COUNCIL MEETING

22 NOVEMBER 2016

Minutes of meeting
held in the Council Chamber,
33 Highett Street, Mansfield

Commencing at 5.00pm

Our Aim

To work with our community to continue to build a Shire that is recognised for its balanced economic, social, and environmental development that, in turn, acknowledges the diverse needs and values of our communities.

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

Officers:
Chief Executive Officer: Alex Green
Development Services Manager: Michael Bismire
Tourism & Economic Development Manager: Ian Geer
Community Services Manager: Melanie Hotton
Finance & Information Services Manager: Vacant
Human Resources Manager: Sharon Scott
Acting Engineering & Works Manager: Robert Graves/Paul Valente
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:

   We, the Councillors of Mansfield Shire / declare that we will undertake on every occasion / to carry out our duties in the best interests of the community / and that our conduct shall maintain the standards of the Code of Good Governance / so that we may faithfully represent / and uphold the trust placed in the Council by the people of Mansfield Shire.

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 CONFLICT OF INTERESTS
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. PRESENTATIONS
Council receives or presents acknowledgements to the general public. Council may also receive petitions from residents & 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.
10. OFFICER REPORTS

10.1 Departmental Reports
Monthly Departmental reports will be presented to the Council as follows:
- Community Services
- Development Services
- Engineering and Works
- Executive Services
- Finance and Information Services
- Tourism and Economic Development

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 and are considered by Councillors. A Council position is adopted on the matters considered.

10.4 Executive Services including Finance & Information Services, Tourism & Economic Development and Human Resources
Detailed reports prepared by officers from Executive Services, Finance & Information Services, Tourism & Economic Development and Human Resources will be considered by the Council. A Council position is adopted on the matters considered.

10.5 Engineering & Works
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 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 & 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 COUNCIL

## Ordinary Meeting of Council

**MINUTES**

TUESDAY, 22 NOVEMBER 2016

MANSFIELD SHIRE OFFICE
33 Highett Street, Mansfield
5.00PM

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1. OPENING OF THE MEETING

The Mayor, Cr Volkering, opened the meeting at 5.04pm.

Councillors:  
Marg Attley  
Paul Sladdin  
Peter Olver  
Paul Volkering  
Harry Westendorp  

Tolmie Ward  
Bonnie Doon Ward  
Mansfield Ward  
Mansfield Ward  
Jamieson Ward

Chief Executive Officer: Alex Green
Development Services Manager: Michael Bismire
Acting Engineering & Works Manager: Robert Graves
Senior Civil Engineer: Paul Valente

2. STATEMENT OF COMMITMENT

The Councillors affirmed the following Statement of Commitment:

“We the Councillors of Mansfield Shire / declare that we will undertake on every occasion / to carry out our duties in the best interests of the community / and that our conduct shall maintain the standards of the Code of Good Governance / so that we may faithfully represent / and uphold the trust placed in this Council by the people of Mansfield Shire.”

3. ACKNOWLEDGEMENT OF COUNTRY

The Councillors affirmed the “Acknowledgement of Country” for the Mansfield Shire Council:

“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

Nil.

5. CONFIRMATION OF MINUTES

Councillors Attley/Westendorp:

That the Minutes of the Mansfield Shire Council meeting, held on Tuesday, 18 October 2016, be confirmed as an accurate record.

Carried
5. CONFIRMATION OF MINUTES CONT.

Councillors Sladdin/Westendorp:

That the Minutes of the following Special meetings of Council, held on Wednesday, 26 October 2016, be confirmed as an accurate record:

- Special (Statutory) meeting
- Special meeting to affirm the Mansfield Shire Councillor Code of Conduct and Councillor Charter 2016

Carried

6. DISCLOSURE OF CONFLICT OF INTERESTS

Nil.

7. REPRESENTATIONS FROM THE PUBLIC

7.1 Arts Council of Mansfield: Median to Rare Sculpture Exhibition 2016

The Arts Council of Mansfield presented Council with ceramic plaque to acknowledge Mansfield Shire’s sponsorship of the Median to Rare Sculpture Exhibition 2016. Council continues to sponsor the Arts Council of Mansfield as a way of supporting this popular event on the High Country Festival calendar.

Councillors Sladdin/Westendorp:

That the Minutes of the following Special meetings of Council, held on Wednesday, 26 October 2016, be confirmed as an accurate record:

- Special (Statutory) meeting
- Special meeting to affirm the Mansfield Shire Councillor Code of Conduct and Councillor Charter 2016

Carried

Ouncillors Olver/Attley:

That Council receive the Arts Council of Mansfield’s ceramic plaque in acknowledgement of Mansfield Shire Council’s support for the Median to Rare Sculpture Exhibition 2016.

Carried

8. NOTICES OF MOTION

Nil.

9. MAYOR’S REPORT

The Mayor, Councillor Paul Volkering, presented the monthly Mayor’s report to the Council.

Councillors Sladdin/Westendorp:

That the Mayor’s report be received.

Carried
Mayor’s Report

ACTIVITY CALENDAR
26 OCTOBER TO 16 NOVEMBER 2016

From Mayor, Cr Paul Volkering

It’s been a busy few weeks since my election to the role of Mayor. From the outset, support from across the community has been quite overwhelming. A very humbling experience for me.

I’m endeavoursing to meet with as many people as possible and try as much as possible to connect with at least one business leader every day, or as often as time permits. I’m particularly keen to support and listen to our business owners as much as I can.

I’m also attempting to engage with as many individuals as possible and to talk and listen to their concerns. I’m particularly keen to get a community reference group or similar up and going so that we can have direct links into our community and to share issues that may be on our agenda.

Conversations held with various business owners:

- John Canavan / Real Estate (following up with a more detailed conversation)
- Lex Noble / Real Estate (as above)
- Ken McKenzie / O’Malley’s Pizza (as above)
- Beau Christopher / Plumber (as above)
- Chris Taylor / Plumber (as above)
- Kay Foots / take away (as above)
- Fraser Stevenson / Sports shop (as above)
- Graeme Wade / Mansfield Hot and Cold (as above)
- Russell Jones / Manufacturer
- Doug Polkinghorne/ Contractor.
- Matt Picione / Mansfield Coffee Merchant

Most conversations with either business owners or individuals are very constructive. Concerns raised with me so far are generally around disclosure and transparency, financial state of the Shire, planning issues, economic development and the impact of events.

Since taking up the role major events have included The Spring Arts Festival, Targa, Mansfield races and Remembrance Day.
Mayor’s Report

Other activities and events:

Various induction and briefings with fellow Councillors (on-going)

24 October  
- Election Declaration  
- Meeting procedures for Local Government Presentation

25 October  
- Councillors’ Briefing Session  
- Pre-Statutory Council meeting

26 October  
- Statutory Council meeting  
- Special Council meeting

27 October  
- Weekly Catch Up with Mansfield Shire Chief Executive Officer

28 October  
- Mansfield District Hospital Auxiliary Art Exhibition Opening  
- High Country Festival Opening

29 October  
- High Country Festival Grand Parade Float Judging

3 November  
- Targa Driver Briefing  
- Targa Welcome Event

8 November  
- Councillors’ Briefing Session

11 November  
- Remembrance Day Service  
- Good Governance Session for Councillors

13 November  
- Opening of the Helen Bretherton Garden at Mansfield Kindergarten

15 November  
- Councillors’ Briefing Session  
- Mansfield District Hospital AGM
10. OFFICER REPORTS

10.1 Departmental Reports

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

Disclosure of Conflicts of Interest

The author of this report has declared no conflicts of interest in relation to this item.

