



MANSFIELD SHIRE

High Country, Lakes and Rivers

COUNCIL MEETING

TUESDAY, 18 DECEMBER 2018

**Notice and Agenda of meeting
to be held in the Council Chamber,
33 Highett Street, Mansfield**

Commencing at 5.00pm

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:

Jamieson Ward:	Cr Harry Westendorp (Mayor)
Bonnie Doon Ward:	Cr Paul Sladdin (Deputy Mayor)
Tolmie Ward:	Cr Marg Attley
Mansfield Ward:	Cr Peter Olver
Mansfield Ward:	Cr Paul Volkering

Officers:

<i>Chief Executive Officer:</i>	<i>Alex Green</i>
<i>Community Services Manager:</i>	<i>Melanie Hotton</i>
<i>Corporate and Organisational Development Manager:</i>	<i>Sharon Scott</i>
<i>Development Services Manager:</i>	<i>Ben McKay</i>
<i>Finance Manager:</i>	<i>Mandy Kynnersley</i>
<i>Infrastructure Manager:</i>	<i>Maree Walker</i>



MANSFIELD SHIRE COUNCIL

Order of Business

1. OPENING OF THE MEETING

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

2. STATEMENT OF COMMITMENT

The Council affirms its commitment to carry out its duties in the best interests of the community and that its conduct shall maintain the standards of the Code of Good Governance by the following statement:

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.

3. ACKNOWLEDGEMENT OF COUNTRY

The Council affirms its recognition of the Indigenous people being custodians of this area by the following statement:

Mansfield Shire Council recognises that indigenous people have been custodians of this area for generations. We acknowledge the living culture and unique role of Taungurung people in our region.

4. APOLOGIES

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

5. CONFIRMATION OF MINUTES

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

6. DISCLOSURE OF CONFLICTS OF INTEREST

In accordance with the *Local Government Act 1989*, a Councillor must declare any Conflict of Interest or Personal Interests pursuant to Sections 77A, 77B, 78, 79 and 79B of the Act in any items on this Agenda. (Note that Section 79(2)(a)(i) of the Act requires Councillors to disclose the nature of a Conflict of Interest or a Personal Interest immediately before the relevant consideration or discussion). Section 79B also requires that the Councillor declaring a Personal Interest must seek consent from Council to be exempt from voting on the item.

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

7. REPRESENTATIONS

Council receives or presents acknowledgements to the general public. 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.

8. 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.

9. MAYOR'S REPORT

The Mayor provides a report on his/her activities.

Mansfield Shire Council encourages its residents and ratepayers to participate in the local government of Mansfield. Accordingly, these notes have been developed to help residents and ratepayers better understand Council meetings. All meetings are conducted in accordance with Council's Community Local Law (Meeting Procedures).



10. OFFICER REPORTS

10.1 Departmental Reports

Monthly Departmental reports will be presented to the Council as follows:

- Community Services
- Corporate and Organisational Development
- Development Services
- Executive Services
- Finance
- Infrastructure

10.2 Development Services

All planning and development applications and strategic planning items will be considered by the Council. Reports also considered will be Building, Environment, Environmental Health and Local Laws. A Council position is adopted on the matters considered.

10.3 Community Services

Detailed reports prepared by the Community Services Department, including Tourism & Economic Development reports and are considered by Councillors. A Council position is adopted on the matters considered.

10.4 Executive Services including Finance and Corporate & Organisational Development

Detailed reports prepared by officers from Executive Services, Finance Department and Corporate & Organisational Development Department will be considered by the Council. A Council position is adopted on the matters considered.

10.5 Infrastructure

Detailed reports prepared by officers from Engineering & Works Department are considered by the Council. A Council position is adopted on the matters considered.

11. ASSEMBLIES OF COUNCILLORS

In accordance with section 80A of the *Local Government Act 1989*, Council must keep a written record of all assemblies of Councillors. An Assembly of Councillors is defined as a planned or scheduled meeting, comprising at least three Councillors and one member of Council staff, that consider matters that are intended or likely to be. All such meetings are recorded.

12. ADVISORY AND SPECIAL COMMITTEE REPORTS

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

13. 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.

14. PUBLIC QUESTION TIME

This is an opportunity (usually 30 minutes), for members of the Gallery to raise questions with Councillors. Question Time generally takes place at around 6.30pm.

15. 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 1989* 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 leave the Council Chamber while the matter is being discussed.

16. CLOSE OF MEETING

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

Mansfield Shire Council encourages its residents and ratepayers to participate in the local government of Mansfield. Accordingly, these notes have been developed to help residents and ratepayers better understand Council meetings. All meetings are conducted in accordance with Council's Community Local Law (Meeting Procedures).



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MANSFIELD SHIRE

MANSFIELD SHIRE COUNCIL

Ordinary Meeting of Council

AGENDA

18 DECEMBER 2018
MANSFIELD SHIRE OFFICE
33 Highett Street, Mansfield
5.00PM

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AGENDA

18 DECEMBER 2018
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1. **OPENING OF THE MEETING**

2. **STATEMENT OF 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.”

3. **ACKNOWLEDGEMENT OF COUNTRY**

“Mansfield Shire Council recognises that indigenous people have been custodians of this area for generations. We acknowledge the living culture and unique role of Taungurung people in our region.”

4. **APOLOGIES**

5. **CONFIRMATION OF MINUTES**

Recommendation:

That the Minutes of the Mansfield Shire Council meeting, held on 20 November 2018, be confirmed as an accurate record.

Recommendation:

That the Minutes of the Special meeting of Mansfield Shire Council, held on 13 November 2018, be confirmed as an accurate record.

Recommendation:

That the Minutes of the Special meeting of Mansfield Shire Council, held on 27 November 2018, be confirmed as an accurate record.



6. DISCLOSURE OF CONFLICTS OF INTEREST

7. REPRESENTATIONS

8. NOTICES OF MOTION

9. MAYOR'S REPORT

Mayor Cr Harry Westendorp, will present the monthly Mayor's report to the Council as follows:

I was greatly honoured when the Council confirmed me in the mayoral role at our statutory meeting on 27 November, after I had served as Acting Mayor since late August. It is a privilege to represent the Council and our wonderful community on many occasions. I value the support of my fellow Councillors and the wider community as I do so. Councillor Paul Volkering has done an outstanding job as our Mayor since the beginning of our current Council term in November 2016, and the community owes him its gratitude for his tireless efforts during that time. It is unfortunate that family circumstances shortened his expected term of office, and we are pleased that he will continue to make his contribution as Councillor.

The Lake Eildon Summer Festival kicked off the watersports season with some great community events at Jamieson, Bonnie Doon and Goughs Bay. Hopefully, some further Spring rains will slow or reverse the falling water levels. Regardless, there is still much to enjoy, even if the water is a little further away.

Councillors and staff enjoyed their visit to Woods Point for the November meeting. The power failure allowed us to meet by the light of kerosene lamps and experience what our predecessors would have faced before the advent of electricity to this community some 80 years ago. Thanks to the residents who attended the Council meeting. It was good to see the local population so well represented.

On Friday 23 November Mansfield Shire Council partnered with Mansfield District Hospital to launch the local "16 Days of Activism" campaign dedicated to raising awareness about violence against women and the impact of gender-based violence. This is the fifth year that Council have partnered with Mansfield & District Hospital to mark this occasion and work together to end violence against women, and it won't be the last as we seek to change some entrenched behaviours and build a culture that accepts that violence is not acceptable and is not a normal part of masculinity. This campaign is about how we as a community can be part of the solution and help break the cycle of violence against women for the next generation.

9. MAYOR'S REPORT CONT.

In early December, the CEO and I travelled to Canberra to lobby a number of politicians in support of our own Council, NE Victoria regional initiatives, and Local Government in general. We met with a number of Government and Shadow ministers and Senior Advisors. As it was a Sitting Week in Parliament we are grateful for the time we had and the attention given to our discussions.

We met with Dan Tehan, Minister for Education, and his Senior Advisors Brooke Curtin and John Harris, to discuss the challenges of education provision at all levels in rural communities.

With Bridget McKenzie, Minister for Regional Development, Sport, Decentralisation, and Local Government, and her Senior Advisor Ruby Cameron we raised the challenges of building livable communities that attract and enable greater decentralisation, and the need for greater Federal funding to allow this to happen. A key element of this included the provision of sporting facilities in rural communities such as ours. Andrew Wallace, Senior Advisor to Michael McCormack, Deputy Prime Minister, Minister for Infrastructure, Transport and Regional Development, was also part of the discussions in this session.

With Nathan Wonder, Economic Advisor to Federal Treasurer Josh Frydenberg, we discussed the importance of the Federal Assistance Grants in ensuring the financial sustainability of small rural municipalities. We brought to his attention the fact that these grants had not retained their originally intended value at one percent of the Commonwealth tax income and had been eroded to less than half that, and the impact of that.

Our meeting with Amanda Rishworth, Shadow Minister for Early Childhood Education and Development was interrupted by Divisions in the House of Representatives, and we discussed with her Chief of Staff Owen Torpy the Labor party's focus on three-year old kindergartens and how these could be achieved in communities covering wider areas.

We met with Stephen Jones, Shadow Minister for Regional Communications, Regional Services, Territories and Local Government, and his Policy Advisor Jane Mulligan. We discussed how local and regional municipalities would work with a possible Labor Government to deliver better services and provide the infrastructure to make more livable communities.

We also spent time with Cathy McGowan, Federal Member of Indi, who facilitated our visit and whose staff were most helpful with all the administrative necessities. We briefed Cathy on the outcomes of our meetings so that she can also follow up as needed.

I close by wishing the blessings of this Season for everyone – individuals, families, and communities. I also trust we will have a happy, healthy and prosperous New Year – it looks like being an interesting one for our Council.



9. MAYOR’S REPORT CONT.

Recommendation:

That the Mayor’s report for the period 21 November to 10 December 2018 be received.

10. OFFICER REPORTS

10.1 DEPARTMENTAL REPORTS

File Number: E103
Responsible Officer: Chief Executive Officer, Alex Green

Introduction

Departmental reporting 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 will present the monthly Departmental reports to the Council, as follows:

- Development Services
- Infrastructure

Attachment

1 Departmental reports: Development Services and Infrastructure

Recommendation:

That the Departmental reports for the period 21 November to 10 December 2018 be received.



10.2 DEVELOPMENT SERVICES

10.2.1 DA5580 Proposed Development Plan, 26 Highton Lane Mansfield

File Number: DA5580
Responsible Officer: Manager Development Services, Ben McKay

Disclosure of Conflicts of Interest

The author of this report and officers providing advice in relation to this report do not have a direct or indirect interest in this matter, as provided in accordance with the *Local Government Act 1989*.

Introduction

A development plan has been submitted for approval to guide the future subdivision and development of 26 Highton Lane, Mansfield. The subject land is shown in Attachment 1.

Background

26 Highton Lane, and land further to the south along Highton Lane, was rezoned from Rural Living to Residential under Amendment C1 in March 2006. The Development Plan Overlay 1 was also applied to the land under C1. With the state translation of zones, the zoning of the land became General Residential 1.

The Development Plan Overlay (DPO) requires that prior to the approval of any development for individual parcels of land, an overall development plan be approved to guide the coordination of subdivision, servicing and development for the overall area. Schedule 1 (General Residential Zone and Mixed Use Zone) of the DPO outline requirements to address in the preparation of any development plan. These requirements include the need for infrastructure contributions through the use of a Section 173 agreement.

The original proposed development plan was made in 2010, with a response given to applicants that the proposal could not be considered by itself and had to be considered as part of an overall development plan for Highton Lane.

A revised development plan proposal was made in 2015, with a response given to applicants that the proposal required a development contributions plan before it could be resolved.

This present development plan proposal was made in November 2017, accompanied by a details report and biodiversity assessment. This current proposal was made for 68 lots, the removal of 41 scattered canopy trees, the provision of 23% of the site as public open space and for development contributions to be met through the mitigation of offsite impacts by the provision of a retardation basin.

A draft *Mansfield Highton Lane Development Plan*, Planisphere, February 2013 was prepared for the whole of the western side of Highton Lane but never finalised or adopted by Council. The draft plan nominated the land subject to this proposed development plan as 'medium density lots' with circular road layout and open space to south and north.

Statutory Requirements

Under the *Planning and Environment Act 1987* or the Mansfield Planning Scheme, there is no formal statutory process for the consideration and approval of development plans, with no associated appeal rights in the event of Council refusal of proposals.

10.2.1 DA5580 Proposed Development Plan, 26 Highton Lane Mansfield cont.

Council Plan

The Development plan request complies with the Strategic Direction Two – Financial Sustainability strategic objective:

- 2.6 *Our population continues to steadily grow, supported by the provision of sustainable community infrastructure and services*

Financial

Given that there is no formal statutory process for development plans, there are no fees required for proposals. The proponent has prepared and refined the final draft development plan. Approval of a final development plan will facilitate the future subdivision and economic development of the subject land.

Social

The proposed development plan will improve community options for increased diversity and locations for residential development. Community submissions have been addressed and incorporated as far as possible in a revised plan.

Environmental

The proposed development plan has assessed environmental and site features, with final design incorporating natural drainage and the retention of native vegetation wherever practicable.

Economic

The proposed development plan will facilitate new residential and economic development in the Mansfield township.

Risk Management

There are no risks associated with this proposal or report.

Community Engagement

The proposed development plan was referred to a range of authorities and publicly advertised in December 2017 and January 2018 for six weeks with nine (9) submissions being received, three (3) from authorities and six (6) from private submitters, as follows:

Authority submissions (3):

- Goulburn Murray Water:
No objection. Plan has adopted layout of the Mansfield Highton Lane Development Plan, February 2013.
- VicRoads:
No direct access onto Mt Buller Road. A Traffic Impact Assessment Report is required prior to permit approval to address range of issues, including impact on Mt Buller / Highton Lane intersection and any mitigation works required.

10.2.1 DA5580 Proposed Development Plan, 26 Highton Lane Mansfield cont.

▪ CFA:

No objection. Conditions for engineering plans to be submitted to CFA for approval prior to development commencing, hydrants and access.

Later submission:

- Noted that a single proposed access point to the development is not adequate for the number lots that could be accommodated.
- Recommended additional access, preferably with full street access, but which at a minimum, should be in the form of the proposed informal access link for use during emergency at West Street and the East Crescent public open space.

Private submissions (6):

6 submissions raising concerns as follows:

- Process :
 - Should not consider proposal incrementally but should consider as part of the wider Highton Lane area.
 - Has paid little attention to Highton Lane Development Plan 2013.
- Overdevelopment :
 - 68 lots, some small.
 - Traffic and noise impacts.
- Environment:
 - Impact on natural environment.
 - Wildlife impacts impacting on habitat for native birds and animals.
 - Oppose loss of trees, including nearby adjoining private land.
- Amenity and landscape:
 - 11 small lots adjoining private property with impacts on privacy and overlooking.
 - Semi-rural view from adjoining property will be affected.
 - Proposal detrimental to safe, quiet, nature based neighbourhood.
 - Range of severe amenity impacts resulting from access road placed against 24 Highton Lane.
 - Plan does not meet draft Mansfield Township Approaches Planning Controls and Guidelines as proposes residential lots backing onto one of town's major entrances; lots could face north and with correct landscaping and streetscape enhance this entrance.
- Drainage and waterways:
 - Known drainage issues and risks – A full stormwater drainage assessment has not been conducted for development area.
 - Need to meet state legislated WSUD principles.
 - Water flow is already a problem onto adjoining property and would increase with an additional 11 adjoining lots.
 - 7 lots between West and Link Streets are within a water retardant basin, especially the 4 facing Link which are in a main water flow area and flood with rainfall; these 4 lots are lower than the reserve and cannot be directed into it.
 - Heavy runoff from an adjoining property onto subject land.
- Fencing:
 - What is proposed against private land and proposed reserve?
 - Propose a 4 m deep nature strip with planted natives to maintain privacy of adjoining and future owners.

