expertise. For example, the following activities have been completed in-house saving thousands of dollars for ratepayers:
 - ▶ 2022-23 Annual Report
 - ▶ Strategic Planning program
 - ▶ Lakins Road subdivision project management
 - ▶ Sports and Recreation strategic plan (drafting and community engagement)
 - ▶ Sustainable Tourism Plan (drafting and community engagement)
 - ▶ Chapel Hill Road resheeting – IMPACT Route
 - ▶ VCAT appearances and preparation
 - ▶ Early Years Projects

Recommendation
THAT COUNCIL accepts the Council Plan 2021-2025 end of financial year report for 2023-24.
Support Attachments
1. Council Plan Action Dashboard 2023-24 [13.5.3.1 - 14 pages]

Considerations and Implications of Recommendation

Sustainability Implications

Not Applicable

Community Engagement

Not Applicable

Collaboration

Not Applicable

Financial Impact

All activities undertaken to fulfil the Council Plan 2021–2025 actions have been completed within the approved 2023-24 Budget, or within the grant funding awarded for specific projects and initiatives.

Legal and Risk Implications

Not Applicable.

Regional, State and National Plans and Policies

It is a legislative requirement of the *Local Government Act 2020* that each Council adopt a Council Plan. This end of financial year report is presented in accordance with Section 98 of the *Local Government Act 2020* and Schedule 1 of the *Local Government (Planning and Reporting) Regulations 2020*.

Innovation and Continuous Improvement

Not Applicable

Alignment to Council Plan

Theme 1: Connected and Healthy Community Strategic Objective 1: The health and wellbeing of families and communities is maximised

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

Strategy 1.2 Connect, develop and support children and young people.

Strategy 1.3 Contribute to efforts that ensure essential community services exist locally.

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

Strategy 2.1 Support our arts community and facilitate the delivery of festivals and events.

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

Strategy 2.3 Enhance the social and economic value of tourism to Mansfield.

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

Strategy 3.1 Protect natural vistas and farmlets

Strategy 3.2 Enhance township character

Strategy 3.3 Improve roads, drainage, and footpaths

Strategy 3.4 Plan for and encourage appropriate housing

Theme 2: Vibrant Liveability

Strategic Objective 4 Clean and green: Waste and energy sustainability

Strategy 4.1 Minimise and re-use waste

Strategy 4.2 Adopt and promote energy options that are affordable, self sustaining & carbon positive

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

Strategy 5.1 Create conditions that enable local businesses

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

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

Strategy 6.2 Building organisational capacity through its people

Theme 3: A Trusted, Effective and Efficient Council

Strategic Objective 7 Financial sustainability and value for money

Strategy 7.1 Increase Council's financial resilience by utilising opportunities to derive own-source of funding income and optimising costs of delivering services

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”
Strategy 8.2 Develop capacity and capability to advocate powerfully for the most important interests of the Mansfield community

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.

13.5. Executive Services Directorate

13.5.1. Acknowledgement of Traditional Custodians of Land Policy

File Number	E1533/E100	Responsible Officer	Chief Executive Officer, Kirsten Alexander
Purpose			

To seek Council endorsement of the revised Acknowledgement of Traditional Custodians of Land Policy.

Executive Summary

The Acknowledgement of Traditional Custodians of Land Policy was developed in 2003 to ensure Council reflects a consistent acknowledgment of the traditional custodians of land at Council meetings, civic functions and events. The Policy was last reviewed and approved by Council in April 2019 and was due for review.

The traditional custodians of the Mansfield Shire municipality, as formally recognised by the Victorian Government, are the Taungurung people. The Taungurung territory encompasses the land north of the Great Dividing Range in the watersheds of the Broken, Delatite, Coliban, Goulburn and Campaspe Rivers.

Mansfield Shire Council acknowledges the Taungurung people as the traditional owners of the land upon which all Council meetings and civic ceremonies/events/functions take place.

Key Issues

A review of the Acknowledgement of Traditional Custodians of Land Policy has been completed and a revised and updated policy developed. A copy of the existing Acknowledgement of Land Policy 2019 is attached to this report for reference.

The revised policy was provided to the Taungurung Land and Waters Council for consideration and their feedback was incorporated prior to undertaking broader community engagement over the updated policy from 16 July 2024 - 8 August 2024.

The proposed policy updates and changes are described as follows:

- ▶ Definition of Taungurung added and acknowledgement statement updated.
- ▶ Locations included on where the Aboriginal flag is flown on Council flagpoles.
- ▶ Inclusion of a Gender Impact Assessment.