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:

- Community Services
- Development Services
- Engineering and Works
- Executive Services
- Finance and Information Services
- Tourism and Economic Development

Councillors Westendorp/Attley:

That the monthly Department reports be received.

Carried
ATTACHMENT 10.1

DEPARTMENTAL REPORTS

(16 PAGES)
COMMUNITY SERVICES DEPARTMENTAL REPORT
November 2016

EMERGENCY MANAGEMENT RELIEF AND RECOVERY

Throughout October there has been a focus on readiness for the summer months. Fire Action Week commenced on 24 October and ‘Fire Ready’ communications and materials were distributed.

The Municipal Emergency Recovery Project Officer attended the Hume Region summer readiness briefing.

COMMUNITY DEVELOPMENT

Key projects supported by the Community Development team during the month of October included:

- Continued support of projects listed in community plans.
- Progressing the Erril Street Activation project including investigating free Wi-fi.
- Facilitation of a prevention of violence against women working group and planning of a White Ribbon Day event
- Continued support of the ‘Go Local Go Fresh’ program.
- Presenting at the Healthy and Wise Program in regard to being active in the community
- The key project for the Rural Access program this month has been progressing the development of ‘Good Access = Good Business’, for launch in late 2016.

Sport and Recreation

October marked another successful Walk to School program, with all schools in our Shire participating. With funds facilitated via the program, each school delivered supporting activities.

Construction of the Mansfield Youth Hub project is progressing as per the schedule.

A competition to name the new space has been launched on Council’s social media channels, and quotes are being sought to incorporate a rock climbing wall with additional funding provided by the Mansfield Community Fund.

Preparation for the Mansfield Swimming Pool for opening on the 19 November is underway.

Mansfield Library

4,315 people visited the Library in October.

Tech Savvy for Seniors (TSS) program has been running throughout the month. Most of the classes to be held in November are already fully booked. TSS is funded by Telstra.

The Library also delivered its monthly Woods Point outreach and monthly homebound service to Bindaree Retirement Centre.

FAMILY, YOUTH AND CHILDREN’S SERVICES

Financial Counselling

The Dignity and Debt Pilot Project is in its final stages. There will be a final report delivered before the end of the year.

Case work is constant, and the service is currently delivering slightly over its target hours.

Integrated Family Services IFS

All members of the IFS team undertook training in ‘Supported Families Resilient Kids’, and ‘Common Risk Assessment Framework Level 3’ (Family Violence).
Youth
Activities delivered during October include:

- Facilitating an event for the Seniors Festival
- Supporting NESAY to deliver the HEAL (Healthy Eating and Living) program
- Preparing for a street art workshop in November
- Staging FReeZA events (Rock Out as part of the High Country Festival)
- BBQ lunches were run for the Grade 6 students from Mansfield Primary, St Mary’s Primary and Merrijig Primary Schools. Many of the students have already returned in their own time.
- Additional BBQ Lunch events will be run for the remaining primary schools in our Shire.
- Developing an open house for parents and community to check out the facilities.

Feedback from the community about Café Connect has been positive. Several parents have recently visited the café and one parent, who is a local police officer, was very keen for his son to attend as he felt assured that it was a supervised environment where he could feel he was safe and cared for.

On a separate occasion, other parents in discussions stressed their desire to have their children attend and meet new people in an environment they were confident their children would be taken care of with positive influences.

Youth Engagement Programme (YEP)
A plan is being developed to create a partnership with Bindaree and YEP in a cross-generational program.

Maternal Child Health
The MCH team are experiencing some teething problems with the new cloud-based computer program, CDIS. The Municipal Association of Victoria is aware of the issues, and is working to resolve them. Accurate data is not available for some aspects of the MCH program.

Aged and Disability Services
Preparation for the National Disability Insurance Scheme (NDIS) continues with Mansfield Shire submitting data to the Department of Health and Human Services (DHHS) confirming our clients currently receiving services. We expect as of 1 July 2017 our eligible clients will transition from state-funding to the NDIS.

Work also continues on the separation of our Regional assessment services (RAS) and the delivery of home support services. A fundamental national policy for My Aged Care and the Commonwealth Home Support Program is the separation of aged care assessments from the delivery of home support services.

Planned Activities
- Council’s 2016 Planning Activities Group (PAG) program will close on 16 December and recommence Friday 13 January 2017.
- PAG staff are busy planning the end of year Christmas parties for their groups, always ensuring they are fun and enjoyable for all members of the groups.
DEVELOPMENT SERVICES DEPARTMENTAL REPORT
November 2016

STRATEGIC PLANNING

Bushfire Management Overlay Review
The strategic team attended a workshop with DELWP to review the new Bushfire Management Overlay (BMO) mapping proposed to be introduced by the State government into Planning Schemes across Victoria. The mapping includes new and revised areas of BMO coverage. Many of the new areas to be covered are considered logical inclusions due to vegetation growth and previously unmapped areas of high risk.

Community Safety and Urban Design
The team has been involved in some preliminary work around community safety and urban design treatments to improve this. A walk around in the evening was done in conjunction with the community safety officer based at the Benalla office of VicPol. It highlighted some of the dark spots around town and measures to address these. We have also met with the community safety officer at Shepparton and looked into what initiatives they have undertaken to improve safety at night in the town centre.

Mansfield Courier
Several articles regarding planning matters around Amendment C37 have appeared in the Mansfield Courier. These have been received well in the community and are aiming to inform on matters regarding the long term planning of Mansfield township and other strategic goals at a shire level.

ENVIRONMENT

Goulburn Broken Greenhouse Alliance – Collaborative Councils Program for our Project: Building the Case for Electric Vehicles in Regional Council Fleets
The Goulburn Broken Greenhouse Alliance has been notified of the successful application to the State Government New Energy Jobs Fund Program for an Electric Vehicle Feasibility Study. The Mansfield Shire provided a letter of support for the application and will participate in the project.

The project will look at opportunities for electric vehicles in rural council fleets, as well as investigate the cost impacts of infrastructure and servicing requirements for electric vehicles.

Stockmans Rise Stage 2 (Withers Lane) Plans submitted for review
The Engineering Plans for Stage 2 of Stockmans Rise have been submitted to Engineering and Environmental Officers for review. The plans will be assessed against the Planning Permit Conditions for the site as well as best practice vegetation and stormwater management. A number of mature Red Gum trees are located on Stage 2 and will require protection from development activities. Stage 2 of this development also interfaces with public land such as the Mansfield Mullum wetlands.

Mansfield Shire Regional Weeds Forum
On 5 October 2016 the Regional Weeds forum Chaired by Up2Us Landcare Alliance and hosted by Mansfield Shire Council was held. The forum is an opportunity for agencies including DELWP, DEDJTR, Parks Victoria, Vic Roads, Goulburn Murray Water, Landcare and Mansfield Shire to coordinate weed control works for the upcoming season.

To assist with a DEDJTR Gorse compliance program in the Barjarg area, the Mansfield Shire roadside weed spraying program will also include this region over summer.

River Health Meeting
On 5 October 2016 a River Health meeting Chaired by Up2Us Landcare Alliance and hosted by Mansfield Shire Council was held. The meeting is held with the Mansfield and District Trout Fishing Club, Landcare, the Goulburn Broken Catchment Management Authority and Mansfield Shire to better understand each other’s priorities and discuss opportunities to work together on river health outcomes.
**WASTE MANAGEMENT**

‘Carry In Carry Out’
Support for the newly adopted ‘Carry In Carry Out’ approach to waste management has been overwhelming with local businesses and the community in general assisting Council in doing their bit to ensure the message is circulated far and wide.