10.2.1 DA5580 Proposed Development Plan, 26 Highton Lane Mansfield cont.

- Traffic:
 - Increased traffic on what is becoming a very busy lane with increased properties to south with no plans for upgraded infrastructure to support this.
 - Intersection of Highton Lane and Mt Buller Rd will experience traffic delays due to increased congestion.
 - Increased danger due to increased traffic flow at proposed entrance / exit onto Highton Lane, with no provision for additional traffic control infrastructure.
 - Up to 130 extra vehicles travelling on Highton Lane will cause more congestion and traffic hazard along road and exit onto Highton Lane.
 - Lack of alternative emergency access and ability of adequate access for residents and emergency vehicles in a fire risk area.
 - Circular roadways could have been included to allow free movement of traffic, service vehicle and emergency vehicles.
 - Second entry and exit onto Mansfield – Mt Buller Rd is essential for emergencies and alleviate congestion.
 - Limited access into new development with only one access at 26 Highton Lane inadequate.
 - Access road off Highton Lane should be central to efficiently serve most land.
 - Access road placed against 24 Highton Lane rather than following the roadway design outlined in the Highton Lane Development Plan 2013; road should be placed on southern side of lots facing Highton Lane, allowing drainage reserve to be retained, create a greater sense of place and a more attractive entrance to the development.
 - TIAR required for whole development plan area to assess traffic capacity, impacts and mitigation measures.

Officer's Comments

Can this proposal be resolved for the area to which it applies?:

26 Highton Lane is considered to be of sufficient size to consider and approve a development plan without the need for a plan to be resolved for the whole of the Highton Lane area. This development plan proposal generally complies with the draft Mansfield Highton Lane Development Plan, Planisphere, February 2013.

Infrastructure works and costs have been sufficiently determined and apportioned to allow this specific development plan proposal to be resolved at this stage.

Drainage and road issues:

The plan has considered and accommodated sufficient space and design to cater for drainage from both the subject land and the overall Highton Lane / Monkey Gully catchment to the south. The proposed plan meets the intent of Council's *Stormwater Drainage Master*

Plan 2014 and water sensitive urban design principles through the provision of a drainage basin to pre-treat drainage and ensure that drainage flows post development do not exceed pre-development levels.

The plan provides for final standards for roads and infrastructure to be determined at subsequent planning permit stage for subdivision in accordance with Council's *Infrastructure Design Manual*. A Traffic Impact Assessment Report (TIAR) is also required at future planning permit stage to assess road impacts and any required upgrading of the Mt Buller Road and Highton Lane intersection as a result of increased traffic resulting from the proposed development.

10.2.1 DA5580 Proposed Development Plan, 26 Highton Lane Mansfield cont.

What design changes to the submitted development plan are required to resolve it?

Following detailed discussions with officers, several changes were made to improve the proposed development plan, primarily:

- Two points of fire and emergency access onto Mt Buller Road at the suggestion of the CFA.
- Design of the Mt Buller Road frontage to protect town entrance amenity with the provision of 1.8 metre colorbond fencing and screen planting to form a visual barrier to the road.
- Revision of proposed access off Highton Lane to be further south to maintain the existing residential amenity of Highton Lane residents bordering to the north.
- Redesign of lots to the east fronting East Street to better protect remnant native vegetation and provide a wider public open space and drainage basin area.
- Provision of 1.8 colorbond fencing separating private lots from all public open space and drainage basin reserves.
- Following redesign, a proposed revised lot yield, to be reduced from 68 to 64.

Submissions:

Private submissions have generally been addressed and met through a redesign of the proposed plan resulting from issues raised in the submissions or by authorities or Council officers. In response to key issues raised in submissions:

- **Process:**
This plan is capable of being considered independently from the draft 2013 plan for the whole of the Highton Lane area. This plan is compatible with the overall 2013 draft plan. See earlier comments on consideration of this proposal.
- **Overdevelopment:**
The subject land has been zoned for residential use since 2006 and has certainly for this residential use. This development plan is to clarify the form and conditions for future subdivision and development.
- **Environment:**
An aboriginal assessment has informed the development of the plan to guide the retention, removal and offsetting requirements for remnant native vegetation. The plan has been designed to retain remnant native vegetation, including a redesign of lots along proposed East Street to retain more mature trees. Remnant trees will be managed by Council as part of open space reserves being provided in the plan.
- **Amenity and landscape:**
The plan has been redesigned to address amenity considerations as far as possible. Although existing open views will be altered with residential zoning and development, low screen planting along Mt Buller Road will maintain a rural type vista with views of mature native trees within the development. Fencing has been required to screen any private land adjoining public open space or drainage reserve.
- **Drainage and waterways:**
The plan meets Council investigations and requirements for drainage, including an ability for the overall drainage basin to the south to adequately flow through the subject land. See earlier comments on drainage issues.
- **Fencing:**
Fencing is proposed to soften landscape impacts onto Mt Buller Road and reduce amenity impacts between private lots and public reserves. See earlier comments on design changes to the development plan.



10.2.1 DA5580 Proposed Development Plan, 26 Highton Lane Mansfield cont.

- Traffic:
A residential development will provide some increases in traffic movements. The plan provides for roads to be constructed to Council standard and for upgrading of the Mt Buller Road and Highton Lane intersection in accordance with a TIAR. See earlier comments on road issues.

Compliance with planning controls and policy:

The proposed development plan meets the provisions and strategic directions of the Mansfield Planning Scheme, in particular the applicable General Residential 1 Zone and Development Plan Overlay 1 and Clause 21.09, Mansfield Township, where the Mansfield Township Framework Plan identifies the subject land as 'residential development'.

The proposed development plan meets the strategic and policy directions of Council strategic documents dealing with residential development and this general location, in particular the *Mansfield Township Structure Plan 2015*, *Mansfield Township Housing Strategy 2018* and *Mansfield Township Approaches Planning Controls and Guidelines 2018*.

Conclusion:

The proposed development plan will provide additional residential options on land first zoned for residential use in 2006. The plan provides an ability to secure all relevant required infrastructure as part of future planning permits and development.

Key issues identified in the plan process have been adequately considered and met in the final plan. Design of the plan has protected natural features and functions as far as possible. The final plan has addressed and generally met issues raised in submissions to the plan.

The proposed development plan meets the provisions and strategic directions of the Mansfield Planning Scheme and associated strategic documents.

Attachments

1. Locality Plan
2. Proposed Development Plan

Recommendation:

That Council approve the attached Development Plan, 26 Highton Lane, Mansfield, as revised by applicants.



10.2 DEVELOPMENT SERVICES CONT.

10.2.2 P128734M/18 – DA6978 - 86 Stoneleigh Road, Mansfield - Three Lot Subdivision

File Number: DA6978
Responsible Officer: Claire Wilkinson, Statutory Planner

Disclosure of Conflicts of Interest

The author of this report and officers providing advice in relation to this report do not have a direct or indirect interest in this matter, as provided in accordance with the *Local Government Act 1989*.

Summary

The purpose of this report is to seek Council's determination of an application for a planning permit for a three lot subdivision at 86 Stoneleigh Road, Mansfield. The proposed subdivision relates to the creation of three (3) vacant low density residential lots and is a re-subdivision of an existing battle axe allotment situated on the north side of Stoneleigh road.

The application has been referred to Council as the application has received four (4) objections. Current Council Policy requires that planning applications that have received more than four objections must be decided by Council.

Background

The application is for subdivision of Lot 34 at 86 Stoneleigh Road into three (3) Lots, it is being referred for Council's determination because Council has received four (4) objections to the proposal. A planning permit is triggered under the following clauses of the Mansfield Planning Scheme:

- Clause 32.03-3 – A permit is required to subdivide land in the Low Density Residential Zone.
- Clause 42.01-2 – A permit is required to subdivide land in areas affected by the Environmental Significance Overlay.

Statutory Requirements

Council must assess the application against the relevant requirements of the *Planning and Environment Act 1987*.

- The application is considered to be consistent with Planning Policy Framework.
- The application is considered to be consistent with Local Planning Policy Framework.
- The application is considered to be consistent with the purpose and decision guidelines of the Low Density Residential Zone Schedule.
- Subject to conditions the application is considered to be consistent with the purpose and decision guidelines of the Environmental Significance Overlay Schedule 1.



10.2.2 P128734M/18 – DA6978 - 86 Stoneleigh Road, Mansfield - Three Lot Subdivision cont.

Council Plan

Strategic Objective 4: Enhance Liveability

The objective outlines the importance of ensuring that services and facilities are provided that are responsive, sustainable and effective. It is considered that a co-ordinated and targeted approach to redevelopment within proximity to the Mansfield core is an important strategy in achieving improved quality of life. The proposed three lot subdivision is situated in an area of Mansfield that has been identified for Low Density Residential living and the proposed size of new residential allotments is in accordance with the zone.

Financial

The application fee was \$1,286.10. There are no other financial implications in relation to this matter.

Social

There are no social implications in relation to this matter.

Environmental

The environmental implications of this application will be positive, as the planning for the proposed new residential allotments has incorporated an assessment of the topographical and geological characteristics of the land to determine the land capability for onsite wastewater treatment and disposal.

Economic

There are no economic impacts in relation to this matter.

Risk Management

There are no risks inherent in this matter.

Community Engagement

Notice under Section 52 of the *Planning and Environment Act 1987* was given to thirteen (13) owners and occupiers of adjoining land and nearby properties. The nine lots that adjoin the subject site have residential developments on site. It is considered that the closest neighbouring dwelling to the east is located approximately 70 metres from the building envelopes provided on the proposed subdivision plan. Four submissions were received in response to advertising. The majority of existing adjoining properties along Stoneleigh Road are also battle-axe style allotments. Existing cultivated vegetation has established along the eastern property boundary, which provides a dense screening to the proposed new lots.

10.2.2 P128734M/18 – DA6978 - 86 Stoneleigh Road, Mansfield - Three Lot Subdivision cont.

Authority Submissions (3):

Goulburn Murray Water:

No objection, subject to (4) four conditions relating to sediment pollution control, the location of wastewater disposal envelopes on the proposed plan of subdivision, the registration of a Section 173 Agreement on title re wastewater treatment and maintenance, and evidence that this has been registered.

Ausnet Services:

No objection subject to (2) conditions relating to the provision of electricity easements and electricity supply to lots on the plan of subdivision.

Country Fire Authority:

No objection. CFA is satisfied the proposed common property access way will provide satisfactory access for fire authority vehicles.

Private Submissions (4)

The five main grounds of the objections are summarised in the table contained in Attachment 2. There are five main points raised by objectors. These are as follows:

Wastewater Treatment

- Effluent disposal field at the lowest point of the lot is not in keeping with requirements
- The siting of the effluent disposal field at the lowest point of the existing block is not in keeping with the objective to ensure that lots can treat and retain wastewater,

Amenity

- Potential for adjoining sites to be impacted by the proposed location of effluent disposal field. Concern that storm water may be contaminated by wastewater.
- The current view we enjoy will be impacted by houses and power lines.
- Pleasantness of our outlook will be lost.
- Single story houses would be preferable so our view of the mountains is not spoilt.
- Screening planting on the boundary fence where the lots commence is requested
- Allowing houses to build so close to our southern fence line adjoining our paddock considerably detracts from the rural lifestyle we chose when buying our 5 acre property.
- Include a building exclusion zone from our southern fence line.

Stormwater Management

- Existing conditions are considerably impacted by storm water
- Long unsurfaced driveway access will channel run-off. Neighbours paddock in 'direct firing line'
- Proposed location of effluent disposal field s will be impacted by storm water.
- Driveway will become a conduit for storm water.
- Inadequate provision of drainage on proposed plan.
- The site for proposed development gets excessively water logged.
- The proposal appears to direct water to neighbouring sites.
- Long driveway creates opportunity for erosion and flooding on lower properties nearby.
- A stormwater management plan has not been provided.



10.2.2 P128734M/18 – DA6978 - 86 Stoneleigh Road, Mansfield - Three Lot Subdivision cont.

Traffic

- There will be an increase in traffic beside our home during construction and when the three houses are built and occupied.
- Concern that the long access track will cause noise and dust.

Site

- The proposed building envelope has close proximity to our southern boundary.
- Use of the Low Density Residential Zone as a transition zone between Residential 1 areas to the Farming Zone is undermined by the halving of the minimum lot size.

Officer's Comments

The following notable items are highlighted for Councillors information:

Submissions

The applicant has provided a revised Plan of Subdivision that has relocated the effluent disposal field for Lot 3 from the north west to the north east corner of the lot. It is considered that the applicants revisions have now given some consideration of the potential storm water generated by the driveway and adjoining lots 1 & 2. The proposed position of the effluent field to the north side of the lots may be beneficial to maximize solar exposure and evaporation of wastewater.

It is considered that the revised Plan of Subdivision also moves the proposed effluent disposal fields further east (to be entirely contained within the proposed building envelope). This revision separates the fields from existing and proposed driveways and storm water drains into Lot 1 and Lot 2. The applicant has provided a response that indicates that the storm water generated from the three lots will be managed through a series of swale and cut-off drains to direct water into available drainage easements; and through installation of household rain water tanks to capture run off from buildings.

The generous size of the lots and available area for supplementary landscaping will negate the impact of future new development on vistas from existing dwellings. The size of the proposed allotments will allow for a large sized single storey building footprint without need for a second story. No planning grounds exist to support restrictions on future building design.

The decision guidelines of the zone suggest the protection and enhancement of the natural environment and character of the area including the need to plant vegetation along property boundaries. A site inspection shows that considerable existing boundary vegetation exists.

Prior to Statement of Compliance a Section 173 Agreement must be applied to the titles to ensure the requirements for adequate and functional on-site storm water detention is met in the future Prior to commencement of buildings or works, application must be made to Council to obtain a Legal Point of Stormwater Discharge.

The proposed access driveway be sealed to Councils satisfaction to minimize ongoing dust and noise impacts on new and existing residents with the provisions made to allow for the siting of new dwellings with sufficient separation distance from boundaries.

10.2.2 P128734M/18 – DA6978 - 86 Stoneleigh Road, Mansfield - Three Lot Subdivision cont.

Wastewater and Stormwater

An on-site wastewater management system is required for each of the lots in the proposed subdivision. A key objective of newly gazetted Clause 22.04 is to “*adopt a scientific, risk analysis based approach to management of development and subdivision within declared special water supply catchments.*”

The applicant has submitted a Land Capability Assessment addressing the suitability of the site for on-site disposal of domestic effluent and the implementation of modern wastewater treatment systems and associated effluent fields for the future development of a three to five bedroom dwelling on each of the individual new lots. Council’s Environmental Health Officer conducted a site visit for this application and noted some on site stormwater characteristics that have been addressed with a modified proposed plan of subdivision.

It is considered that the applicant has provided consideration of the potential cumulative impacts of onsite wastewater treatment systems in accordance with the objectives of, Clause 14.02-1, Clause 21.05-3 and Clause 22.04.

Council will require that Prior to Statement of Compliance, a Section 173 Agreement must be applied to the titles to ensure the requirements for adequate and functional on-site storm water detention is met in the future Prior to commencement of buildings or works, application must be made to Council to obtain a Legal Point of Stormwater Discharge. The Section 173 must stipulate for each Lot, the provision of an onsite rainwater detention tank with a retention capacity of no less than 20,000 litres or 8L/m² of lot area (whichever is greater) shall be provided as per the Infrastructure Design Manual Version 5.1, Table 13.

Residential Subdivision

It is considered that the application will be consistent with the Mansfield Planning Scheme.