Engagement and Submissions

An online survey was made available through Engage Mansfield on Council’s website for the duration of the community engagement period. The Engage Mansfield page was visited 399 times, and 33 submissions were received. 24 were submitted through Engage Mansfield and 9 were submitted directly to Council. Of the comments received, 21 were submitted anonymously. Details of these comments are attached confidentially to this paper.

A summary of the submissions received is as follows:

Source	Agree	Disagree	Other/Mixed	Total
Direct to Council (Email, letter or phone call)	-	5	4	9
Engage Named Comments	1	1	1	3
Engage Anonymous Comments	9	9	3	21
Total	10	15	8	33

Area of concern	Officer Comments
Frequency and occasion of acknowledgement	No proposed change as the policy provides freedom to not say it when inappropriate.
Remove acknowledgement altogether	No proposed change.
Loss of acknowledgement purpose	Comments received from the community that including the words “all members of our community” dilutes the purpose of the acknowledgement are provided for Council’s consideration.
Engagement with stakeholders	Retrospective feedback on engagement with Taungurung, Gadhaba and Reconciliation Australia.
Lack of flexibility/sincerity	Some community submissions requested that the statement can be modified without permission from the CEO to increase sincerity for specific events and that a full stop is added after “past and present”.
Flying of the Aboriginal flag	No proposed change.

Recommendation

THAT COUNCIL endorses the Acknowledgement of Traditional Custodians of Land Policy 2024.

Support Attachments

1. Acknowledgement of Traditional Custodians of Land Policy 2024 [13.6.1.1 - 4 pages]
2. CONFIDENTIAL - Engagement Submissions [13.6.1.2 - 10 pages]
3. Acknowledgement of Traditional Custodians of Land Policy 2019 [13.6.1.3 - 3 pages]

Considerations and Implications of Recommendation

Sustainability Implications

Not Applicable

Community Engagement

Community Engagement has been undertaken in accordance with Council’s Community Engagement Policy. Feedback on the draft updated policy was sought directly from the Taungurung Land and Waters Council prior to broader community engagement. Community engagement was undertaken through the Engage Mansfield webpage from 16 July 2024 – 8

August 2024, seeking feedback on the revised draft policy. 33 comments were received for consideration in the final review of the policy.

Collaboration

Not Applicable

Financial Impact

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

Legal and Risk Implications

Reputational Risk: The policy aims to provide consistent and respectful acknowledgement of the traditional custodians, by providing clear guidance to Council officers and to Councillors.

Community engagement through an on-line webpage with the opportunity to provide anonymous feedback has allowed for a broad spectrum of community views, with the aim of minimising public commentary or communications that may be potentially damaging or cause offence.

Regional, State and National Plans and Policies

There are 3 ways in which the Victorian Government formally recognises Traditional Owners of a particular Country:

1. by way of the Victorian Aboriginal Heritage Council appointing a Traditional Owner corporation as a Registered Aboriginal Party under the *Aboriginal Heritage Act 2006*
2. by way of a recognition and settlement agreement under the *Traditional Owner Settlement Act 2010*
3. by way of a consent determination by the Federal Court under the *Native Title Act 1993* and accompanying Indigenous Land Use Agreements.

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.

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 14 August 2024.
Support Attachments
1. Mansfield Shire Council Action Register as at 14 August 2024 [14.1.1 - 5 pages]

15. Advisory and Special Committee reports

Nil

16. Authorisation of sealing of documents

Nil

17. Closure of meeting to members of the public

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

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

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

Recommendation
THAT COUNCIL close the meeting to members of the public under Section 66(2)(a) of the Local Government Act 2020 to consider Confidential Reports in accordance with section 66(2) of the Local Government Act 2020 for reasons set out in section 18 below.

18. Confidential Reports

18.1. Tender Award: Resheeting Program 2024/25

Confidential

This report contains confidential information pursuant to the provisions of Section 66(2) of the Local Government Act 2020 under Section 3(a) - Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.

18.2. **Tender Award: Reseal Preparation Program 2024/25**

Confidential

This report contains confidential information pursuant to the provisions of Section 66(2) of the Local Government Act 2020 under Section 3(a) - Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.

18.3. **Tender Award: Reseal Program 2024/25**

Confidential

This report contains confidential information pursuant to the provisions of Section 66(2) of the Local Government Act 2020 under Section 3(a) - Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.

18.4. **Supply of Quarry Panel**

Confidential

This report contains confidential information pursuant to the provisions of Section 66(2) of the Local Government Act 2020 under Section 3(a) - Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.

18.5. **Tender Award: Data Migration Contract - Project CODI**

Confidential

This report contains confidential information pursuant to the provisions of Section 66(2) of the Local Government Act 2020 under Section 3(a) - Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.

19. **Reopen meeting to members of the public**

Recommendation
THAT COUNCIL reopen the meeting to members of the public.

20. **Close of meeting**