The two local supermarkets have jumped on board with the initiative, not only agreeing to hand out flyers to visitors advising of the removal of the BP skips, but offering to go one step further by adding the ‘Carry In Carry Out’ message to their customer service screens at each of their cash registers.

The Victorian Litter Action Alliance has also been in touch with Council as they will be running a short story promoting Mansfield Shire’s ‘Carry In Carry Out’ message in their October newsletter.

A number of flyers have been printed and provided to 4WD Victoria for hand out at their Leisure Fest Stall in October at Sandown Park as well as their future Camp Host program to which the flyers will be added in show bags etc. These events will see the carry in carry out message circulated to a large target audience.

**Recovery Centre operating hours**
Operating hours of the Resource Recovery Centre are now back to normal with the early weekend closures ending as of Sunday 25 September 2016. Hours have reverted back to normal with extended operating hours to come in to effect for the Melbourne Cup long weekend and Christmas New Year. Operating hours of the facility are being promoted via the ‘Carry In Carry Out’ flyers handed out to visitors.

**LOCAL LAWS**

**Pound**
Confidence in Council’s Rangers to rehome unwanted pets seems to be growing with a number of dogs being surrendered to the pound this month. 3 young puppies were surrendered recently and will be moving on to foster care and new homes.

**Welfare of Animals**
The Domestic Animals Amendment (Puppy Farm and Pet Shops) Bill 2016 has been passed by Parliament. This Bill seeks to limit the number of breeding females dog breeders can keep, ensures pet shops can only sell animals sourced from shelters and pounds, clarifies the role of foster carers and provides a central database to assist Council’s to regulate domestic animal businesses. Parts of this Bill come into effect from July 2017 through to 2020.

**Pound**
A dog seized following alleged cruelty has been moved to foster care while the case for prosecution is developed.

**Dog Attack**
A dog involved in an attack on sheep where up to 8 sheep died, was surrendered to Council and euthanised.

**BUILDING SERVICES**

**Permit Lodgements**
Lodgements in October totalled $3.2 million.

**WASTE MANAGEMENT**

**North East Waste and Resource Recovery Groups (NEWRRG) Technical Advisory Committee meeting**
Council’s Waste Management Officer attended the meeting in Wangaratta on 13 October 2016.

NEWRRG staff and officers from other member councils welcomed Mansfield back to the group and are looking forward to reconnecting with Council on a regional level. There are some exciting projects within the group moving forward with one particular project which will commence shortly as some member Councils and Alpine Resorts look towards a collaborative approach to the development of a Waste Management Strategy.

Council’s Waste Management Officer will be attending a meeting to discuss this element of planning during November.
## DEVELOPMENT SERVICES STATISTICS – OCTOBER 2016

### PLANNING

#### Planning Applications

<table>
<thead>
<tr>
<th>Type of Application</th>
<th>Lodged</th>
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<tbody>
<tr>
<td>Dwelling (with outbuildings)</td>
<td>5</td>
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<tr>
<td>Outbuilding/store</td>
<td>2</td>
</tr>
<tr>
<td>Use of land for industry</td>
<td>1</td>
</tr>
<tr>
<td>Extension to existing dwelling</td>
<td>1</td>
</tr>
<tr>
<td>Use of land for horticulture</td>
<td>1</td>
</tr>
<tr>
<td>Access to road zone 1</td>
<td>1</td>
</tr>
<tr>
<td>Use and development of retirement village (Beolite)</td>
<td>1</td>
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<tr>
<td>Butterfly Gallery</td>
<td>1</td>
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<tr>
<td>Amend permit (stone extraction, floor plans)</td>
<td>2</td>
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<tr>
<td><strong>TOTAL</strong> (includes combined applications)</td>
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#### Applications Determined for the Month

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<th>Type of Application</th>
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<td>Extension to dwelling and outbuilding</td>
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<tr>
<td>Tennis court and lighting</td>
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<tr>
<td>Amendment to number of lots (Highton Manor)</td>
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<td>Three lot subdivision and dwelling</td>
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<td>Two lot subdivision/creation of easement</td>
<td>2</td>
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<tr>
<td>Use &amp; development of land for car sales</td>
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</tr>
<tr>
<td>Outbuilding/store</td>
<td>3</td>
</tr>
<tr>
<td>Development of second dwelling</td>
<td>1</td>
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<tr>
<td>Use of land for home occupation</td>
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<tr>
<td>Six lot subdivision</td>
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<td><strong>TOTAL</strong></td>
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Other Planning Consents & Enquiries

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<td>Withdrawn application</td>
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<td>Lapse application</td>
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<td>Mountain Bay Section 173 Assessment</td>
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Days Taken to Approve Planning Applications

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<th>JUL</th>
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Certification Applications Lodged for the Month October

<table>
<thead>
<tr>
<th>Application No</th>
<th>Date Lodged</th>
<th>Type</th>
<th>Location</th>
<th>Application Stage</th>
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</thead>
<tbody>
<tr>
<td>S093038J/16</td>
<td>12/10/2016</td>
<td>Two lot subdivision</td>
<td>Soldiers Road Barwite</td>
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<tr>
<td>S093273M/16</td>
<td>12/10/2016</td>
<td>Creation of Easement</td>
<td>14A Chenery Street Mansfield</td>
<td>Under Assessment</td>
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<tr>
<td>S093408T/16</td>
<td>25/10/2016</td>
<td>Certification tow lot subdivision</td>
<td>368 Maroondah Hwy Merton</td>
<td>Under Assessment</td>
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<tr>
<td>S094113B/16</td>
<td>19/10/2016</td>
<td>Consolidation to one lot</td>
<td>11 Redfern Court Bonnie Doon</td>
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Delegated Planning Approvals for October

<table>
<thead>
<tr>
<th>File No</th>
<th>Description</th>
<th>Property Address</th>
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<tbody>
<tr>
<td>DA5302</td>
<td>Development of second dwelling</td>
<td>4 Laxton Street Goughs Bay</td>
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<tr>
<td>DA4477</td>
<td>Development of dwelling</td>
<td>220 Homepoint Dve Bonnie Doon</td>
</tr>
<tr>
<td>DA6608</td>
<td>Ext to existing dwelling &amp; outbuilding</td>
<td>475 Howes Creek Goughs Bay Rd Goughs Bay</td>
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<tr>
<td>DA4883</td>
<td>Development of dwelling</td>
<td>4 Goughs Crescent Goughs Bay</td>
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<tr>
<td>DA6614</td>
<td>Development of land for a dwelling</td>
<td>7 Mill Court Sawmill Settlement</td>
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<tr>
<td>DA2447</td>
<td>Two lot subdivision</td>
<td>144 Malcolm Street Mansfield</td>
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<tr>
<td>DA6617</td>
<td>Three lot subdivision &amp; construction of dwelling</td>
<td>1/5 Adams Street Mansfield</td>
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<tr>
<td>DA2556</td>
<td>Use and development of a store</td>
<td>159 Prowd Lane Bonnie Doon</td>
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<tr>
<td>DA6088</td>
<td>Development of outbuilding</td>
<td>28 Brown Street Jamieson</td>
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<td>DA6623</td>
<td>Use and development of land for car sales</td>
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<td>DA4914</td>
<td>Development of a dwelling and outbuilding</td>
<td>Blue Range Road Bridge Creek</td>
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<tr>
<td>DA6598</td>
<td>Construct, use and illuminate tennis court</td>
<td>2084 Mansfield Woods Point Road Macs Cove</td>
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<tr>
<td>DA4043</td>
<td>Development of outbuilding</td>
<td>801 Midland Link Highway Maindample</td>
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<tr>
<td>DA2857</td>
<td>Development and use of the land for a dwelling</td>
<td>945 Old Tolmie Road Tolmie</td>
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<tr>
<td>DA1769</td>
<td>Use of the land for home occupation</td>
<td>30 Oakbank Court Mansfield</td>
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<tr>
<td>DA6626</td>
<td>Use and development of dwelling</td>
<td>1059 Monkey Gully Road Goughs Bay</td>
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<td>DA6598</td>
<td>Buildings and works (outbuilding)</td>
<td>2084 Mansfield Woods Point Road Macs Cove</td>
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<td>DA4838/2</td>
<td>Development for a dwelling</td>
<td>401 Buttercup Road Merrijig</td>
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<tr>
<td>DA5645</td>
<td>Development and use for a dwelling and shed</td>
<td>743 Sonnberg Drive Bonnie Doon</td>
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<tr>
<td>DA4787/2</td>
<td>Amendment to add one additional lot and amend expiry times</td>
<td>140 Highton Lane Mansfield</td>
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<tr>
<td>DA6563</td>
<td>Six lot subdivision</td>
<td>10 Hunter Street Mansfield</td>
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<tr>
<td>DA4500</td>
<td>Two lot subdivision and amend common boundary</td>
<td>6-10 Moorey Street Mansfield</td>
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</table>