The proposed layout provides an appropriate integration into the Stoneleigh Road streetscape, presenting a revised lot layout that will result in increased housing supply with minimal aesthetic change to the local residential character. The two new lots address the key issues of Mansfield Township by avoiding ‘out of sequence’ development with an intensification of existing residentially zoned land. It is considered that the proposed new lot pattern is in keeping with the existing neighbourhood character and is of a scale and design that is comparable to the existing pattern of development.

It is considered that the provisions made on the Proposed Plan of Subdivision are adequate to allow for the siting of new dwellings with sufficient separation distance from boundaries. An existing 5 metre wide drainage easement is situated along the northern site boundary. This will preclude any buildings or works unless related to storm water infrastructure

An assessment against the applicable clauses for a 3-15 lot class of subdivision has been completed. It is considered that overall, the proposal can be considered largely in accordance with the purpose of the particular provision and can be further strengthened through the inclusion of appropriate permit conditions.

Attachments

1. Proposed Plan of Subdivision
2. Summary of Submissions



10.2.2 P128734M/18 – DA6978 - 86 Stoneleigh Road, Mansfield - Three Lot Subdivision cont.

Recommendation:

That council having considered all the matters required under Section 60 of the Planning and Environment Act 1987 grant a planning permit under the provisions of the Mansfield Planning Scheme in respect of the land described as Lot 34 LP208053 MANSFIELD addressed as 86 Stoneleigh Road, Mansfield for a three lot subdivision in accordance with the endorsed plans, subject to the following conditions:

1. The subdivision 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.
2. 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.
3. 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.
4. 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*.
5. The plan of subdivision submitted for certification must be referred to AusNet Electricity Services Pty Ltd in accordance with Section 8 of the subdivision Act 1988.



10.2.2 P128734M/18 – DA6978 - 86 Stoneleigh Road, Mansfield - Three Lot Subdivision cont.

6. The applicant must –
 - a.) 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;
 - b.) 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.
7. All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).
8. The proposed Plan of Subdivision submitted to the Responsible Authority for endorsement must show wastewater disposal envelopes or exclusion zones (including wastewater reserve fields) on newly created lots in accordance with the EPA Code of Practice – On Site Wastewater Management, 891.4, July 2016.
9. Prior to Statement of Compliance being issued, the owner shall enter into an Agreement with the Responsible Authority and Goulburn Murray Water under Section 173 of the Planning and Environment Act ensuring that:
 - a. All wastewater from any future development of the lots must be treated to a standard of at least 20mg/L BOD and 30mg/L suspended solids using a package treatment plant or equivalent. The system must have a certificate of conformity issued by the Conformity Assessment Body (or equivalent approval) and be installed, operated and maintained in accordance with the relevant Australian Standard and EPA Code of Practice.
 - b. All wastewater from any future development of the lots must be applied to land via pressure-compensating sub-surface irrigation installed along the contour.
 - c. The proposed Plan of Subdivision endorsed by Council and forming part of the planning permit issued must form part of the Section 173 Agreement.
 - d. If a community effluent disposal system or reticulated sewerage system becomes available, all wastewater from the dwellings on each lot must be disposed of via this system and the on-site wastewater treatment and disposal system must be decommissioned. The wastewater treatment and disposal facility be installed, operated and maintained as required by the EPA.
 - e. The wastewater treatment and disposal facility be installed, operated and maintained as required by the EPA.
 - f. An annual October inspection of the wastewater treatment and disposal facility be undertaken at the cost of the landholder by a competently trained person or servicing agent, and a report of the inspection must be forwarded to the Responsible Authority.



10.2.2 P128734M/18 – DA6978 - 86 Stoneleigh Road, Mansfield - Three Lot Subdivision cont.

- g. All repairs and maintenance undertaken to the wastewater treatment and disposal facility must be documented and reported to the Responsible Authority.**
 - h. The provision of an onsite rainwater detention tank for each Lot in the subdivision with a retention capacity of no less than 20,000 litres or 8L/m² of lot area (whichever is greater) shall be provided as per the Infrastructure Design Manual Version 5.1, Table 13.**
 - i. The owner shall meet the cost of the registration of the agreement on the title of the land and the costs of the annual inspection and reports.**
 - j. This agreement is cancelled if (c) above is satisfied.**
- 10. The owner must provide evidence of registration of the Agreement to Goulburn-Murray Water within three months of this occurring.**
- 11. Access to the property must be via the existing access location, no additional crossings are permitted to be constructed unless approved by the responsible authority.**
- 12. The crossing must be upgraded to be in accordance with standard drawing SD255 of the Infrastructure Design Manual (refer www.designmanual.com.au).**
- 13. A Works within Road Reserve Permit application including plans is to be submitted to, and approved by Council prior to the commencement of any works.**
- 14. The internal common property access must be sealed from chainage to a minimum width of 3 metres.**
- 15. 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.**
- 16. Prior to commencement of buildings or works, application must be made to Council to obtain a Legal Point of Stormwater Discharge.**
- 17. The provision of an onsite rainwater detention tank for each Lot in the subdivision with a retention capacity of no less than 20,000 litres or 8L/m² of lot area (whichever is greater) shall be provided as per the Infrastructure Design Manual Version 5.1, Table 13.**
- 18. Prior to Statement of Compliance a Section 173 Agreement must be applied to the titles to ensure the requirements for adequate and functional on-site storm water detention is met in the future Prior to commencement of buildings or works, application must be made to Council to obtain a Legal Point of Stormwater Discharge.**
- 19. No concentrated stormwater other than natural watercourses may drain or be discharged from the land to adjoining properties.**



10.2.2 P128734M/18 – DA6978 - 86 Stoneleigh Road, Mansfield - Three Lot Subdivision cont.

20. Interrupted overland flow from this development must not be allowed to impact on the adjacent lots. The construction of swale and cut off drains must be installed to capture and direct storm water to appropriate drainage easement.
21. Prior to the responsible authority issuing a Statement of Compliance for the subdivision, all planning conditions and all other requirements of the responsible authority and the relevant referral authorities must be completed or satisfactorily provided for, to the satisfaction of the responsible authority and the relevant referral authorities.
22. Any damage to Council managed assets such as roads & stormwater infrastructure, must be repaired at the cost of the developer to the satisfaction of the responsible authority.
23. All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).
24. In accordance with Section 18 of the *Subdivision Act, 1988*, the owner must pay or agree to pay to the Mansfield Shire Council a public open space contribution equal to 5% of the site value of all the land in the subdivision. The contribution must be paid or agreed to be paid in accordance with Section 18(1B) of the *Subdivision Act, 1988*.
25. This permit will expire if one of the following circumstances applies:
 - a) The subdivision is not started within two (2) years of the date of this permit
 - b) The subdivision is not completed within four (4) years of the date of this permit

In accordance with Section 69 of the *Planning and Environment Act 1987*, before the permit expires or within 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.

Planning Note

- Please note that this is a Planning Permit under the *Planning and Environment Act 1987* and not a Building Permit under the Building Regulations 2006. If a Building Permit is necessary for your development you will need to apply for this before commencement of any works.
- Further details regarding CFA access requirements can be found at http://www.cfa.vic.gov.au/fm_files/attachments/plan_and_prepare/BMO/CFA-BMO-Access-Aug-14.pdf
- Approval from the Goulburn Broken Catchment Management Authority must be attained prior to works occurring on waterways.



10.2 DEVELOPMENT SERVICES CONT.

10.2.3 Mansfield Station Precinct Concept Masterplan

File Number: E5296

Responsible Officer: Development Services Manager, Ben McKay

Disclosure of Conflicts of Interest

The author of this report and officers providing advice in relation to this report do not have a direct or indirect interest in this matter, as provided in accordance with the *Local Government Act 1989*.

Introduction

The Mansfield Station Precinct Activation Project will provide guidance in the form of a master plan for the future of the township's former station precinct. The project consists of three complimentary stages, with stage one already being endorsed by Council, which comprised the background report as well as the vision statement.

This report outlines Stage two of the project, being the delivery of a concept master plan to take to public exhibition for community feedback.

Background

Mansfield is at an interesting and exciting point in its development. The old railway precinct site, located on Crown Land with Mansfield Shire as Committee of Management, once served a bustling timber and agriculture town, is a destination opportunity for an already thriving tourism market in Mansfield.

The Mansfield Station Precinct Activation Project presents a great opportunity to develop the vision for a vibrant hub at the entry to Mansfield Township that importantly contributes to the local and regional economies. This project will provide the blueprint for potential uses of the precinct translated to a masterplan with artist impressions to bring the vision to life.

A comprehensive background report was conducted which included the analysis and feasibility of previous government and community-led strategic plans, the outcomes of the urban economics analysis, current traffic analysis, site and context analysis and a wide-ranging community consultation process.

Drawing from the background report and community consultation three preliminary options were presented to the steering committee and key stakeholders. Feedback from these groups as well as analysis of relevant strategic and statutory information including economic analysis culminated in the preferred concept master plan.

Statutory Requirements

There are no statutory requirements related to stage one of the Project and the information presented within this report.

10.2.3 Mansfield Station Precinct Concept Masterplan cont.

Council Plan

This project is aligned to the following strategic directions within the 2018-2019 Council Plan

- Strategic Direction One – Participation and Partnerships
- Strategic Direction Three - Community Resilience and Connectivity
- Strategic Direction Four – Enhanced Liveability

Financial

Cost associated with this Project are within the 2018-2019 Council budget and include grant funding from the State and Federal Governments.

An external and specialist consultant, SJB Urban, who were engaged through a tender process, are predominantly undertaking the Project.

Social

There are no social impacts on the community given this is a draft concept and open to community feedback.

Environmental

The concept plan has been developed to not only compliment but also enhance the current environmental characteristics of the site.

Economic

The Mansfield Station Precinct Activation Project will facilitate economic development in the Mansfield township.

Risk Management

Extensive community engagement to understand competing interests from various businesses, community groups and individuals has been undertaken in order to mitigate any risk.

Community Engagement

A thorough community consultation process was carried out as part of the background report. This consultation culminated in the general alignment between the requirements and expectations of the many different community members who engaged in the consultation process, and the findings of the different technical analyses.

As a result of the consultation and background process, three concept design options were developed for review and presentation. Separate workshops to engage the steering committee and key stakeholders were conducted to interrogate each option. These workshops were used to take both groups through the options, demonstrate how they respond to the previous analysis and what the pros and cons of the options were.

10.2.3 Mansfield Station Precinct Concept Masterplan cont.

Their impact on the economic resilience of the site as well as movement, placemaking and local and tourism outcomes were discussed. Implementation methods, short, medium and long-term delivery strategies to ensure the Precinct can respond to the existing needs as well as adapt to the future were also touched on.

The Project Steering Committee workshop comprised a mixture of Councillors, Council Officer's, several community representatives, a representative of the Department of Environment, Land, Water and Planning (DEWLP), a representative from the Taungurung Clans Aboriginal Corporation and a representative from Regional Development Victoria. While the stakeholder workshop included representation from businesses, arts and culture, sports and recreation, environment, tourism, age friendly and accessibility, current occupiers, current users and neighbouring properties.

The workshops were orientated towards allowing for a self-governing process in which the consultant acted as a conduit and independently interpreted ideas from both workshops and created a concept that best represented the competing interests of all involved.

Officer's Comments

The Economics and Tourism Analysis concluded that the target markets and the site location and characteristics make the precinct a good place for a cycling hub including complimentary uses, functions and event space, an events hub, a play space and boutique retailers.

These uses align with the community's ideas for the site, which include several uses that would constitute a cycling hub, events spaces, food and drink services that support other activities, open play spaces and specific retail that aligns with site specific uses such as the Rail Trail, the Visitor Information Centre and the Historical Society.

From here, functional relationships were established between the uses and activities proposed by the community and the urban economics report. This resulted in efficiencies that can be taken advantage of by co-locating activities and uses that can share the same infrastructure or can benefit from the added activation created by its neighbours. These uses and activities were then translated spatially and formed the basis for three options

Each option presented the same uses and activities, which were clear themes by the 400+ participants in the consultation process to date, however different forms of spatial arrangement were presented in each option. These arrangements included existing and proposed building forms; vehicle access; open space provision and indicative landscape; pedestrian access points and movement network; interfaces and frontages; land uses, including commercial, tourism, leisure and community facilities.

The lineal characteristics of the site result in a disconnect between the eastern and western end, meaning the walkability from one end to the other is poor. This, along with need to intensify activation of the site has meant that the footprint has been contained to the eastern side of the stock route. The draft concept plan responds to feedback during the workshops, community consultation as well as site constraints.



10.2.3 Mansfield Station Precinct Concept Masterplan cont.

Attachments

1. Mansfield Station Precinct Activation Project Concept Master Plan

Recommendation:

That Council endorses the Mansfield Station Precinct Activation Project Concept Master Plan for public exhibition and feedback from 1 January 2018 – 15 February 2018.



10.2 DEVELOPMENT SERVICES CONT.

10.2.4 Proposed Amendment C41 to Mansfield Planning Scheme

File Number: E5328

Responsible Officer: Development Services Manager, Ben McKay

Disclosure of Conflicts of Interest

The author of this report and officers providing advice in relation to this report do not have a direct or indirect interest in this matter, as provided in accordance with the *Local Government Act 1989*.

Introduction

To seek a Council resolution to abandon Amendment C41 to rezone 264 Dead Horse Lane, Mansfield from Low Density Residential to Industrial 3. The subject land is shown in Attachment 1

Background

A private proponent request was received for a site specific rezoning of 264 Dead Horse Lane, Mansfield from Low Density Residential (LDRZ) to Industrial 3 (IN3Z). This request was made on the basis of:

- The Industrial 3 Zone (while allowing lighter industrial uses within the zone) being a zone that provides a buffer area between the Industrial 1 Zone and local communities.
- The greater separation of general industrial uses under the Industrial 1 Zone (that applies along Dead Horse Lane) and land zoned General Residential 1 to the south, removing potentially sensitive uses from active industrial uses.
- Dead Horse Lane being identified as part of the heavy vehicle by pass route, which will result in additional heavy vehicle movements and consequent amenity impacts such as noise and road safety.

At its meeting on 26 June 2018, Council resolved to seek authorisation for the amendment and exhibit the amendment. When authorised, Council exhibited the amendment between 5 September and 5 October.

Statutory Requirements

The proposed amendment was exhibited for a minimum of one month under Planning and Environment Act 1989 amendment procedures. As objecting submissions were received, Council must now either:

1. Refer unresolved submissions to an independent panel for consideration and report to Council; or
2. Abandon the amendment.

Council Plan

The request to rezone the land complies with the Strategic Direction Two – Financial Sustainability strategic objective:

2.7 Mansfield's economy is diverse, with the agility to respond to changing consumer demands

10.2.4 Proposed Amendment C41 to Mansfield Planning Scheme cont.

Financial

The proponents for the amendment have paid an initial fee of \$2,929.30 to Council to request the amendment. If the amendment proceeds, further fees would be incurred by the proponent for considering submissions / requesting a panel, adopting the amendment and submitting the amendment for approval. The proponent would also have to pay all costs of an independent panel of which council fees alone equate to \$14,518.60.

Social

The proposed rezoning to Industrial 3 intended to provide a buffer and minimise potential land use conflict between industrial and residential land uses. However, Clause 53.10 of the scheme already imposes threshold distances for intensive industries to prevent unacceptable risk to neighbouring residential uses.

Environmental

The amendment was proposed to potentially reduce immediate environmental impacts on neighbours due to the development of light industrial uses on land zoned Industrial 1. Any form of development on the land will require consideration of site features, notably remnant native vegetation, and linking and an extension of a drainage reserve and vegetated buffer planting along the southern boundary to extend similar reserve and planting to the west and east.

Economic

The intent of the rezoning was to create an opportunity to create further industrial development; unfortunately, it has only been investigated in isolation and does not take into account the needs across the shire.