**BUILDING**

**Monthly Comparative Value of Building Permits Lodged**

<table>
<thead>
<tr>
<th></th>
<th>2016-17</th>
<th>2015-16</th>
<th>2014-15</th>
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<tbody>
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<td>JUL</td>
<td>$1,239,521</td>
<td>$2,882,301</td>
<td>$3,231,337</td>
</tr>
<tr>
<td>AUG</td>
<td>$3,028,490</td>
<td>$2,036,159</td>
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<tr>
<td>SEP</td>
<td>$3,283,640</td>
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<td>JAN</td>
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<tr>
<td>FEB</td>
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<td>MAR</td>
<td>$3,259,043</td>
<td>$3,447,852</td>
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<td>APR</td>
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<td>MAY</td>
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<td>JUN</td>
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<td>TOTAL</td>
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# Monthly Comparison of Permits Lodged for Dwellings

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</tr>
<tr>
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<td>12</td>
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## SEPTIC

### Septic Applications Lodged, Approved and Issued Monthly

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<th>PERMITS ISSUED TO USE</th>
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<td>SEP</td>
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<td>4</td>
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<tr>
<td>OCT</td>
<td>8</td>
<td>6</td>
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<td>MAR</td>
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## Septic Applications Lodged

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<td>JUN</td>
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ENGINEERING AND WORKS DEPARTMENT REPORT
November 2016

CAPITAL WORKS

Youth Hub Construction
Works on the Youth Hub are progressing well with the contractor producing excellent quality workmanship. The underground power has been installed and approximately 75% of the concrete works have been completed.

One incident of unauthorised access has occurred with one of the elements being skated. Fortunately no damage resulted. Council officers have since provided media, after hours surveillance (by means of motion capture photography) and additional warning signage. The contractor has also installed timber boards to prevent the elements from being skated. No further incidents have occurred within the two weeks since the implementation of these measures.

Works are on schedule to be completed prior to Christmas.

Resheeting Works
Gravel road resheeting works are progressing well following improvement in weather conditions. Ross and Walshs Roads have been completed.

Landfill Rehabilitation Works
The draft Environment Management Plan has been completed by Council’s consultant, Coffey, and is currently being audited to EPA approved consultant ERM. Council officers have been supplying historical data in terms of estimated quantity of waste accepted, information pertaining to bore water quality and detailed rehabilitation design documents. It is expected that all of the EPA requirements will be satisfied by the end of November, allowing the landfill rehabilitation work to be tendered and constructed early next year.

FIELD SERVICES

Grading continued this month on a daily basis as weather permitted. Roads were graded close to Mansfield and in the Barjarg area and included Dueran Lane, O’Halloran’s Road, and Long Lane.

Ongoing stormy weather this month has seen staff spending a significant amount of time reacting and responding to fallen trees across roads, unblocking drainage systems and monitoring floodways.

A small team spent three days clearing debris and carrying out general maintenance on Licola Road in preparation for opening over the long weekend.

Gravel road and sealed road potholing continued in all areas as required.

Signage maintenance and guide post maintenance was completed in all areas during periods of wet weather.

Plant Hours: Combined, both backhoes operated for approximately 65 hours and the three graders operated for approximately 183 hours throughout the month of October.

PARKS AND GARDENS

The Parks and Gardens team had a very busy month due to the high rainfall over the past couple of months. Spring growth has been exceptional and proved to be a challenging task for the team to keep maintained. Several areas have been too wet to mow. Weed control has been hampered by persistent rain and is evident by the ineffective treatment of the cape weed in Botanic Park. The picture below shows the overflowing amount of water currently in Botanic Park Lake (see image below).
The team managed to get the Mansfield township area looking its best for the High Country Festival and influx of tourists over the busy long weekend.

Artificial turf was installed in a shady section of the Family and Children’s Centre in an area that has proven to have a difficult surface for growing turf.

The Lords Oval and Recreation Reserve were sprayed for rye grass, weeds and insects in preparation for summer.

Scheduled maintenance was completed in all areas and with a focus on weed spraying, mowing and brush cutting.

Sunken graves were tended to and filled with top soil at Mansfield Cemetery due to the persistent wet weather conditions.

<table>
<thead>
<tr>
<th>Total Number of Reported Defects</th>
<th>Total Number of Defects Completed</th>
<th>% Completed</th>
<th>Area</th>
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<td>1,187</td>
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<tr>
<td>328</td>
<td>180</td>
<td>55%</td>
<td>Urban</td>
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**Customer Request Management System**

There are currently 65 outstanding requests in the CRM System for the Field Services unit. Throughout October 65 new requests were received and 50 were completed.

**Geographic Information Systems**

Car parking mapping is being finalised. Parking locations have been mapped, and work is being undertaken to finalise a printable version available to the public. The layer will also be available through the GIS.

The current match rate between addresses and Council records is 98.1%.

GIS data from the Climate Smart Agriculture Development project has been incorporated into the GIS and is in the process of being made available to Council officers.

**Cemetery**

In October we had one interment at Jamieson Cemetery and two interments at Mansfield Cemetery.
EXECUTIVE SERVICES DEPARTMENTAL REPORT
November 2016

GOVERNANCE

New Council Sworn In
At its Special (Statutory) meeting of 26 October 2016, the following Councillors were sworn in:

- Ms Marg Attley – Tolmie Ward
- Mr Peter Olver – Mansfield Ward
- Mr Paul Sladdin – Bonnie Doon Ward
- Mr Harry Westendorp – Jamieson Ward
- Mr Paul Volkering – Mansfield Ward

Cr Paul Volkering was elected Mayor for a 12 month term, and Cr Peter Olver was elected Deputy Mayor.

Councillor Induction
A comprehensive training and transition program is currently underway with all Councillors. Briefings continue to be held with officers and managers, and Council’s Lawyers, Maddocks, recently presented a Good Governance information session with the aim of ensuring the Council are across their responsibilities in relation to probity and integrity etc.

Councillor and Mayoral Allowances
In accordance with sections 74(4) and 223 of the Local Government Act 1989 Council is required to give notice of its intention to set the Councillor and Mayoral allowances.

At its Special (Statutory) meeting of 26 October 2016, Council determined to set the allowances as follows:

a. For the Councillors allowance a Part A payment of $19,350 and a Part B payment of $1,838, (the equivalent of the Superannuation Guarantee Contribution, which is currently 9.5%), equating to $21,188 per annum.

b. For the Mayoral allowance a Part A payment of $57,812 and a Part B payment of $5,492, (the equivalent of the Superannuation Guarantee Contribution, which is currently 9.5%), equating to $63,304 per annum.

The Councillor and Mayoral allowances are currently on public exhibition for a period of 28 days to enable submissions from the general public to be made. Advertising is currently underway (Mansfield Courier and Council’s website) and submissions are invited up to 5.00pm on Monday, 5 December 2016.

Local Government Performance Reporting Framework (‘Know Your Council’) Council’s 2015-16 performance data has now been finalised and provided to Local Government Victoria (LGV) for the ‘Know Your Council’ website: www.knowyourcouncil.vic.gov.au

The Know Your Council website provides the opportunity to access consistent information in regard to the performance of local councils across Victoria. The site allows users to:

- benchmark and compare similar councils
- view detailed profiles of councils
- view maps of council areas (local government areas) in Victoria
- find out about how local government works in Victoria in the Guide to Councils.

EXECUTIVE

Citizen Awards 2017
Nominations for the following Awards, announced on Australia Day 2017, are now being advertised:

- Citizen of the Year
- Young Citizen of Year
- Senior Citizen of the Year
- Community Event of the Year

Nominations will be accepted up to Monday, 12 December 2016, and application forms can be obtained from the municipal office or from Council’s website.
**Human Resources**

**Staff Changes and Recruitment**
Tracey Kyritsis joined our Customer Service Team in October. Tracey has extensive customer service and bookkeeping experience and is very excited to be part of the customer service team.

Applications close for the Works Co-ordinator position soon, and we hope to appoint someone to this position prior to Christmas.

Interviews for the Engineering and Works Manager have concluded and we anticipate we will be in a position to make an offer to the preferred applicant shortly.

**Records Information Management**
The Records Unit is working through various projects aimed at assisting and implementing processes throughout Council to reduce the amount of paper generated.

This month processes have been implemented for the Building Unit to become almost paperless. This process will reduce paper usage by 90% in that area.

Software to enable integration between Xpedite and TRIM for volunteers has been installed. IT and Records Units are in the final stages of testing before it is rolled out. This will streamline the process for record management, reducing double handling of documents.

The IT and Records Units continue to liaise with other Units to improve efficiencies in Council’s workflow processes.

**Customer Service**
Council’s Customer Service Officers continue to provide excellent service to our ratepayers and community. The last week has been busy with rate payments due by the end of November.

Customer Service are promoting a positive, helpful and friendly environment and ensure customers internally and externally leave with a great impression about the service they have received at Council. The Customer Service staff continuously looks for ways to improve the level of customer service they deliver.

**Customer Requests**
Customer Request Management System statistics for the month show 64 customer requests registered with 51 (79%) closed during the month. The majority of requests were completed by Engineering and Works Department (36%).

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<thead>
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<th>Events</th>
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<th>Open</th>
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<td>Planning &amp; Environment</td>
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<td><strong>Total</strong></td>
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<td>7</td>
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FINANCE AND INFORMATION SERVICES DEPARTMENTAL REPORT
November 2016

FINANCE AND REVENUE SERVICES

Annual Returns
Over the past month, the Finance team have been preparing both the annual Victorian Grants Commission Return and the Essential Services Commission. The Grants Commission return is used by various departments to collect information in relation to councils, however the prime purpose is to assist in the appropriate allocation of the Victorian Grants Commission funding between all Victorian Councils. The Essential Services Commission return is a new document which monitors the Council's application of the rate cap.

Roads to Recovery
Roads to Recovery annual report has been audited and submitted. All funds received during the 2015-16 financial year were spent and acquitted accordingly.

Know Your Council
Information has been provided to Local Government Victoria in relation to the performance reporting. The ‘Know Your Council’ website is expected to be available for Council to view and check in the next week. It will then be made available to the public to view and compare against other Councils.

Revenue
2nd Instalment rate notices have been sent and are due 30 November 2016. Below is a summary of delivery methods. BPAY View is a new method of electronic delivery and it’s intake in increasing. Email uptake is also increasing.

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
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Rate Arrears

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DEBTORS 31 October 2016

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<td></td>
<td><strong>TOTAL</strong></td>
<td><strong>$54,104.34</strong></td>
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Evidence of a long term event strategy at work is the transformation over time of the post winter late October, early November quiet time into a busy, colourful time of activity, events, celebration and spend. The extensive program captured in the ‘Spring In’ brochure is testament to a huge community, business and Council effort.

Tourism & Economic Development kick off their event program with showcasing the Shire’s great touring roads at Motorclassica. A three day expo attracting 22,000 car clubs members and classic car driving enthusiasts. Thanks to our local Mansfield car club for assisting us with our display – adding valuable local knowledge and minimising our costs to participate. Other destinations in attendance included Geelong, Mildura, Shepparton, Benalla and Bendigo.

Mansfield High Country Festival boasted over 30 events during the 5 days. The fireworks were sensational, the picnic races in full filly show off mode; but there were many highlights with organisers reporting numbers up on previous years. Thanks to Festival partners and sponsors.

Targa High Country
The new look competitive street stage was well received by competitors & spectators with a large number of great vantage points spread out around the course.

People congregated after the race in High Street for Targa Fest and the atmosphere was positively upbeat.

Delatite Drivers Car Club had a strong presence with 15 cars in the touring section and 40 cars on display. Their (volunteer) involvement this year has greatly contributed to the success of the event.

Great partnership co-operation was shown to see another Targa High Country successfully staged and we thank Targa Australia, Mt Buller Mt Stirling Alpine Resort Management, CAMS, VicRoads, VicPolice and the many volunteers and workers across our business and community sectors.

Talk Wild Trout returned to Mansfield and was held at the Performing Arts Centre on 5 November. It showcased presentations from leading scientists, managers and fishers about Victoria’s wild trout fisheries. Fishing is an important contributor to our economy and is a valued activity by our residents. The conference was borne out of the concerns over the health of the wild trout population and we supported Fisheries Victoria in making the conference happen.

Next up for Tourism & Economic Development is Lake Eildon Festival.

The Visiting Journalist Program continued to find ways to support opportunities for public relations outcomes for our destination and businesses with familiarisations supported, words written and images supplied.

Outcomes included promotion via Nourish magazine, and Pieces of Victoria gave coverage on the brewery trail, horseriding and the Great Victorian Rail Trail.

The Watsons and Lovicks were again centre stage in Melbourne for the Parade of Champions. They represent our region as the Mansfield High Country Horsemen and it was great to see a photo story featuring them in the Herald Sun.
CONTROL OF INVASIVE ANIMALS
Council hosted the Environment, Natural Resources and Regional Development Committee in a public hearing in Mansfield recently, giving the opportunity for locals to put their views direct to our politicians in this important public policy space.

The Committee heard from a number of witnesses including Alex Green and Judy Dixon representing Council, Charlie Lovick and Graeme Stoney representing Mountain Cattlemen’s Association, Michael Watson ofWatsons Trail Rides and farmer Brendan Mahoney.

The control of invasive animals on crown land is an important issue for our destination’s sustainability. High numbers of invasive animals have negative impacts for farmers, general community, visitors and our environment.

Species such as deer provide opportunities for niche tourism sectors for hunting, that appropriately managed, can contribute to the diverse range of activities undertaken in our public land space by residents and visitors.

RDA VISIT AGRI TOURISM
The Hume Regional Development Australia (RDA) Committee met recently with CEO Alex Green and key industry stakeholders in Mansfield to gain an understanding about skills needs, job readiness and requirements for emerging job opportunities for the agribusiness sector and supportive supply chain.