Risk Management

There are no risks associated with this proposal or report

Community Engagement

The proposed amendment was exhibited with ten (10) submissions being received, four (4) from authorities, six (6) from private submitters, as follows:

Authority submissions (4):

- Goulburn Valley Water: No objection.
- Goulburn Murray Water: No objection.
- DELWP:
 - Current Low Density Residential Zone has a 0.2 ha minimum lots size but no minimum lots size is proposed Industrial 3 Zone.
 - Council may consider measures to protect the 6 large scattered eucalypts on the land through measures such as road design, agreements and other methods; one measure could be use of a Section 173 agreement to create a minimum lot size of 0.4 hectares.
- EPA:
 - Supports introduction of a zoning buffer between Industry 1 Zone and sensitive uses.
 - Council will have opportunity to assess applications on Industrial 3 zoned land and manage potential amenity and human health conflicts.

10.2.4 Proposed Amendment C41 to Mansfield Planning Scheme cont.

- Permit applications may be referred to EPA for a more targeted assessment of potential impacts upon sensitive uses.
- Queries ongoing use of dwelling and ancillary shed on land, which would become prohibited under the Industrial 3 Zone, as contradicts basis of amendment to provide a buffer between industry and sensitive uses.
- Supports amendment if existing dwelling is to be removed.

Private submissions (6):

5 objecting or raising concerns, raising the following issues:

- Drainage:
 - Drainage problems from Dead Horse Lane negatively impact on Cambridge Drive residential development which will become worse with rezoning
 - Requirement that stormwater from Dead Horse Lane properties be discharged to Dead Horse lane has not occurred; discharge from No 24 must be discharged to a legal point of discharge in Dead Horse Lane.
 - Proper and adequate steps must be taken to ensure flood runoffs do not inundate properties in Cambridge Drive; current drainage bad enough without allowing additional development without adequate drainage.
- Devaluation:
 - Proximity of light industry to residential blocks will affect residential values.
 - Did not expect that an industrial area could be located in such close proximity to residential property; allowing light industry will only further devalue land.
- Aesthetics and design:
 - As resident to the south, do not wish to be looking out of backyard at factory walls and experience noise and air pollution.
 - If rezoning does occur, Council must ensure a minimum 10 m wide internal buffer along southern and eastern boundaries planted with native vegetation to create a visual and acoustic screen; although stated in proposal, there is no mechanism proposed to implement this buffer.
 - No mechanism to implement stated proposal for proposed buffer to include an extension to the existing shared walking / cycle path from the southwestern corner of the site.

1 supporting, raising the following issues:

- Traffic: Aware that Dead Horse Lane will be upgraded to be a heavy vehicle bypass, making low-density residential zoning no longer suitable for the area.

Officer's Comments

Submissions:

Private submissions have raised issues regarding detailed engineering / drainage planning and site design. The submissions are correct in noting that there has been no identification of how onsite amenity and design issues can be met. Drainage is an issue for the subject land, with an easement required with future development to link with adjoining easements on adjoining land to the west and east. While these issues are of concern to nearby residential landowners, they are typical interface issues that are experienced between any form of industrial use and residential use. These amenity type issues cannot be readily resolved at this industry / residential interface, irrespective of the actual industrial zone that is applied to industrial land.

10.2.4 Proposed Amendment C41 to Mansfield Planning Scheme cont.

Potential devaluation is hypothetical as future development has not taken place and value cannot be measured at this stage. For this reason, potential devaluation cannot be considered as a valid planning consideration or objection.

While DELWP seeks a minimum lot size of 0.4 ha for the subject land, the proposed Industrial 3 Zone has no minimum subdivision size, with all proposals to be considered on their individual merits. Any need for larger lot sizes to be mandated through a specific legal agreement mitigates against rezoning to Industrial 3 where no minimum lot sizes apply.

While the EPA is correct that the use of the existing dwelling would become prohibited under the proposed Industrial 3 Zone, it is not possible to remove the dwelling as the EPA suggests as the dwelling would have existing use rights that allow it to continue to be used legally. The EPA suggestion that the retention of the dwelling contradicts the basis of amendment to provide a buffer between industry and sensitive uses appears correct.

Potential effect from rezoning to Industrial 3:

The Industrial 3 Zone has purposes that include providing a buffer between the Industrial 3 Zone and local communities and avoiding inter-industry conflicts. The Industrial 3 Zone allows proposals to be considered for uses such as industry, warehouse and restricted retail premises and prohibits new dwellings.

While a dwelling exists on the land and a 7 lot residential subdivision was approved for the land in March 2018, a rezoning to Industrial 3 will not remove the 'existing use right' to allow the dwelling to be continued to be used legally or the ability for the approved subdivision to proceed until the permit expires.

The Industrial 3 Zone is effectively similar to the Industrial 1 Zone that applies to adjoining land to the west and land opposite to the north as both allow industry, warehouse and retail premises with a permit and prohibit dwellings, with all buildings and works requiring a permit. While the use of industry does not require a planning permit in the Industrial 1 Zone for uses not requiring larger buffers (outlined under Clause 53.10), this potential does not apply to any land adjoining a residential zone. This means that any proposed benefit for this site to act as a buffer between the industry zone and general residential zones is negated.

Need and options for industrial land:

There are increasing enquiries for industrial land that it would appear cannot be met with current industrially zoned land. While preliminary investigations for industrial land are being made, it is considered that there is a need for an overall industrial needs study. This assessment could be made as part of a specific industrial needs study or as part of a wider strategic study for the town or municipality. An assessment of this nature could assess the need for industrial land, infrastructure / drainage needs, buffer requirements and options for zoning / planning controls in the context of the whole town, not just for the land subject to this amendment.

10.2.4 Proposed Amendment C41 to Mansfield Planning Scheme cont.

Conclusion:

As exhibited, the amendment is for a 'site-specific' proposal that is harder to justify than an overall response for a larger industrial land approach that considers all potential industrial options in context. This proposal is not supported by any strategic study or assessment that makes it very difficult to justify under Minister's Direction No 11, *Strategic Assessment of Amendments* and accompanying Planning Practice Note 46, *Strategic Assessment Guidelines*.

Council must either proceed to request a panel to consider submissions or abandon the amendment. A panel should not be requested unless Council is fully supportive of the amendment and considers that objections and concerns cannot be sustained. If Council abandons the amendment, the applicant has no appeal opportunities available to review this decision.

Overall, it is considered that the exhibited amendment is a site-specific proposal that cannot be strategically justified and should now be abandoned rather than proceed to panel. It is suggested that Council consider wider industrial needs and servicing through a wider assessment, allowing these issues to be considered in the context of the Mansfield township or municipality as a whole.

Attachments

1. Locality Plan

Recommendation:

That:

Having prepared and exhibited Amendment C41 to the Mansfield Planning Scheme under Section 19 of the Planning and Environment Act 1987;

Having considered all submissions to Amendment C41 to the Mansfield Planning Scheme under Section 22 of the Planning and Environment Act 1987;

Mansfield Council resolves to:

1. **Abandon Amendment C41 to the Mansfield Planning Scheme in accordance with Section 23(1) (c) of the Planning and Environment Act 1987.**
2. **Advise the Minister for Planning in accordance with Section 28 of the Planning and Environment Act 1987 of Council's decision to abandon Amendment C41 to the Mansfield Planning Scheme.**
3. **Request the Minister for Planning in accordance with Section 30 of the Planning and Environment Act 1987 to publish a notice of lapsing of Amendment C41 to the Mansfield Planning Scheme in the Government Gazette.**

10.3 COMMUNITY SERVICES

10.3.1 Notice of Intention to discontinue and transfer part of Nash Street, Jamieson

File Number: EXXX
Responsible Officer: Community Services Manager, Melanie Hotton

Disclosure of Conflicts of Interest

The author of this report and officers providing advice in relation to this report do not have a direct or indirect interest in this matter, as provided in accordance with the *Local Government Act 1989*.

Introduction

It is proposed that Council use its powers under Section 206(1) and Schedule 10 of the *Local Government Act 1989* to discontinue an unused portion of Nash Street, Jamieson as shown in **Attachment 1** and transfer the land to the property owners adjacent based on a land valuation.

Pursuant to Section 223 of the *Local Government Act 1989*, Council will give public notice of its intention to discontinue and transfer part of Nash Street, Jamieson and invite public submissions as to whether or not the proposal should proceed.

A letter will also be mailed to a number of surrounding property owners outlining the details of the proposal and inviting public comment.

Background

The proposal has been initiated by the owners of the Jamieson Caravan Park seeking to formalise their occupation of this part of the road reserve in Nash Street, Jamieson.

The land has been closed to thru traffic for many years and is in between the titles of Jamieson Caravan Park precluding the owners from running utilities and services across the section of land.

Statutory Requirements

Council has powers under Section 206(1) and Schedule 10 of the *Local Government Act 1989* to discontinue roads or road reserves and call for submissions from the public under Sections 207A and 223.

Council Plan

The Notice of Intention and the consultative process to be undertaken are consistent with the following objective of the 2017-21 Council Plan:

Strategic Objective 1.1 Our community has a say in matters of interest to them



10.3.1 Notice of Intention to discontinue and transfer part of Nash Street, Jamieson cont.

Financial

There has only been administration costs associated with the review of these properties.

Social

There are no social implications arising from this report.

Environmental

There are no environmental implications arising from this report.

Economic

There are no economic implications arising from this report.

Community Engagement

The Notice of Intention will be advertised in the Mansfield Courier, Social media and on the 'Have your Say' portal Councils website.

Surrounding property owners will also be notified in writing.

Officer's Comments

It is proposed that Council use its powers under Section 206(1) and Schedule 10 of the *Local Government Act 1989* to discontinue an unused portion of Nash Street, Jamieson as shown in **Attachment 1** and transfer the land to the property owners adjacent based on a land valuation.

The removal of the road status will enable Council to transfer the portion of unused road reserve to the abutting property owners (currently occupying the land) subject to the reimbursement of Council costs, purchasing the land based on a land valuation.

Attachments

- 1 Arial view of proposed road discontinuance in Nash Street, Jamieson.

Recommendation:

That;

1. **A Notice of Intention to Discontinue and Transfer part of Nash Street, Jamieson.**
2. **Seek submissions under Sections 207A and 223 of the Local Government Act 1989.**



10.2 COMMUNITY SERVICES CONT.

10.3.2 Notice of Intention to Discontinue and Transfer part of Harbor Line Drive, Goughs Bay

File Number: EXXX
Responsible Officer: Community Services Manager, Melanie Hotton

Disclosure of Conflicts of Interest

The author of this report and officers providing advice in relation to this report do not have a direct or indirect interest in this matter, as provided in accordance with the *Local Government Act 1989*.

Introduction

It is proposed that Council use its powers under Section 206(1) and Schedule 10 of the *Local Government Act 1989* to discontinue an unused portion of Harbor Line Drive, Goughs Bay as shown in **Attachment 1** and transfer the land to the property owners adjacent based on a land valuation.

Pursuant to Section 223 of the *Local Government Act 1989*, Council will give public notice of its intention to discontinue and transfer part of Harbor Line Drive, Goughs Bay and invite public submissions as to whether or not the proposal should proceed.

A letter will also be mailed to a number of surrounding property owners outlining the details of the proposal and inviting public comment.

Background

The proposal has been initiated by the owners of 18 Harbor Line Drive, Goughs Bay seeking to formalise their occupation of this part of the road reserve in Harbor Line Drive, Goughs Bay.

The land is not used as a road, cannot be accessed to thru traffic, and has a number of built structures on it belonging to the owners of 18 Harbor Line Drive, Goughs Bay.

Statutory Requirements

Council has powers under Section 206(1) and Schedule 10 of the *Local Government Act 1989* to discontinue roads or road reserves and call for submissions from the public under Sections 207A and 223.

Council Plan

The Notice of Intention and the consultative process to be undertaken are consistent with the following objective of the 2017-21 Council Plan:

Strategic Objective 1.1 Our community has a say in matters of interest to them

10.3.2 Notice of Intention to Discontinue and Transfer part of Harbor Line Drive, Goughs Bay cont.

Financial

There has only been administration costs associated with the review of these properties.

Social

There are no social implications arising from this report.

Environmental

There are no environmental implications arising from this report.

Economic

There are no economic implications arising from this report.

Community Engagement

The Notice of Intention will be advertised in the Mansfield Courier, Social media and on the 'Have your Say' portal Councils website.

Surrounding property owners will also be notified in writing.

Officer's Comments

It is proposed that Council use its powers under Section 206(1) and Schedule 10 of the *Local Government Act 1989* to discontinue an unused portion of Harbor Line Drive, Goughs Bay as shown in **Attachment 1** and transfer the land to the property owners adjacent based on a land valuation.

The removal of the road status will enable Council to transfer the portion of unused road reserve to the abutting property owners (currently occupying the land) subject to the reimbursement of Council costs, purchasing the land based on a land valuation.

Attachments

1 Schematic drawings of proposed road discontinuance in Harbor Line Drive, Goughs Bay.

Recommendation:

That;

- 1. A Notice of Intention to Discontinue and Transfer part of Harbor Line Drive, Goughs Bay; and**
- 2. Seek submissions under Sections 207A and 223 of the *Local Government Act 1989*.**



10.4 EXECUTIVE SERVICES

10.4.1 Parks & Precincts Advisory Committee Recommendation

File Number: E1511
Responsible Officer: Paul Valente

Disclosure of Conflicts of Interest

The author of this report and officers providing advice in relation to this report do not have a direct or indirect interest in this matter, as provided in accordance with the *Local Government Act 1989*.

Summary

The Parks and Precincts Advisory Committee, (the Committee) have made a recommendation to Council to object to the intention to Lot 2002, Kitchen Street, Mansfield.

Background

At a meeting of the Committee on 05 December 2018, a discussion took place regarding potential sale of Lot 2002, Mansfield for which Council is currently deliberating.

A member of the Committee suggested that selling the land would prevent additional vehicle access to Station Precinct and further risk visual amenity to Mt Battery from the Visitor Information Centre. Concern was also expressed that the sale should not take place prior to the completion of the Station Precinct Masterplan, in order to allow possible land use for the community to be explored. The general opinion was expressed that the land should be leased with strict controls rather than proceeding with an outright sale.

As a result, the following Motions were put forward;

Motion 1: Moved By Colleen Reynolds. Seconded by John Owen
That Council defers the decision on the sale or lease of Lot 2002, Kitchen Street, Mansfield until the Station Precinct Masterplan is completed.
All in favour. Carried.

Motion 2: Moved by Will Twycross. Seconded by Sue Gardner.
That the Committee opposes the sale of Lot 2002, Kitchen Street, but will consider support of a controlled lease pending outcome of the Station Precinct Masterplan.
All in favour. Carried.



10.4.1 Parks & Precincts Advisory Committee Recommendation cont.

Statutory Requirements

The Parks and Precincts Advisory Committee is established under the *Local Government Act 1989*. The committee operates in accordance with the *Mansfield Shire Council Advisory Committees Policy 2017*.

Item 10 of the *Advisory Committees Policy 2017* states that recommendations of the committee will be referred to Council for consideration.

Item 12 states that the Council officer supporting the committee will provide a report to Council outlining the various views of advisory committee members and make an officer recommendation, based upon the professional judgement of the administration.

Council Plan

Strategic Objective 5.1: We achieve the highest standards of good governance

Financial

There is no significant social impact to receiving the advisory committee's motion

Social

There is no significant social impact to receiving the advisory committee's motion

Environmental

There is no significant environmental concern in receiving the advisory committee's motion

Economic

There is no significant economic impact in receiving the advisory committee's motion.

Risk Management

There are no significant risk management impacts in receiving the advisory committee's motion.

Community Engagement

There is no Community Engagement required to receive the Parks and Precincts Committees motions.



10.4.1 Parks & Precincts Advisory Committee Recommendation cont.

Officer's Comments

Consultation on the Notice of Intention to Sell Lot 2002 Kitchen Street, Mansfield was undertaken pursuant to Section 223 of the Local Government Act 1989. Submissions to this closed on the DATE and have been considered by Council.

Concerns raised by the committee that additional vehicle movements may be required to be accessed through this site are unfounded. This land is zoned Commercial and as such cannot be used as an access road. Lot 2003 Kitchen Street, Mansfield, located directly to the North is a road reserve that is currently undeveloped. If additional access is required this land would be the access to the Station Precinct area.

Lot 2002 Kitchen Street, Mansfield, is not included in the scope of the Station Precinct Master Plan. The Station Precinct Land is Crown land with a public use reserve.

Given that the Parks and Precincts committee did not provide these objections within the statutory timeframe as outlined under Section 223 of the Local Government Act 1989 and the responses to the concerns raised have been addressed above, Officer recommendation is for Council to not support the motions of the Parks and Precinct Committee.

Attachments

Nil

Recommendation:

That Council not support the motions presented the Parks and Precincts Committee in regards to the Notice of Intention to Sell Lot 2002 Kitchen Street, Mansfield.



10.4 EXECUTIVE SERVICES CONT.

10.4.2 Notice of Sale of Lot 2002 Kitchen Street, Mansfield

File Number: E5574
Responsible Officer: Chief Executive Officer, Alex Green

Disclosure of Conflicts of Interest

The officer who prepared this report does not have a conflict of interest in any matter dealt with in the report as outlined in sections 78 and 78A-E of the Local Government Act 1989.

Introduction

At its meeting of 18 September 2018, a Notice of Motion was put forward by Councilor Sladdin that Council declare a Notice of Intention to sell Lot 2002 Kitchen Street, Mansfield and commence a community consultation process in accordance with Sections 189 and 223 of the *Local Government Act 1989*.

Pursuant to Section 223 of the *Local Government Act 1989*, the public notice invited interested persons to make a submission and a verbal representation.

Submissions received were heard and considered at a Special Meeting on 13 November 2018.

In total 90 submissions were received to the Notice of Intention to Sell. 6 submissions are unsupportive of the sale of land and 84 are in support.

Background

Council owns, in freehold, Lot 2002 Kitchen Street, Mansfield.

Council's assets requirements may change over time, thus all Council land and buildings should be reviewed regularly to ensure that the property is being held for a specific purpose for current or future use or identified as potential for disposal.

Council's policy for Sale of Council Land and Buildings provides criteria for identification of surplus land and building assets. The criteria includes history of the land, size and location, demonstrated past and current usage, surrounding usage, community or Council plans, strategic relevance, access to the property, demonstrated community need and future foreseeable use.

History of the land

Size and location of the property

Attachment 1

10.4.2 Notice of Sale of Lot 2002 Kitchen Street, Mansfield cont.

Demonstrated past and current usage

Since as early, as 1978 Yencken's in some format has utilised the space identified as Lot 2002 Kitchen Street.

Over many years, there have been ongoing negotiations to purchase directly from the State and to have the land subdivided and rezoned.

Council purchased the Lot in 2011 from the Department of Sustainability and Environment.

Council entered into a lease agreement with Yencken's Hardware Pty Ltd in 2012. The current lease agreement will expire on the 31 October 2022.

Surrounding usage

Lot 2003 is located adjacent to Lot 2002 is a road reserve. This parcel of land allows for future connection to the Station Precinct or future subdivisions located to the North West.

The Station Precinct is located to the West of Lot 2002 and is currently undergoing a Master Planning process.

Future foreseeable use.

Council could hold this parcel of land and maintain it as an open space; however, Council already maintains numerous other parcels of land for this purpose in close proximity.

Given the land has not been utilised by Council and it provides minimal rental income; it would seem prudent for Council to consider disposal. By disposing of this property, Council has the potential to generate a financial return.

Statutory Requirements

The *Local Government Act 1989* must be adhered to when selling Council land.

Under Section 5(2)(d) of the *Local Government Act 1989*, Council is capable of acquiring, holding, dealing with or disposing of property for the purpose of performing its functions and exercising its powers.

Sale by Expression of Interest is the most appropriate method of sale for this property due to the location, size and current use of the land.

The Sale of Council Land and Buildings Policy and procedures outline the way in which Council administrates its real estate assets in accordance with Council strategies, plans and legislative requirements.



10.4.2 Notice of Sale of Lot 2002 Kitchen Street, Mansfield cont.

Council Plan

The Notice of Intention to Sell, and the consultative process undertaken to date are consistent with the following objectives of the 2017-21 Council Plan:

Strategic Objective 1.1 Our community has a say in matters of interest to them; and

Strategic Objective 2.1 Council has a strategic, long term financial plan to secure its ongoing financial sustainability.

Financial

There has only been administration costs associated with the review of this property.

Council will obtain a valuation for the parcel of land in accordance with Section 189 of the *Local Government Act 1989*.

All revenue received from the disposal of this land will be treated as general revenue in the year it is received and will be considered as part of Council's annual budget.

Once sold this property will become rateable under the *Local Government Act 1989*.

Environmental

There are no environmental implications arising from this report.

Consultation

The Expression of Interest will be advertised in the Mansfield Courier, Social media and on the Council's website, seeking confidential offers in writing for the purchase of this land.

Officer's Comments

Council has a number of options when considering the future arrangements for the vacant land located at Lot 2002 Kitchen Street, Mansfield.

1. Council retain Lot 2002 Kitchen Street, Mansfield and maintain the current lease arrangement;
2. Proceed with the sale of Lot 2002 Kitchen Street, Mansfield.

Lot 2002 Kitchen Street, Mansfield has been identified as surplus to Council's requirements and therefore it is proposed that it be considered as a possibility for sale.

Attachment

- 1 Size and location map of Lot 2002 Kitchen Street, Mansfield



10.4.2 Notice of Sale of Lot 2002 Kitchen Street, Mansfield cont.

Recommendation:

That Council:

1. Having considered both the written and verbal submissions received proceed with the sale of land located at Lot 2002 Kitchen Street, Mansfield;
2. Delegate authority to the CEO to determine the reserve price and negotiate the sale of Lot 2002, Kitchen Street, Mansfield; and
3. Affix the Common Seal of Council to documents relating to the sale of land.
4. Notify in writing, where an address has been provided, each person/party who has made a submission of a decision and reasons for that decision.



10.4 EXECUTIVE SERVICES CONT.

10.4.3 Petition – Ultimo Street Renumbering Project

File Number: E429
Responsible Officer: Finance Manager, Mandy Kynnersley

Disclosure of Conflicts of Interest

The author of this report and officers providing advice in relation to this report do not have a direct or indirect interest in this matter, as provided in accordance with the *Local Government Act 1989*.

Summary

A petition has been submitted to Council in relation to the Ultimo Street Renumbering Project.

Background

A new subdivision at the corner of Curia and Ultimo streets in Mansfield has been proposed to Council and as a result new street numbers will be required in Ultimo Street.

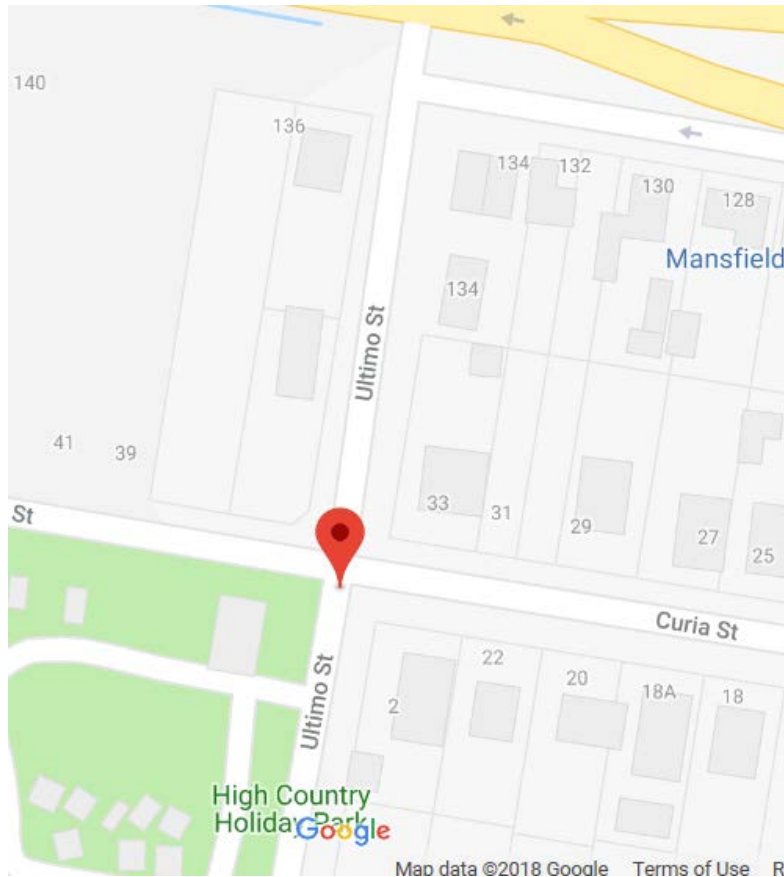
Council officers are required to review all street numbering proposals in accordance with:

- the Australian/New Zealand Standard AS/NZS 4819:2011 - *Rural and Urban Addressing*,
- Council's *Street Numbering Policy*, and;
- consultation with the Office of Geographic Names (OGN)

The current number sequence for Ultimo Street begins at the corner of Curia Street and Ultimo Street, and there are no Ultimo Street numbers allocated between High Street and Curia Streets. This will need to be rectified to allow the subdivision to be allocated Ultimo Street numbers.

Refer to the following map.

10.4.3 Petition – Ultimo Street Renumbering Project cont.



A renumbering proposal was been prepared by Council officers to address the need for new numbers for the proposed new lots, correct existing inconsistencies with the *Standard* and ensure the numbering outcome is future proofed to withstand any further property development along Ultimo Street.

To ensure the numbering of Ultimo Street is fully compliant, officers have already sought input and advice from the Office of Geographic Names.

The resulting proposal would affect a number of properties in Ultimo Street and in particular requires a change in current property address numbers.

The proposal was released for community consultation on 25 September 2018. Consultation closed 26 October 2018.

A petition has been received in relation to the renumbering proposal and is presented to Council for formal receipt.

10.4.3 Petition – Ultimo Street Renumbering Project cont.

Statutory Requirements

Street numbering is considered under:

- Council's *Street Renumbering Policy*; and
- Australian/New Zealand Standard 4819:2011 – *Rural and Urban Addressing*

Road renaming is considered under:

- Council's *Naming of Roads, Features or Localities* policy; and
- The State Government's *Naming rules for places in Victoria*

Council Plan

Strategic Objective 5.1: We achieve the highest standards of good governance

Strategic Objective 4.4: We have strong policy and decision making frameworks in place to protect and enhance the unique character of our Shire for future generations.

Decisions around street numbering should be considered in light of best practice and the requirements of Council Policy, the relevant standards, and legislation.

Financial

There is no significant financial impact

Social

Changing the street address of a property is an inconvenience to the affected owner / resident, particularly to those that rely heavily on postal mail. Council attempts to minimise the impact by offering to reimburse the cost of a 12-month postal redirection service with Australia Post for all residents.

Environmental

There is no environmental impact

Economic

There is no significant economic impact

Risk Management

The proposal seeks to mitigate the risk of further non-compliance with the AS/NZS Standard – *Rural and Urban Addressing* by rectifying existing numbering errors and predicting and allowing for future development that may require further numbering changes if left unaddressed.

10.4.3 Petition – Ultimo Street Renumbering Project cont.

Community Engagement

Council's *Street Renumbering Policy* dictates that owners and occupiers of affected properties will be consulted with in all instances of renumbering of existing properties.

All owners and residents of properties impacted by the Ultimo Street renumbering proposal were formally notified of the opportunity to provide Council with feedback. Notification was issued by mail and/or email.

Council's "Have Your Say" portal was launched on 26 September 2018 and affected property owners and residents were encouraged to

1. visit the portal on Council's website;
2. review the renumbering Proposal, the *Standard* and the *Policy*;
3. consider how the proposal will impact them; and
4. provide feedback using the link on the portal page.

Residents and property owners of Ultimo Street that are unable to access the internet were informed they could pick up a hard copy information pack from Council reception if preferred.

The 4-week consultation period closed on 26 October 2018.

No formal submissions were received using the notified process. Four people spoke to Officers, 1 of which was supportive of the proposal and the other 3 were against. All four individuals were prompted to make formal submissions to support their conversations, however none were received.

All feedback received will be reviewed by Council officers and a final decision will be issued. All affected property owners and residents will be notified of the outcomes of engagement, the final decision of Council officers, and the timeframe for when the change (if any) will take effect.

Officer's Comments

All affected property owners and occupiers were formally notified of the process through which consultation was available and how to submit their feedback to Council on the renumbering proposal.

The purpose of creating a formal process is to ensure all affected individuals are provided with the relevant facts and information to enable them to make a submission to council that is valid and complies with the requirements of Council's *Street Renumbering Policy*, and the Australian/New Zealand Standard – *Rural and Urban Addressing*.

This information was made available on Council's "Have Your Say" portal and as a hard copy information pack that could be collected from council reception.



10.4.3 Petition – Ultimo Street Renumbering Project cont.

No submissions were received using the formal process.

A petition has been received. The statement petitioners have put their signatures to is “*Petition against the proposed renumbering of Ultimo St, Mansfield*”.

There are two statements at the bottom of the last two pages (pgs 11 and 12) of the petition. Each statement is assessed by officers below.

Statement / proposal	Officer response
Allocate Curia Street numbers with alpha suffixes to the new lots created by the subdivision at 33 Curia Street (ie 33A, 33B and 33C Curia Street).	This proposal is not compliant. Section 5.4.1 of the <i>Rural and Urban Addressing Standard</i> states that: <i>Address numbers shall be assigned according to the location of the point of access to the address site.</i> The point of access of each lot created by the subdivision will not be from Curia Street. There is precedent set with the units currently numbered as 134A and 134B High Street. As this is non-compliant numbering, the proposal seeks to rectify this issue as well. The affected resident from one of these units has expressed verbal support for this change.
Rename the portion of road between Curia Street and High Street so it is no longer part of Ultimo Street.	This proposal has been confirmed with the Office of Geographic names as compliant.

The responsibility to make decisions with respect to street renumbering is delegated to the Finance Manager and the Revenue Coordinator under the Council endorsed Instruments of Delegation. A decision will be made by these officers after the petition has been formally presented to and received by Council.

If officers decide that renaming the road is the most suitable outcome, a proposal will come before Council for a decision on the new name.

Attachments

1. Petition against the proposed renumbering of Ultimo St, Mansfield by residents and business owners of Ultimo St.



10.4.3 Petition – Ultimo Street Renumbering Project cont.

Recommendation:

That council receive the petition against the proposed renumbering of Ultimo St, Mansfield.



10.4 EXECUTIVE SERVICES CONT.

10.4.4 Audit and Risk Advisory Committee Recommendation

File Number: E34
Responsible Officer: Finance Manager, Mandy Kynnersley

Disclosure of Conflicts of Interest

The author of this report and officers providing advice in relation to this report do not have a direct or indirect interest in this matter, as provided in accordance with the *Local Government Act 1989*.

Summary

The Audit and Risk Advisory Committee have made a recommendation to Council to resource Risk Management immediately.

Background

An internal audit was performed by AFS and Associates around Council's risk management processes in July 2018. The subsequent report identified 9 issues – 7 classified as moderate risk exposure and 2 as minor risk exposure.