The aim of the meeting was to strengthen relationships across sectors and gain insights for RDA when advocating for our region.

Attendees included Jackie and Matt Merchant from Howes Creek Farm, Jon Murphy from Murphy Fresh, Alison Walker from Mansfield Farmers Market, David Ritchie of Delatite Winery and Sarah Brennan from Mansfield District Business Association.

CSAD TRAINING
The Climate Smart Agricultural Development (CSAD) program is nearing its completion for our region and Rob Faggian of Deakin University was on hand in Mansfield to run senior Council staff through the findings and implications.

The Climate Smart Ag project uses CSIRO data to model how our land will be suited to grow various crops in the future.

The modelling was done against 17 different types of products and uses rainfall, temperature and topography as key inputs. There was also an element of ‘ground truthing’ where the scientists met up with local farmers to compare notes and refine the model.

The news for Mansfield is good – we fare much better than much of the rest of the region. This will position us well for our desired growth in food production and agri-tourism.

The information will be critical for strategic planning, economic development and for the individual land owner. The program launch is scheduled for December together with a communications program about how to access the information.
10. OFFICER REPORTS CONT.

10.2 Application for a Planning Permit: P086/15 - Eleven (11) Lot Subdivision in Two Stages and Removal of Native Vegetation

File Number: DA6462
Responsible Officer: Development Services Manager, Michael Bismire

Disclosure of Conflicts of Interest

The author of this report does not have a conflict of interest in this matter.

Introduction

The purpose of the report is to seek Council’s determination of an application for the subdivision of land into eleven (11) lots, in two stages and the removal of native vegetation.

The report was considered at the Council meeting on 18 October 2016 where it was resolved to defer consideration until issues tabled by an objector at the meeting concerning compliance or otherwise of the application with relevant Infrastructure Design Manual standards had been verified. Councillors have since been briefed by officers on these matters (refer attachment) and the report is now re-presented for Council’s determination.

Executive Summary

The proposal is to subdivide land at 15-19 Hunter Street into eleven (11) lots in a General Residential Zone, within 800 metres of the main activity centre of Mansfield. The application also proposes the removal of three (3) mature native trees. Development is proposed to be carried out in two stages.

The first stage is the creation of Lots 1, 2 and 3, with access from Hunter Street. An existing dwelling will remain and be located on proposed Lot 1.

The second stage is the creation of the remaining Lots 4 to 11. Access for these eight (8) lots is proposed via New Street, which is currently unconstructed.

The proposal was advertised and seven (7) objections were received.

The application required a supporting Cultural Heritage Management Plan to be provided which has subsequently gained approval by the Taungurang Registered Aboriginal Party (RAP).

All referral authorities have consented to the development with conditions.

Regarding the vegetation removal, a Biodiversity Assessment Report was submitted which identified the pathway as low and indicated the required offset amount.

Assessment of the proposal has established that the proposed subdivision satisfies relevant state and local planning policies and the standards and objectives of Clause 56 (Residential Subdivision). It also supports the purpose of the zone and meets the requirements of the relevant decision guidelines including Clause 65.

It is considered that the proposal can be approved subject to conditions on permit, including a requirement for the development to contribute towards the construction of New Street.

Background

Subject site and Surrounding Area

The subject site is irregular in shape, measures 7073m² and has frontages to both Hunter Street and New Street. There is an existing dwelling on the site with access from Hunter Street. The rest of the lot is vacant. Three mature native trees are located centrally within the lot.

The subject site is located approximately 800 metres southeast, from the main activity centre of Mansfield Township.

The surrounding area is predominantly residential land. Lot sizes are generally in accordance with the proposed lot sizes (450m² – 750m²).

The aerial image below shows the subject site and the surrounding land.

![Figure 1 – Subject site and surrounds](image-url)

Site Planning History

Proposal

The proposal is for the subdivision of this land into eleven (11) lots in two stages; and the removal of native vegetation (refer attachment).

Stage 1

Three (3) lots are proposed, each with their own access from Hunter Street.

Lot 1 is 830 square metres and will contain the existing dwelling.

Lot 2 is 504 square metres and will be vacant.

Lot 3 is 504 square metres and will be vacant.

Stage 2

Eight (8) lots are proposed with access from New Street. An extension of New Street is proposed accessing what is currently the rear of the subject site, including construction of a court bowl.

Lots 4 to 11 are proposed to range in size from 409m² to 727m². Lots 5 to 10 would have frontages to the court bowl ranging from around 7 metres to 11.78 metres. Lot 4 and 11 are at the front of the court bowl and have larger boundaries fronting.

Off street car parking for up to 4 cars is also proposed at the commencement of the extension of New Street.

Three (3) mature native trees are proposed to be removed.

Mansfield Planning Scheme Context

State Planning Policy Framework (SPPF)

The State Planning Policy Framework seeks to ensure that the objectives of planning in Victoria (as set out in Section 4 of the Planning and Environment Act 1987) are fostered through appropriate land use and development planning policies and practices which integrate relevant environmental, social and economic factors in the interests of net community benefit and sustainable development.

The following State Planning Policies and Objectives (in italics) are relevant to this application:

Clause 11 Settlement

Planning is to facilitate sustainable development that takes full advantage of existing settlements patterns, and investment in transport and communication, water and sewerage and social facilities

This proposal is within an established residential area of town and has been identified for infill growth, with close proximity to a range of services and access to infrastructure to support this growth.

Clause 11.02-1 Supply of Urban Land

To ensure a sufficient supply of land is available for residential, commercial and retail, industrial, recreational, institutional and other uses

This proposal supports intensification of existing urban areas, reflecting the current and an emerging neighbourhood character, with access to required infrastructure.

Clause 11.10-3 Planning for Growth

To focus growth and development to maximise the strengths of existing settlements

This proposal will support growth and development in the Township of Mansfield.

Clause 12.01-2 Native Vegetation

To ensure that permitted clearing of native vegetation results in no net loss in the contribution made by native vegetation to Victoria’s biodiversity

A biodiversity assessment report has been submitted and offsets will be required to be provided via a condition on permit. This will ultimately ensure that there is no net loss as investment will be made into managing and enhancing native offsets within the catchment region.

Clause 15.0-1-3 Neighbourhood and Subdivision Design

To ensure the design of subdivision achieves attractive, liveable, walkable, cyclable, diverse and sustainable neighbourhoods

This proposal will create a compact neighbourhood with walkable distance to the main activity centre of Mansfield Township.

A contribution will be required to support maintenance and enhancement of public open space within the town.

The proposal is for a range of lot sizes from 409m² to 727m², that constitute infill development within an existing established part of the township.

The design will have to meet the requirements of all authorities for stormwater, waste water treatment, potable water, power, and telecommunications as well meeting the requirements of the Building Regulations regarding environmentally sustainable development.

**Local Planning Policy Framework (LPPF)**

The following Local Planning Policies and objectives (in italics) are relevant to this application:

Clause 21.02-3 Native Flora and Fauna

*Achieve Net Gain of native vegetation*

*Protect areas of remnant vegetation, including roadside vegetation, scattered trees and native grassland*

The proposal includes the removal of three mature native trees located centrally within the lot.

A Biodiversity Assessment Report has been prepared and an offset costing through ‘Vegetation Link’ has been submitted. Proof of purchase will be required. The application has been referred to DELWP and Council’s Environment Department have been consulted and have not objected to the removal.