Officers are currently recruiting to a Governance and Risk Officer role (Band 7). The identified risk management issues, including reviewing and implementing the draft risk management framework, have been quarantined until an appointment has been made to this position.

The Audit and Risk Advisory Committee received the internal audit report at their November 2018 meeting, and resolved to recommend to Council that a contract resource be allocated immediately to address the recommendations of the report.

Statutory Requirements

The Audit and Risk Advisory Committee is established under the *Local Government Act 1989*. The committee operates in accordance with a Charter endorsed by Council, and the *Mansfield Shire Council Advisory Committees Policy 2017*.

Item 10 of the *Advisory Committees Policy 2017* states that recommendations of the committee will be referred to Council for consideration.

Item 12 states that the Council officer supporting the committee will provide a report to Council outlining the various views of advisory committee members and make an officer recommendation, based upon the professional judgement of the administration.

10.4.4 Audit and Risk Advisory Committee Recommendation cont.

Council Plan

Strategic Objective 5.1: We achieve the highest standards of good governance

Financial

There are funds in the budget for a Governance Coordinator of \$125k per annum of which \$20k has been spent year to date prior to the incumbents resignation.

The remaining \$105k is available to spend on salaries or contract costs for Governance and Risk.

Social

There is no significant social impact

Environmental

There is no significant environmental impact

Economic

There is no significant economic impact

Risk Management

Council is currently lacking a formalised risk management framework among other risk controls and procedures.

Community Engagement

The Audit and Risk Advisory Committee includes 3 independent members, however they are not community representatives.

There has been no community engagement around this matter.

Officer's Comments

The Audit and Risk Advisory Committee recommendation in this report is related to Mansfield Shire Council not having a modern corporate structure, and the need for adequate resourcing.

The internal audit recommendations must be addressed as soon as the resources are available to do so. Council's risk exposure is currently heightened by not having the appropriate frameworks formally in place and monitored appropriately. Officers aimed to address this by creating the risk portfolio within the new Governance and Risk Officer role.



10.4.4 Audit and Risk Advisory Committee Recommendation cont.

The role has been advertised in various forms since September. Recent rounds of advertising have led to improved applications, and interviews are currently scheduled for 14 December 2018. If a suitable applicant is found from the current applications it is expected appointment would be made some time in January 2019.

Concurrently officers are in discussions with various consultants to identify a possible way forward. Consultancy proposals will be considered in light of cost and expected outcomes when they have been received.

It is anticipated that budgeted funds unspent on the Governance Coordinator role (due to vacancy) could be utilised to fund any consultancy work required.

Officers will report back to the Audit and Risk Advisory Committee at the February 2019 meeting on the progress against the internal audit recommendations.

Attachments

Nil

Recommendation:

That council note the Audit and Risk Advisory Committee's recommendation to resource Risk Management immediately.



10.4 EXECUTIVE SERVICES CONT.

10.4.5 Mansfield Shire Procurement Policy 2018

File Number: E5313
Responsible Officer: Finance Manager, Mandy Kynnersley

Disclosure of Conflicts of Interest

The author of this report and officers providing advice in relation to this report do not have a direct or indirect interest in this matter, as provided in accordance with the *Local Government Act 1989*.

Introduction

In accordance with Section 186A of the *Local Government Act 1989* (Act), Council must review its Procurement Policy annually. Council's current Procurement Policy and Procedures was adopted by Council at its December 2017 meeting and has subsequently been reviewed in accordance with the Act. A copy of the revised policy and associated procedures is attached for the Council's consideration.

Background

Section 186A of the *Local Government Act 1989* (the Act) requires the Council to prepare, approve and comply with a Procurement Policy encompassing the principles, processes and procedures applied to all purchases of goods, services and works by the Council.

Council's Procurement Policy and Procedures is the primary reference point for how all procurement should be undertaken.

A Procurement Policy must include any matter prescribed by the Act, and Council must have regard to ministerial guidelines when preparing its Policy. A Council must review its Procurement Policy annually and make it available for public inspection.

The Local Government Victoria Best Practice Guidelines 2013 has been referred to as part of the review process as a means of ensuring Council is operating in a manner that is consistent across the industry, while at the same time reflecting our specific local conditions and needs.

Statutory Requirements

Council is required to adopt a Procurement Policy pursuant to section 186A of the *Local Government Act 1989*.

Section 186A(7) requires the policy to be reviewed at least once a year.

Sections 186A(4) and 186A(5) require the policy to be in keeping with any Guidelines approved by the Minister for Local Government.

Section 186A(8) states that a copy of the adopted Procurement Policy must be made publically available on Council's website and at Council's office.

10.4.5 Mansfield Shire Procurement Policy 2018 cont.

Council Plan

Council is committed to ensuring that equal opportunity is offered to all suppliers when bidding for Council services, goods and works. This policy is in line with the following Strategic Objectives:

- Financial sustainability
- Responsible leadership

Financial

The fundamental basis of the Procurement Policy and Procedures is achieving best value for money and maximising competition. At the same time, day to day procurement of basic goods and services needs to be undertaken in an efficient manner. To this end the limits for quotations are as follows:

- Items with a value of up to \$2,000 do not require a written quote, however items must be purchased in accordance with appropriate financial delegation and within budget constraints.
- Items with a value between \$2,001-\$10,000 must have a minimum of one written quotation prior to raising a purchase order.
- Goods or services with a value between \$10,001-150,000 or building and construction works valued up to \$200,000 must have three written quotations prior to raising a purchase order.
- Goods or services greater than \$150,000 require a public tender process.
- Infrastructure works greater than \$200,000 require a public tender process.

A review of financial delegation limits has also been undertaken to ensure consistency across the various staffing levels. The list of delegation limits is attached to the Policy.

Social

The Policy requires each tender process to include a weighting for local content in an effort to encourage local suppliers to tender for goods, services and works. In this way Council is seeking to maximise social benefits for the local community.

Environmental

Section 3.6 of the Procurement Procedures requires the environmental impact of all supply options to be considered during procurement processes.

Economic

The Policy requires each tender process to include a weighting for local content in an effort to encourage local suppliers to tender for goods, services and works. In this way Council is seeking to maximise benefits for the local economy.

10.4.5 Mansfield Shire Procurement Policy 2018 cont.

Risk Management

The Procurement Policy is a fundamental risk mitigation tool that clearly sets out roles, responsibilities, procurement options and spending limits.

Further, in accordance with the Responsibilities Section of the Policy, the Internal Audit Contractor is required to undertake an internal audit of compliance with the Policy and Procedures from time to time.

Community Engagement

The review of the Procurement Policy and Procedures has been informed by researching policies of other councils and through reference to the Local Government Victoria Best Practice Procurement Guidelines 2013.

Input from the Senior Leadership Group and the Finance Department has been sought to inform this annual review to identify any procedures that require change.

External consultation is not required under the Act and is not considered appropriate for this type of policy.

Officer's Comments

There are a number of changes proposed in this document;

- The introduction of a Procurement Initiation Form to help identify best procurement method
- The compulsory use of purchase orders for purchases above \$2,000
- Sign-off of each purchase order between \$10,001 and \$150,000 by Council's Procurement Officer prior to release to the supplier as a means of quality control
- Delegations table has been reviewed and updated to reflect organisational structure changes

The Procurement Policy addresses a legislative requirement and further detailed instructions have been added to the procedures that will continue to provide both internal and external transparency of process.

The Policy is in line with industry best practice and achieves a balance between procurement efficiency and transparency, while balancing the achievement of financial, social and environmental objectives through procurement activities.

The policy has been reviewed by the Audit and Risk Advisory Committee at their November meeting, and is recommended to Council for adoption.

Recommendation:

That Council endorse the Mansfield Shire Procurement Policy and Procedures 2018, as recommended by the Mansfield Shire Audit and Risk Advisory Committee.

10.4 EXECUTIVE SERVICES CONT.

10.4.6 Update - Mansfield Shire Council Instrument of Appointment and Authorisation – Schedule 11A (*Planning & Environment Act 1987*)

File Number: E328
Responsible Officer: Finance Manager, Mandy Kynnersley

Disclosure of Conflicts of Interest

The author of this report and officers providing advice in relation to this report do not have a direct or indirect interest in this matter, as provided in accordance with the *Local Government Act 1989*.

Summary

This report seeks approval to update and amend the S11A Instrument of Appointment and Authorisation (*Planning & Environment Act 1987*) due to staff changes.

Background

Council utilises two Schedules of Instruments of Appointment and Authorisation:

- **S11 – in accordance with S224 of the *Local Government Act 1989***
S98 of the *Local Government Act 1989* determines that any changes to Schedule 11 Instrument of Appointment and Authorisation may be endorsed by Council's Chief Executive Officer under delegated authority.
- **S11A – in accordance with S188 of the *Planning & Environment Act 1987***
S188(1) of the *Planning and Environment Act 1987* determines that any changes to Schedule 11A Instrument of Appointment & Authorisation must be endorsed by a resolution of Council.

Council utilises these Instruments of Appointment and Authorisation to identify specific officers incumbent in roles and, in turn, appoint the officers to be authorised officers for the administration and enforcement of legislation under applicable Acts.

Only a handful of Acts and Regulations require specific roles within an organisation to be identified to undertake a specific function. There are often clauses within Acts or Regulations that state that an "authorised officer" can undertake a specific function. This is why Council needs to identify the authorised officer by role and officer name.

As a result of the recent resignation of Council's Planning and Environment Team Leader, the role of Principal Planner was established. After the appropriate recruitment process was undertaken by officers, Ms Leanne Curphy has been appointed to this role. Authorisation under the *Planning and Environment Act 1987* is required for Ms Curphy to undertake her duties effectively.

10.4.6 Update - Mansfield Shire Council Instrument of Appointment and Authorisation – Schedule 11A (*Planning & Environment Act 1987*) cont.

Council's associated Instrument of Appointment and Authorisation (Schedule 11) of the *Local Government Act 1989* was endorsed by the Chief Executive Officer under delegated authority on 29 November 2018 to reflect the above updates. However, in accordance with S188 of the *Planning and Environment Act 1987*, Council is required to endorse the Instrument of Appointment and Authorisation (Schedule 11A) of the *Planning and Environment Act 1987*.

Council subscribes to a Delegations and Authorisations Service produced by the legal firm, *Maddocks*. The firm reviews all legislation as it impacts upon local government in Victoria, and biannually distributes an updated schedule of delegations, reflecting recent legislative changes. This template is used by many Victorian councils and reflects common practice within the industry.

Statutory Requirements

S147(4) of the *Planning and Environment Act 1987* specifically states that the appointment of an authorised officer must come from the responsible authority – Council – and that it is not a delegable power (refer s188(2)(c) of the *Planning and Environment Act 1987*).

Council Plan

The update of Council's Instruments of Appointment and Authorisation falls under the Responsible Leadership objective of "...*achieving the highest standards of good governance*".

Financial

There are no financial implications arising from this report.

Social

There are no significant social implications arising from this report.

Economic

There are no economic implications arising from this report.

Environmental

There are no environmental implications arising from this report.

Risk Management

The review and update of Council's Instruments of Appointment and Authorisation ensures continuing transparency and accountability. It is also a key risk management initiative in that it clearly identifies which officer can act on a particular authorisation.

10.4.6 Update - Mansfield Shire Council Instrument of Appointment and Authorisation – Schedule 11A (*Planning & Environment Act 1987*) cont.

Community Engagement

Public consultation is not required under the *Local Government Act 1989* or *Planning and Environment Act 1987*.

Officer's Comments

The Instruments of Appointment and Authorisation have been updated to reflect recent Council organisational changes and ensures that basic good governance principles are adhered to.

It is critical to Council's risk management framework that the Instruments of Appointment and Authorisation be kept up to date.

Attachments

Schedule 11A – Instrument of Appointment and Authorisation, *Planning and Environment Act 1987*.

Recommendation:

In the exercise of the powers conferred by section 188 of the *Planning and Environment Act 1987*, and other legislation referred to in Schedule 11A Instrument of Appointment and Authorisations, Council resolves that:

- 1. the following members of Council staff be authorised as set out in the S11A Instrument of Appointment and Authorisation:**
 - Peter (Alexander) Green
 - Michael Richards
 - Ben McKay
 - Damien Gerrans
 - James Brown
 - Mathew Comerford
 - Sonia Dioguardi
 - David McKenzie
 - Leanne Curphy
 - Lynn Plummer
 - Jack Francis
 - Clare Wilkinson
- 2. the S11A Instrument of Appointment and Authorisation come into force immediately the common seal of Council is affixed to the Instrument, and remains in force until Council determines to vary or revoke it.**
- 3. The S11A Instrument of Appointment and Authorisation be sealed.**

10.5 INFRASTRUCTURE

10.5.1 Special Charge Scheme – Declaration – Kitchen Street, Bonnie Doon

File Number: E5468
Responsible Officer: Project Officer, Caitlin Riley

Disclosure of Conflicts of Interest

The author of this report and officers providing advice in relation to this report do not have a direct or indirect interest in this matter, as provided in accordance with the *Local Government Act 1989*.

Summary

This report provides details for the proposed implementation of a Special Charge Scheme for the construction of Kitchen Street, Bonnie Doon.

This report recommends that Council resolve to declare the special charge scheme for the full road construction of Kitchen Street, Bonnie Doon between Phillip Street and Jones Street.



10.5.1 Special Charge Scheme – Declaration – Kitchen Street, Bonnie Doon cont.

Background

In August 2018, property owners were invited to take part in a survey to determine their support to a proposal for a sealed road and minor drainage works in Kitchen St, Bonnie Doon that require an estimated property owner contribution of \$3,333. Of the 9 properties considered to gain benefit from the project, 6 were in favour of the proposal moving forward, 2 objected and 1 did not respond.

Council resolved its Intention to Declare this Special Charge Scheme in accordance with Section 163 of the *Local Government Act* at its ordinary meeting on 16 October 2018.

Further to the above, and the Intention to Declare, details of this Special Charge Scheme were advertised in the local newspaper and letters of advice were forwarded to property owners. Opportunity for submissions to be received by Council closed 23 November 2018.

One submission of objection has been received (refer attachment).

Statutory Requirements

The *Local Government Act 1989* requires Council to follow a specific process in declaring a Special Charge Scheme. The Ministerial Guideline on special rates and charges sets out a required process for preparation, documentation and implementation. Details of the proposed Special Charge Scheme as required by the *Act* and guidelines are as follows:

Calculation of Maximum Total Levy

a) Purpose

The purpose of the scheme is to carry out the construction and associated works as specified. The works are considered necessary to improve level of service and local amenity.

b) Coherence of the Project

The works will provide special benefits to a group of properties which are proposed to be included within the scheme.

c) Calculation of Total Cost

The total estimated cost of the works is set out in the proposed declaration contained within this report. The costs are based on reasonable estimates of expenses which are expected to be incurred in carrying out the works.

d) Identification of Special Beneficiaries

It is considered that special benefits will be received by certain properties as a result of the works being carried out. The properties which will receive special benefits are those properties which are proposed to be included within the scheme and which are listed within Clause 1 of the proposed declaration.



10.5.1 Special Charge Scheme – Declaration – Kitchen Street, Bonnie Doon cont.

e) Properties to be Included in the Scheme

Properties to be included in the scheme are those properties listed in Clause 1 of the proposed declaration.

f) Estimation of Total Special Benefits

All properties which have been identified as receiving a special benefit from the works are to be included in the scheme.

g) Estimation of Total Community Benefit

It is considered that the proposed works will provide tangible and direct benefits to people in the broader community. This benefit will arise because of the availability of the proposed infrastructure to be used by people other than people with an interest in the properties to be included within the scheme. Total community benefit of the works is estimated at an amount equal to that of the total special benefits.

h) Calculation of Benefit Ratio

The benefit ratio is calculated as follows:

$$\frac{\text{Total Special Benefits}}{\text{Total Special Benefits} + \text{Total Community Benefits}} = R = 0.5$$

i) Calculation of Maximum Total Levy

In accordance with Section 163 (2A) of the *Local Government Act*, the maximum total levy (S) is calculated as:

$$S = R \times C, \text{ where } R \text{ is the benefit ratio and } C \text{ is the total cost}$$

In this case, $S = 0.5 \times \$60,000 = \$30,000$

The proposed declaration is as follows:

A Special Charge is declared pursuant to Section 163(1) of the *Local Government Act 1989* for the purposes of defraying any expenses (including design, supervision and administration) in relation to infrastructure construction declared on the basis of the following clauses.