Clause 21.03-3 Infrastructure

*All subdivision designs need to consider the importance of infrastructure, environment, environmental risks and creativity in preference to maximum lot yields. Stormwater, onsite water catchment facilities, water sensitive urban design, drainage, reticulated water and sewerage systems, public open space, variety of lot sizes, provision of quality internal and access roads and detailed landscaping plans are considered for all future developments within the Shire*

This proposal is within an established residential area in the main town of Mansfield. Vegetation is minimal and there is access to all required infrastructure. All relevant authorities have been consulted and have given conditional consent.

Clause 21.03-5 Mansfield Township

This policy recognises that there are a number of large residential lots within the main town residential area, which are able to be further subdivided. The subdivision of these lots will only be considered if all infrastructure and design requirements can be addressed satisfactorily.

This policy also refers to the Mansfield Urban Design Framework Structure Plan which identifies core growth corridors within the immediate township.

The relevant referral bodies, particularly Goulburn Valley Water, have all given conditional consent and the subdivision will access all reticulated services available. The design has been considered in concurrence with a required upgrade to New Street.

- Protect, manage and recover threatened plants, animals and communities including those listed in Schedule 2 of the Flora and Fauna Guarantee Act 1988
- Protect areas of remnant vegetation, including roadside vegetation, scattered trees and native grasslands
- Maintain and increase biodiversity in the Shire
- Achieve net gain in the extent and quality of native vegetation

The native vegetation has been assessed by an Arborist as ‘poor’ and offsets will be provided which will achieve the ‘no net loss’ required by the legislation.

Zoning, Overlays, and Particular Provisions

Zoning

Clause 32.08 General Residential Zone Schedule 1

The purpose is:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies
- To encourage development that respects the neighbourhood character of the area
- To implement neighbourhood character policy and adopted neighbourhood character Guidelines
- To provide a diversity of housing types and moderate housing growth in locations offering good access to services and transport
- To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations

A permit is required to subdivide land and an application must meet the requirements of Clause 56 of the planning scheme.

Before deciding on an application the Responsible Authority must consider as appropriate:

- The pattern of subdivision and its effect on the spacing of buildings
- For subdivision of land for residential development, the objectives and standards of Clause 56

The proposal is for lots that are similar in a range of sizes that reflect the current neighbourhood character as well forming an evolving neighbourhood character of further intensity. This site is within walking distance of the main activity centre of Mansfield Township which offers a large range of services. There is access to reticulated services.

An assessment under Clause 56 is discussed further in the report.

Overlays

No overlays apply to this subject site.

Particular Provisions

Clause 52.01 Public Open Space Contribution and Subdivision

A person who proposes to subdivide land must make a contribution to the council for public open space in an amount specified in the schedule to this clause (being a percentage of the land intended to be used for residential, industrial or commercial purposes, or a percentage of the site value of such land, or a combination of both). If no amount is specified, a contribution for public open space may still be required under Section 18 of the Subdivision Act 1988

No schedule exists in the Mansfield Planning Scheme.

It is considered that there will be a requirement for more open space as:-

- There is no allocation in the proposal for public open space
- ‘Mansfield Shire Sport and Recreation Strategy 2014-2019’ recognises the need for maintenance, enhancement and provision of recreational facilities including public open space for walking, running, cycling etc.
- There is potential for an increased intensity of use of existing open space such as the Botanic Gardens, surrounding sports facilities and the rail trail due to the creation of eleven lots within the main residential area of Mansfield.

A Public Open Space Contribution is required pursuant to Section 18 of the Subdivision Act 1988 equivalent to five percent (5%) of the total land value as no public open space will be provided on site.

Clause 52.17 Native Vegetation

The purpose of this policy is:

To ensure permitted clearing of native vegetation results in no net loss in the contribution made by native vegetation to Victoria’s biodiversity. This is achieved through the following approach

Avoid the removal of native vegetation that makes a significant contribution to Victoria’s biodiversity

Minimise impacts on Victoria’s biodiversity from the removal of native vegetation

Where native vegetation is permitted to be removed, ensure that an offset is provided in a manner that makes a contribution to Victoria’s biodiversity that is equivalent to the contribution made by the native vegetation to be removed

To manage native vegetation to minimise land and water degradation

To manage native vegetation near buildings to reduce the threat to life and property from bushfire

The general application requirements have been addressed with the submission of a Biodiversity Assessment Report. This classified the vegetation as being on the ‘low risk pathway’. A Strategic Biodiversity Score was calculated and the appropriate offset requirement was tendered should the vegetation be permitted to be removed.

An Arborist report concluded that the three native trees were of ‘poor’ condition and advised removal.

Clause 56 Residential Subdivision

Attachment 1 provides a comprehensive assessment of the proposal against Clause 56.

The proposal has been assessed as meeting the objectives of Clause 56.

The subdivision design complements the neighbourhood character, provides a range of lots sizes that are accessible to utility infrastructure and within easy access of Mansfield main activity centre. Each lot can be developed with a dwelling that provides good solar access, private open space and off road parking.

New Street will be upgraded to provide an ‘access place’ that meets the requirements of the Infrastructure Design Manual. Eight of the eleven lots proposed would gain their access via New Street which is currently unsealed and is designated as an Access Place by the Infrastructure Design Manual (IDM). The indicated maximum volume for such a road is 300 vehicle movements per day (vpd).

New Street currently provides access to eight dwellings and, using the industry-accepted standard of 10 vpd’s/dwelling, the current vehicle generation is 80 vpd. Adding a further eight lots ie. eight new dwellings, would create a total of 160 vpd.

While well within the indicated maximum of 300 vpd for a street of this type, the doubling of vehicle movements is considered to warrant construction of New Street to the standards outlined in the IDM, and any planning permit which issues for the proposed subdivision should be conditioned accordingly.

Advice obtained from Council’s solicitors indicates that while conditions requiring an upgrade and sealing of the whole of New Street would be valid conditions, conditions requiring the development to bear the full costs would fail for being unreasonable and would likely be struck out by VCAT should the matter be challenged at appeal.

Council’s solicitors did, however, identify an option where Council might impose a condition requiring the permit holder to make a contribution towards the construction of New Street based on the same proportion originally adopted for a Special Charge Scheme (which Council recently resolved to cancel at its meeting on 13 September 2016).

In listing this option Council’s solicitors identified the need for Council to pay the balance of the cost for upgrading New Street, and, that the value of the amount of the contribution should be indexed in the event that any permit issued was not acted upon for some years. Finally, the solicitors emphasised that imposing such a condition would also not guarantee that a challenge would not be forthcoming.

The submitted construction plans show a court bowl radius of 8.5 metres which does not meet the IDM minimum requirement of 10 metres. Permit conditions should require compliance with the IDM requirement.

Appropriate conditions relating to drainage and lighting, should also be imposed.

General Provisions

Clause 65 Decision Guidelines

After consideration of the decision guidelines it is concluded that the proposal will produce an acceptable outcome.

The proposal is assessed as supporting the relevant state and local policies, supporting the purpose of the zone, meeting the objectives of Clause 56, will add to the amenity and orderly planning of the area and has been given conditional consent by all referral authorities.

Consultation

Referrals and Responses

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<th>Response</th>
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<tr>
<td>Department of Environment, Land, Water and Planning (DELWP)</td>
<td>Section 52 (as no Environment Officer at the time)</td>
<td>No objection Conditions</td>
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<tr>
<td>Council Environment Officer</td>
<td>Section 52</td>
<td>Concurs with DELWP</td>
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<tr>
<th>Referrals</th>
<th>Status</th>
<th>Response</th>
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</thead>
<tbody>
<tr>
<td>Goulburn Valley Water</td>
<td>Section 55 Determining pursuant to clause 66.02-5</td>
<td>No objection Conditions</td>
</tr>
<tr>
<td>Country Fire Authority (CFA)</td>
<td>Section 55 Determining</td>
<td>No objection Conditions</td>
</tr>
<tr>
<td>SP Ausnet</td>
<td>Section 55 Determining</td>
<td>No response</td>
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<tr>
<td>Council’s Engineering Department</td>
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Advertising

Notice pursuant to Section 52 of the Planning and Environment Act 1987 was given by:

- Sending notices to the owners and occupiers of adjoining and nearby land
- Placing a sign on the land.