1. The land with the corresponding liability amount for which the Special Charge is declared is as detailed below:

10.5.1 Special Charge Scheme – Declaration – Kitchen Street, Bonnie Doon cont.

Property Address	Estimated Contribution
A14395 - 75 Arnot Street, Bonnie Doon	\$3,333
A7327 - 3 Phillip Street, Bonnie Doon	\$3,333
A6305 - 10 Bon Crescent, Bonnie Doon	\$3,333
A17211 - 12 Bon Crescent, Bonnie Doon	\$3,333
A6306 - 20 Bon Crescent, Bonnie Doon (Lot 1)	\$3,333
A6306 - 20 Bon Crescent, Bonnie Doon (Lot 2)	\$3,333
A6306 - 20 Bon Crescent, Bonnie Doon (Lot 3)	\$3,333
A6306 - 20 Bon Crescent, Bonnie Doon (Lot 4)	\$3,333
A6307 - 24 Bon Crescent, Bonnie Doon	\$3,333

2. The area for which the Special Charge is so declared is the area comprising all the lands listed in Clause 1 of this declaration.
3. The estimated total cost of the works is \$60,000
4. The estimated total amount to be levied is \$30,000

Note: the above costs are estimates only and through a formal quotation process intend to have actual cost reflect budgeted costs.

The owners of the land detailed in Clause 1 are each estimated to be liable for the amount shown in the table contained within Clause 1, which is determined on shared benefit.

5. The Special Charge shall come in to force upon declaration, and will remain in force for four (4) years. The Special Charge will be discharged when it is paid in full by the landowner or rescinded by Council under the provisions of Section 164 of the *Act*.
6. The criteria on which the Council bases the Special Charges are:

The lands listed in Clause 1 of this report, the owners of which derive a benefit from the road sealing construction works, which the Council assesses to be equal to that derived by the whole community.
7. The Special Charge so declared will be assessed and levied in the following manner:
 - (a) The actual costs of the portion of the works attributed to the abutting property owners includes design, supervision and administration expenses as certified by the Chief Executive Officer and will be finalised on completion of the works. As an owner of land in that area your share of the cost will be a percentage of the actual cost.



10.5.1 Special Charge Scheme – Declaration – Kitchen Street, Bonnie Doon cont.

- (b) Each benefiting owner will be charged, annually for one quarter of that share of the actual costs apportioned, together with interest on the unpaid balance (plus any unpaid interest) at the rate set from time to time under Section 172 of the *Local Government Act 1989*.
 - (c) Annual instalment payments of the Special Charge will be due and payable on the 1 January each year. Payments may be made by 4 instalments annually. The charge will be levied after completion of the works and calculation of the actual costs.
8. Such owners may, subject to any resolution of the Council, pay the whole of the Special Charge within 30 days of notice requiring payment, this notice is not to be less than 30 days following the declaration of this Special Charge Scheme.
 9. The Revenue Coordinator is authorised to levy and recover the Special Charge described in Clause 8 in accordance with the provisions of the *Local Government Act 1989*.

Council Plan

Maintaining Council road assets is consistent with the Council Plan financial sustainability Strategic Objective 2.3 We prudently manage our asset maintenance and capital works programs in line with our long term financial plan.

The action in line with the objective is to ‘Review asset management practices and data to ensure optimal useful life and value for money across Council’s infrastructure and assets.’

Financial

Funding for this project has been provided for in the 2018-2019 Council budget as follows:

- Seal Kitchen Street, Bonnie Doon

	<u>Budget</u>
Council Contribution	\$30,000
Landowner Contribution	\$30,000
Total	\$60,000

Social

The proposed sealing works would significantly enhance the amenity of residing on this road. In particular, the nuisance created by road generated dust is eliminated and drainage related issues minimised.

Environmental

Construction of the road would mitigate the generation of dust caused by vehicles using the road, thereby improving air quality in the immediate vicinity.

10.5.1 Special Charge Scheme – Declaration – Kitchen Street, Bonnie Doon cont.

Economic

These works would provide short term benefit primarily to local businesses.

Risk Management

There are risks associated with a special charge scheme, both financial and reputational these include the following;

- Residents may object to the declaration and refer it to VCAT.
- Estimated costs could increase during the time required to carry out the special charge scheme process.
- Contractor availability to carry out the construction works could be limited.

Community Engagement

Landowners affected by the scheme have been formally notified in writing of Council's intention to declare the scheme and have been given an opportunity to lodge submissions in relation to the project prior to Council declaring the Scheme. A public notice was also published in the locally circulating newspaper.

Submissions

Opportunity for submissions to be received by Council closed with one submission received. The submission, which is from an emergency service authority, did not support the project due to inability to allocate budget in the foreseeable future. The submitter has not indicated that they would like to make a deputation to Council.

Officer's Comments

Under Council's Special Charge Scheme Policy, for upgrade works relating to urban road reconstruction, Council will contribute a minimum of 50% of the project cost. This has been applied in this instance. A majority of support for the scheme was received at the survey stage with 6 out of 9 property owners in favour of the scheme moving forward.

Council is required to consider submissions and deputations in relation to the scheme. One one submission has been received for Kitchen Street special charge scheme.

Property owners affected by the scheme will be formally notified in writing of Council's resolution to Declare this Special Charge Scheme and will have an opportunity to lodge objection submissions to the Victorian Civil and Administrative Tribunal (VCAT). A public notice will also be published in the locally circulated newspaper.

Attachment

Submission received from property owner of Kitchen Street, Bonnie Doon



10.5.1 Special Charge Scheme – Declaration – Kitchen Street, Bonnie Doon cont.

Recommendation:

That Council resolves its Intention to Declare a Special Charge Scheme on for road sealing and minor drainage on Kitchen Street, Bonnie Doon between Phillip Street and Jones Street against the properties listed below in accordance with the *Local Government Act 1989* - Section 163 - Special Rate and Special Charge.

Property Address	Estimated Charge
A14395- 75 Arnot Street, Bonnie Doon	\$3,333
A7327 - 3 Phillip Street, Bonnie Doon	\$3,333
A6305 - 10 Bon Crescent, Bonnie Doon	\$3,333
A17211- 12 Bon Crescent, Bonnie Doon	\$3,333
A6306 - 20 Bon Crescent, Bonnie Doon (Lot 1)	\$3,333
A6306 - 20 Bon Crescent, Bonnie Doon (Lot 2)	\$3,333
A6306 - 20 Bon Crescent, Bonnie Doon (Lot 3)	\$3,333
A6306 - 20 Bon Crescent, Bonnie Doon (Lot 4)	\$3,333
A6307 - 24 Bon Crescent, Bonnie Doon	\$3,333

10.5 INFRASTRUCTURE CONT.

10.5.2 Special Charge Scheme – Declaration – Ryan Street, Mansfield

File Number: E5466
Responsible Officer: Project Officer, Caitlin Riley

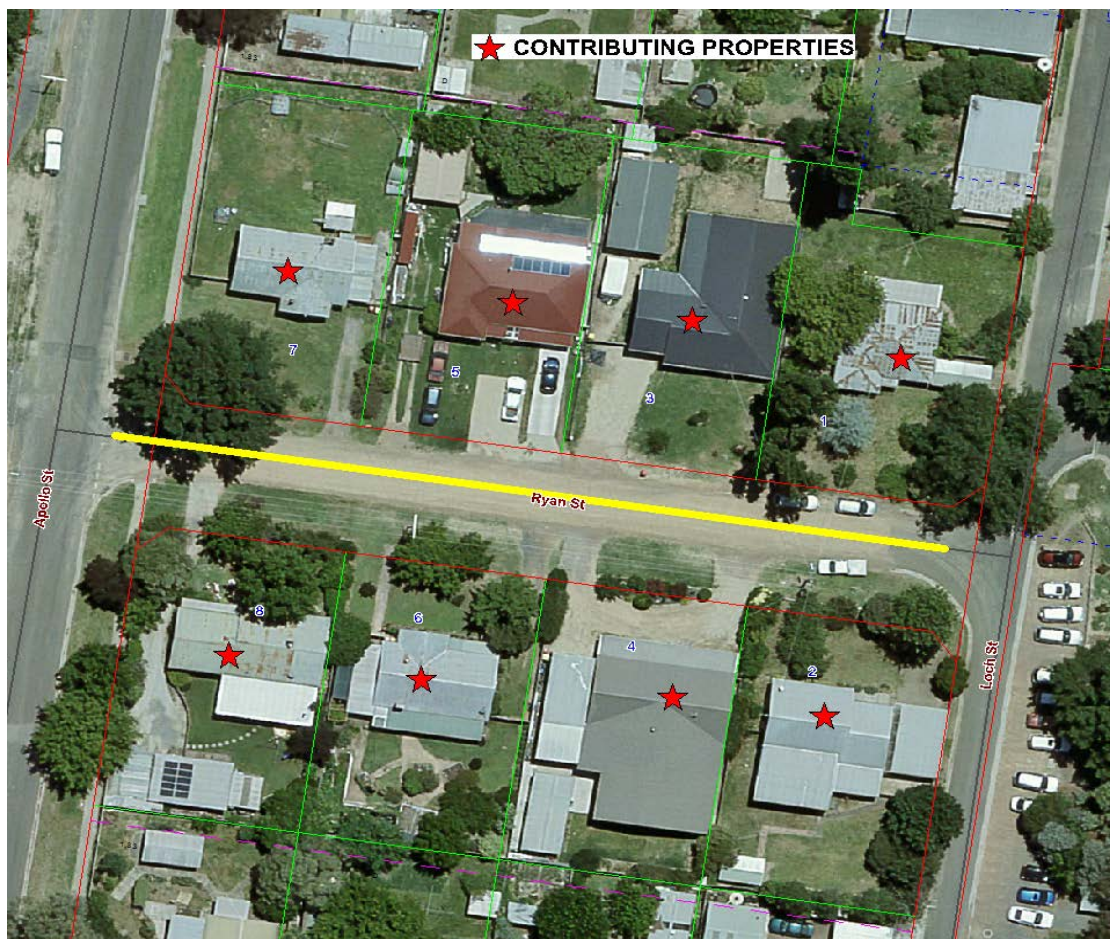
Disclosure of Conflicts of Interest

The author of this report and officers providing advice in relation to this report do not have a direct or indirect interest in this matter, as provided in accordance with the *Local Government Act 1989*.

Introduction

This report provides details for the proposed implementation of a Special Charge Scheme for the construction of Ryan Street, Mansfield.

This report recommends that Council resolve to declare the special charge scheme for the full road construction of Ryan Street, Mansfield between Loch Street and Apollo Street.



10.5.2 Special Charge Scheme – Declaration – Ryan Street, Mansfield cont.

Background

In August 2018, property owners were invited to take part in a survey in order to determine their support for a proposed sealed road and minor drainage project that would require an estimated property owner contribution of \$3,010.00. Of the 8 properties considered to gain benefit from the project, all were in favour of the proposal proceeding. The majority of the responses however indicated that kerb and channel should be included. Property owners were provided with a revised estimated contribution of \$6,250.00. All property owners were still in favour of the proposal, however some objected to the increase in cost.

Council resolved its Intention to Declare this Special Charge Scheme in accordance with Section 163 of the *Local Government Act* at its ordinary meeting on 16 October 2018 which included kerb and channel, minor drainage and sealing works with an estimated property owner contribution of \$6,250.00 per property.

Further to the above, and the Intention to Declare, details of this Special Charge Scheme were advertised in the local newspaper and letters forwarded to property owners. Opportunity to provide submissions to Council closed 23 November 2018.

One submission was received from a property owner and the details of this submission is discussed in the communication section of this report. The property owner has indicated that they would like to make a deputation in regards to their submission.

Statutory Requirements

The *Local Government Act 1989* requires Council to follow a specific process in declaring a Special Charge Scheme. The Ministerial Guideline on special rates and charges sets out a required process for preparation, documentation and implementation. Details of the proposed Special Charge Scheme as required by the *Act* and guidelines are as follows:

Calculation of Maximum Total Levy

a) Purpose

The purpose of the scheme is to carry out the construction and associated works as specified. The works are considered necessary to improve level of service and local amenity.

b) Coherence of the Project

The works will provide special benefits to a group of properties which are proposed to be included within the scheme.

c) Calculation of Total Cost

The total estimated cost of the works is set out in the proposed declaration contained within this report. The costs are based on reasonable estimates of expenses which are expected to be incurred in carrying out the works.



10.5.2 Special Charge Scheme – Declaration – Ryan Street, Mansfield cont.

d) Identification of Special Beneficiaries

It is considered that special benefits will be received by certain properties as a result of the works being carried out. The properties which will receive special benefits are those properties which are proposed to be included within the scheme and which are listed within Clause 1 of the proposed declaration.

e) Properties to be Included in the Scheme

Properties to be included in the scheme are those properties listed in Clause 1 of the proposed declaration.

f) Estimation of Total Special Benefits

All properties which have been identified as receiving a special benefit from the works are to be included in the scheme.

g) Estimation of Total Community Benefit

It is considered that the proposed works will provide tangible and direct benefits to people in the broader community. This benefit will arise because of the availability of the proposed infrastructure to be used by people other than people with an interest in the properties to be included within the scheme. Total community benefit of the works is estimated at an amount equal to that of the total special benefits.

h) Calculation of Benefit Ratio

The benefit ratio is calculated as follows:

$$\frac{\text{Total Special Benefits}}{\text{Total Special Benefits} + \text{Total Community Benefits}} = R = 0.5$$

i) Calculation of Maximum Total Levy

In accordance with Section 163 (2A) of the *Local Government Act*, the maximum total levy (S) is calculated as:

$$S = R \times C, \text{ where } R \text{ is the benefit ratio and } C \text{ is the total cost}$$

In this case, $S = 0.5 \times \$100,000 = \$50,000$

The proposed declaration is as follows:

A Special Charge is declared pursuant to Section 163(1) of the *Local Government Act 1989* for the purposes of defraying any expenses (including design, supervision and administration) in relation to infrastructure construction declared on the basis of the following clauses.

10.5.2 Special Charge Scheme – Declaration – Ryan Street, Mansfield cont.

1. The land with the corresponding liability amount for which the Special Charge is declared is as detailed below:

Property Address	Estimated Contribution
A8858 - 7 Ryan Street, Mansfield	\$6,250
A8859 - 5 Ryan Street, Mansfield	\$6,250
A8860 - 3 Ryan Street, Mansfield	\$6,250
A8861 - 1 Ryan Street, Mansfield	\$6,250
A8862 - 2 Ryan Street, Mansfield	\$6,250
A8863 - 4 Ryan Street, Mansfield	\$6,250
A8864 - 6 Ryan Street, Mansfield	\$6,250
A8865 - 8 Ryan Street, Mansfield	\$6,250

2. The area for which the Special Charge is so declared is the area comprising all the lands listed in Clause 1 of this declaration.
3. The estimated total cost of the works is \$100,000
4. The estimated total amount to be levied is \$50,000

Note: the above costs are estimates only and through a formal quotation process intend to have actual cost reflect budgeted costs.

The owners of the land detailed in Clause 1 are each estimated to be liable for the amount shown in the table contained within Clause 1, which is determined on shared benefit.

5. The Special Charge shall come in to force upon declaration, and will remain in force for four (4) years. The Special Charge will be discharged when it is paid in full by the landowner or rescinded by Council under the provisions of Section 164 of the *Act*.
6. The criteria on which the Council bases the Special Charges are:

The lands listed in Clause 1 of this report, the owners of which derive a benefit from the road sealing and kerb and channel construction works, which the Council assesses to be equal to that derived by the whole community.
7. The Special Charge so declared will be assessed and levied in the following manner:
 - (a) The actual costs of the portion of the works attributed to the abutting property owners includes design, supervision and administration expenses as certified by the Chief Executive Officer and will be finalised on completion of the works. As an owner of land in that area your share of the cost will be a percentage of the actual cost.



10.5.2 Special Charge Scheme – Declaration – Ryan Street, Mansfield cont.

- (b) Each benefiting owner will be charged, annually for one quarter of that share of the actual costs apportioned, together with interest on the unpaid balance (plus any unpaid interest) at the rate set from time to time under Section 172 of *the Local Government Act 1989*.
 - (c) Annual instalment payments of the Special Charge will be due and payable on the 1 January each year. Payments may be made by 4 instalments annually. The charge will be levied after completion of the works and calculation of the actual costs.
8. Such owners may, subject to any resolution of the Council, pay the whole of the Special Charge within 30 days of notice requiring payment, this notice is not to be less than 30 days following the declaration of this Special Charge Scheme.
 9. The Revenue Coordinator is authorised to levy and recover the Special Charge described in Clause 8 in accordance with the provisions of the Local Government Act.

Council Plan

Maintaining Council road assets is consistent with the Council Plan financial sustainability Strategic Objective 2.3 We prudently manage our asset maintenance and capital works programs in line with our long term financial plan.

The action in line with the objective is to ‘Review asset management practices and data to ensure optimal useful life and value for money across Council’s infrastructure and assets.’

Financial

Funding for this project has been provided for in the 2018-2019 Council budget as follows:

- Urban unsealed road sealing program – Ryan St, Mansfield and The Sideling Jamieson

	<u>Total 18-19</u> <u>Budget</u>	<u>Ryan Street</u> <u>Budget</u>
Council Contribution	\$92,000	\$50,000
Landowner Contribution	\$92,000	\$50,000
Total	\$196,000	\$100,000

Social

The proposed sealing works would significantly enhance the amenity of residing on this road. In particular, the nuisance created by road generated dust is eliminated and drainage related issues minimised.

10.5.2 Special Charge Scheme – Declaration – Ryan Street, Mansfield cont.

Environmental

Construction of the road would mitigate the generation of dust caused by vehicles using the road, thereby improving air quality in the immediate vicinity.

Economic

These works would provide short term benefit primarily to local businesses.

Risk Management

There are risks associated with a special charge scheme, both financial and reputational these include the following;

- Residents may object to the declaration and refer it to VCAT.
- Estimated costs could increase during the time required to carry out the special charge scheme process.
- Contractor availability to carry out the construction works could be limited.

Community Engagement

Landowners affected by the scheme have been formally notified in writing of Council's intention to declare the scheme and were given an opportunity to lodge submissions in relation to the project prior to Council declaring the Scheme. A public notice was also published in the locally circulating newspaper.

Submissions

Opportunity for submissions to be received by Council closed with one submission received. The submission was opposed to the estimated property owner contribution and believed that the contribution should be \$3,240 per property for the inclusion of sealed road, kerb and channel and drainage. Refer to attachment 1. The submitter would like to make a deputation to Council.

Officer's Comments

Under Council's Special Charge Scheme Policy, for upgrade works relating to kerb and channel and urban road reconstruction, Council will contribute a minimum of 50% of the project cost. This has been applied to the Ryan Street scheme. There was majority of support from residents at the survey stage of the process with all residents indicating that they were in favour of the proposal moving forward and including kerb and channel with an estimated property owner contribution of \$6,250.00 per property.

Council is required to consider submissions and deputations in relation to the scheme. One submission has been received for Ryan Street special charge scheme.



10.5.2 Special Charge Scheme – Declaration – Ryan Street, Mansfield cont.

Property owners affected by the scheme will be formally notified in writing of Council’s resolution to Declare this Special Charge Scheme and will have an opportunity to lodge objection submissions to the Victorian Civil and Administrative Tribunal (VCAT). A public notice will also be published in the locally circulated newspaper.

Attachment

Submission received from property owner of Ryan Street, Mansfield

Recommendation:

That Council resolves its Intention to Declare a Special Charge Scheme on for road sealing, kerb and channel and drainage on Ryan Street, Mansfield between Loch Street and Apollo Street against the properties listed below in accordance with the *Local Government Act 1989 - Section 163 - Special Rate and Special Charge.*

Property Address	Estimated Charge
A8858 - 7 Ryan Street, Mansfield	\$6,250
A8859 - 5 Ryan Street, Mansfield	\$6,250
A8860 - 3 Ryan Street, Mansfield	\$6,250
A8861 - 1 Ryan Street, Mansfield	\$6,250
A8862 - 2 Ryan Street, Mansfield	\$6,250
A8863 - 4 Ryan Street, Mansfield	\$6,250
A8864 - 6 Ryan Street, Mansfield	\$6,250
A8865 - 8 Ryan Street, Mansfield	\$6,250

11. ASSEMBLIES OF COUNCILLORS

Under section 76AA of the *Local Government Act 1989* an Assembly of Councillors (however titled) is defined as a planned or scheduled meeting, comprising at least three Councillors and one member of Council staff, that consider matters that are intended or likely to be:

- The subject of a decision of the Council; or
- Subject to the exercise of a function; duty or power of a Council that has been delegated to a person or committee [s.76AA].

An assembly of Councillors does not include a meeting of the Council, a special committee of the Council, or any club, association, peak body, political party of other organisation.

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

The following is a list for the past month of assemblies held and the issues discussed.

DATE	TYPE OF ASSEMBLY	ISSUES DISCUSSED
9 November 2018	<p>Station Precinct Steering Committee meeting</p> <p>Councillors:</p> <ul style="list-style-type: none"> • Cr Harry Westendorp • Cr Paul Sladdin • Cr Peter Olver • Cr Marg Attley <p>Officers:</p> <ul style="list-style-type: none"> • Chief Executive Officer, Alex Green • Community Development Co-ordinator, Kirsten Lingard • Development Services Manager, Ben McKay <p>External attendees:</p> <ul style="list-style-type: none"> • Louise Calvert-Jones • Pamela Dagleish • Andy Setchell • Brian Johnstone • DELWP - James Stewart • Taungurung – Fransisco Almeida • RDV - Kim Chadband • Consultants - Amanda Roberts & Nicholas Chahin 	<p><i>Conflicts of Interest:</i> NIL</p> <p><i>Issues Discussed:</i></p> <ul style="list-style-type: none"> • Station Precinct Activation Project
13 November 2018	<p>Councillors' Briefing Session</p> <p>Councillors:</p> <ul style="list-style-type: none"> • Cr Peter Olver • Cr Harry Westendorp • Cr Paul Sladdin • Cr Paul Volkering • Cr Marg Attley <p>Officers:</p> <ul style="list-style-type: none"> • Chief Executive Officer, Alex Green • Community Services Manager, Melanie Hotton • Finance Manager, Mandy Kynnersley • Development Services Manager, Ben McKay 	<p><i>Conflicts of Interest:</i> NIL</p> <p><i>Issues Discussed:</i></p> <ul style="list-style-type: none"> • Lot 2002 Kitchen Street, Mansfield • Councillor representation on Committees • Election of Mayor (Councillors only)



11. ASSEMBLIES OF COUNCILLORS CONT.

DATE	TYPE OF ASSEMBLY	ISSUES DISCUSSED
20 November 2018	<p>Councillors' Briefing Session</p> <p>Councillors:</p> <ul style="list-style-type: none"> • Cr Harry Westendorp • Cr Paul Sladdin • Cr Paul Volkering • Cr Marg Attley <p>Apologies:</p> <ul style="list-style-type: none"> • Cr Peter Olver <p>Officers:</p> <ul style="list-style-type: none"> • Chief Executive Officer, Alex Green • Community Services Manager, Melanie Hotton • Finance Manager, Mandy Kynnersley • Development Services Manager, Ben McKay 	<p><i>Conflicts of Interest:</i> NIL</p> <p><i>Issues Discussed:</i></p> <ul style="list-style-type: none"> • Finance Report Update • Buttercup Stone Extraction Rehabilitation • Stone Extraction Issues • Speed Zone – Bunstons and Tabletop Roads • Rate Variation Consultation Process est to rename Mt. Battery • Thanks to Parks and Gardens Staff for Works Undertaken • Draft Rating Strategy • Dead Horse Lane Rezoning • Strategic Planning Discussion • North East Victoria Cycling Optimization Project Update • Audit and Risk Advisory Committee Meeting
26 November 2018	<p>Station Precinct Steering Committee meeting</p> <p>Councillors:</p> <ul style="list-style-type: none"> • Cr Harry Westendorp • Cr Paul Sladdin • Cr Peter Olver • Cr Marg Attley <p>Officers:</p> <ul style="list-style-type: none"> • Chief Executive Officer, Alex Green • Development Services Manager, Ben McKay <p>External attendees:</p> <ul style="list-style-type: none"> • Louise Calvert-Jones • Pamela Dagleish • Andy Setchell • Brian Johnstone • DELWP - James Stewart • Taungurung – Fransisco Almeida • RDV - Kim Chadband • Consultants - Amanda Roberts & Nicholas Chahin 	<p><i>Conflicts of Interest:</i> NIL</p> <p><i>Issues Discussed:</i></p> <ul style="list-style-type: none"> • Station Precinct Activation Project



11. ASSEMBLIES OF COUNCILLORS CONT.

DATE	TYPE OF ASSEMBLY	ISSUES DISCUSSED
<p>27 November 2018</p>	<p>Councillors' Briefing Session</p> <p>Councillors:</p> <ul style="list-style-type: none"> • Cr Peter Olver • Cr Harry Westendorp • Cr Paul Sladdin • Cr Paul Volkering • Cr Marg Attley <p>Officers:</p> <ul style="list-style-type: none"> • Chief Executive Officer, Alex Green • Community Services Manager, Melanie Hotton • Finance Manager, Mandy Kynnersley • Projects Officer, Caitlin Riley • Technical Services Coordinator, Paul Valente 	<p><i>Conflicts of Interest:</i> NIL</p> <p><i>Issues Discussed:</i></p> <ul style="list-style-type: none"> • Bonnie Doon Toilet Refurbishment • Highton Lane Special Charges Scheme • Heavy Vehicle Bypass • Lakins Road Bridge • Road Renewal Program • Complaint Re: Midland Highway Footpath • Visit to Canberra • Station Precinct Consultation • Saleyards • Rate Variation • Quality of Gravel on Roads • Woods Point Road Drainage • Median Strip Redevelopment Western End High Street • Rural Roads Victoria • Midland Link • Traffic Liaison Committee Meeting • Speed Limit Kidston Parade • Drainage Western End High Street • Resource Recovery Centre Charges • Events Evaluation and Review • Greenvale Lane and Mt Battery Road Sightline • Dogs off Lead • Midland Highway Footpath Safety Rail
<p>4 December 2018</p>	<p>Councillors' Briefing Session</p> <p>Councillors:</p> <ul style="list-style-type: none"> • Cr Paul Sladdin • Cr Paul Volkering <p>Apologies:</p> <ul style="list-style-type: none"> • Cr Peter Olver • Cr Harry Westendorp • Cr Marg Attley • Chief Executive Officer, Alex Green <p>Officers:</p> <ul style="list-style-type: none"> • Community Services Manager, Melanie Hotton • Finance Manager, Mandy Kynnersley 	<p><i>Conflicts of Interest:</i> NIL</p> <p><i>Issues Discussed:</i></p> <ul style="list-style-type: none"> • Lot 2002 Kitchen Street, Mansfield • Notice of Intention to sell former Saleyards Site - submissions
<p>5 December 2018</p>	<p>Community Consultation Drop-In Session – Family and Children's Centre: Proposed Rate Variation</p> <p>Councillors:</p> <ul style="list-style-type: none"> • Cr Peter Olver • Cr Paul Sladdin • Cr Paul Volkering <p>Officers:</p> <ul style="list-style-type: none"> • Finance Manager, Mandy Kynnersley 	<p><i>Conflicts of Interest:</i> NIL</p> <p><i>Issues Discussed:</i></p> <ul style="list-style-type: none"> • General discussion with community members regarding Council's rates and waste charge distribution in relation to a proposed rate variation.



11. ASSEMBLIES OF COUNCILLORS CONT.

DATE	TYPE OF ASSEMBLY	ISSUES DISCUSSED
7 December 2018	<p>Community Consultation Drop-In Session – Mansfield Library: Proposed Rate Variation</p> <p><i>Councillors:</i></p> <ul style="list-style-type: none"> • Cr Harry Westendorp • Cr Peter Olver • Cr Paul Volkering <p><i>Officers:</i></p> <ul style="list-style-type: none"> • Chief Executive Officer, Alex Green • Finance Manager, Mandy Kynnersley 	<p><i>Conflicts of Interest:</i> NIL</p> <p><i>Issues Discussed:</i></p> <ul style="list-style-type: none"> • General discussion with community members regarding Council's rates and waste charge distribution in relation to a proposed rate variation.

Recommendation:

That the Council note the Assemblies of Councillors 3 November – 7 December 2018 as provided.

12. ADVISORY AND SPECIAL COMMITTEE REPORTS

12.1 Advisory Committees: Minutes of Meeting

The Minutes of the following Advisory Committee meetings are attached for the Council's information:

- Mansfield Shire Audit and Risk Advisory Committee – 19 November 2018
- Mansfield Shire Environment Advisory Committee – 30 November 2018
- Mansfield Parks and Precincts Advisory Committee – 5 December 2018

Recommendation:

That the Council receive the Minutes of the Advisory Committee meetings as follows:

- **Mansfield Shire Audit and Risk Advisory Committee – 19 November 2018**
- **Mansfield Shire Environment Advisory Committee – 30 November 2018**
- **Mansfield Parks and Precincts Advisory Committee – 5 December 2018**



13. AUTHORISATION OF SEALING OF DOCUMENTS

The following documentation has been signed and sealed by Council:

- E-waste Infrastructure Upgrade - Mansfield Resource Recovery Centre - Mansfield Shire Council – 31 October 2018

Recommendation:

That Council note the Mansfield Resource Recovery Centre E-waste Infrastructure Upgrade documentation sealed by Council on 31 October 2018.

SUSPENSION OF STANDING ORDERS

Recommendation:

That Council suspend standing orders to facilitate public question time.

14. PUBLIC QUESTION TIME

RESUMPTION OF STANDING ORDERS

Recommendation:

That Council resume standing orders.

15. CLOSURE OF MEETING TO MEMBERS OF THE PUBLIC

That pursuant to the provisions of Section 89(2) of the *Local Government Act 1989*, the meeting be closed the public in order to consider:

- (a) personnel matters;
- (b) the personal hardship of any resident or ratepayer;
- (c) industrial matters;
- (d) contractual matters;
- (e) proposed developments;
- (f) legal advice;
- (g) matters affecting the security of Council property;
- (h) any other matter which the Council or special committee considers would prejudice the Council or any person;
- (i) a resolution to close the meeting to members of the public.

Recommendation:

That the meeting be closed to members of the public under Section 89(2) of the *Local Government Act 1989*, specifically the following sub-section:

- (a) personnel matters;
- (d) contractual matters;
- (i) a resolution to close the meeting to members of the public.



Recommendation:

That the meeting be reopened to members of the public.

16. CLOSE OF MEETING