Council received seven (7) objections primarily from existing residents of New Street. The key issues raised by objections are:-

- New Street is a narrow, gravel road and will not cope with the additional traffic generated by the proposed subdivision.
- Visitors and household occupants will be required to park on New Street and New Street will need to be widened to accommodate the extra vehicles.
- The entry to the court bowl will result in the loss of a car parking space at 15 New Street, forcing the residents of 15 New Street to park on the road.
- Under the Native Vegetation Act is it valid to remove the three established trees? IF the removal of the trees is unavoidable, they should be replaced with mature trees.
- The proposed development at 22 Ailsa Street will further exacerbate the problem of increased activity, traffic generation etc.
- The corner of New Street and Ailsa Street is a blind corner with a stop sign, therefore adding more traffic to New Street is unacceptable.
- The quiet cul-de-sac (of New Street) has quiet amenity and is a safe environment for children to walk, ride bikes and play.
- Dust in New Street is a problem. Any development that increases the volume of traffic on New Street during construction and after completion, must address this problem at the cost to the developer. If New Street is to be resurfaced, it should be sympathetic to the current nature of the street.

- Vehicles exiting the proposed development will need to turn right at a tight angle in order to clear the side fence of 11 New Street. This will lead to exiting vehicles cutting the corner and creating safety concerns for oncoming vehicles.
- Exiting vehicles will have their line of site obscured by the side fence of 20 New Street.
- The residents of 13 and 15 New Street will face significant risk of accident when exiting their properties due to screening effects of the vegetation at 11 New Street coupled with the increase of traffic.
- Vehicles accelerating from the proposed development will create a safety problem for residents reversing from numbers 11, 18A, 18B and 20 New Street due to poor alignment and sight lines.
- There is inadequate room for garbage trucks to turn around within the proposed court bowl resulting in bins being placed in front of the properties in New Street.
- No footpath for pedestrians or children on bikes is proposed within the court bowl, providing connection to Ailsa Street.
- It would be more appropriate for the lots to be accessed from Hunter Street.
- Noise will be an issue during the construction phase of eleven new dwellings.
- The proposed access to the court bowl is not wide enough to accommodate residential traffic.
- There will be insufficient parking for existing residences in New Street including the occupants and any visitors.
- Stormwater flows into New Street will be a problem. New Street has no stormwater drains, gutters and no paths.
- Filling is proposed to lots 5 and 6 which will potentially direct drainage to the land at 14-16 Ailsa Street. Water from Hunter Street drains through land at 14-16 Ailsa Street.

Grounds for Objection

The following details the grounds for objection, followed by the officer's response.

<table>
<thead>
<tr>
<th>Objection</th>
<th>Officer Response</th>
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</thead>
</table>
| New Street is a narrow, gravel road and will not cope with the additional traffic generated by the proposed subdivision. | New Street is designated as an Access Place capable of carrying 300 vehicle movements per day.  
The proposal would add approximately 80 additional VPDs to the street for a total of 160 vpd.  
While within the recommended ‘carrying capacity’, Council’s Engineering Department have recommended that New Street be constructed to the standards contained in the Infrastructure Design Manual. |
**10.2 Application for a Planning Permit: P086/15 - Eleven (11) Lot Subdivision in Two Stages and Removal of Native Vegetation cont.**

<table>
<thead>
<tr>
<th>Objection</th>
<th>Officer Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Visitors and household occupants will be required to park on New Street and New Street will need to be widened to accommodate the extra vehicles</td>
<td>The lots created by the proposed subdivision will provide on-site car parking for residents with the ability also for some on-site visitor parking. Proposed car parking spaces within the court bowl will provide additional car parking for visitors. New Street will be required to be upgraded with the design and construction in accordance with the Infrastructure Design Manual.</td>
</tr>
<tr>
<td>The entry to the court bowl will result in the loss of a car parking space at 15 New Street, forcing the residents of 15 New Street to park on the road</td>
<td>The proposed court bowl will not encroach onto private land. It must be noted that both 13 and 15 New Street appear to encroach by approximately 6 metres into the road reserve. A road upgrade would still give access to this space for on street car parking.</td>
</tr>
<tr>
<td>Under the Native Vegetation Act is it valid to remove the three established trees? If the removal of the trees is unavoidable, they should be replaced with mature trees</td>
<td>An Arborist report concluded that the trees were of 'poor' health and advised removal. An offset figure has been submitted for the removal of the trees in accordance with legislative requirements.</td>
</tr>
<tr>
<td>The proposed development at 22 Ailsa Street will further exacerbate the problem of increased activity, traffic generation etc</td>
<td>The increase in traffic volumes in New Street caused by an increase in the number of lots will still be within acceptable levels given the street’s designation as an Access Lane.</td>
</tr>
<tr>
<td>The corner of New Street and Ailsa Street is a blind corner with a stop sign, therefore adding more traffic to New Street is unacceptable</td>
<td>The road geometry at this intersection is consistent with that of other T intersections. Retention of the stop sign will continue to require road users to meet the usual road safety requirements.</td>
</tr>
<tr>
<td>The quiet cul-de-sac (of New Street) has quiet amenity and is a safe environment for children to walk, ride bikes and play</td>
<td>New Street will be upgraded to accommodate an increase in vehicles but will remain a cul de sac thus continuing to enable shared use.</td>
</tr>
</tbody>
</table>
### Application for a Planning Permit: P086/15 - Eleven (11) Lot Subdivision in Two Stages and Removal of Native Vegetation cont.

<table>
<thead>
<tr>
<th>Objection</th>
<th>Officer Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dust in New Street is a problem. Any development that increases the volume of traffic on New Street during construction and after completion, must address this problem at the cost to the developer. If New Street is to be resurfaced, it should be sympathetic to the current nature of the street</td>
<td>New Street will be required to be upgraded to meet the current requirements of the Infrastructure Design Manual and to the satisfaction of the Responsible Authority.</td>
</tr>
<tr>
<td>Exiting vehicles will have their line of site obscured by the side fence of 20 New Street</td>
<td>Exiting vehicles from the court bowl will have a clear view into New Street and adequate turning space.</td>
</tr>
<tr>
<td>The residents of 13 and 15 New Street will face significant risk of accident when exiting their properties due to screening effects of the vegetation at 11 New Street coupled with the increase of traffic</td>
<td>The access from 15 New Street is 15 metres from the proposed court bowl access and 25 metres from 13 and will not constitute a significant risk from vehicles accessing the court bowl.</td>
</tr>
<tr>
<td>Vehicles accelerating from the proposed development will create a safety problem for residents reversing from numbers 11, 18A, 18B and 20 New Street due to poor alignment and sight lines</td>
<td>Road users will be required to adhere to the Road Safety Rules Victoria 2009. There is scope for traffic calming features to be implemented and this will be up to the Engineers if required.</td>
</tr>
<tr>
<td>There is inadequate room for garbage trucks to turn around within the proposed court bowl resulting in bins being placed in front of the properties in New Street</td>
<td>The submitted construction plans show a court bowl radius of 8.5 metres which does not meet the IDM minimum requirement of 10 metres. Permit conditions should require compliance with the IDM requirement.</td>
</tr>
<tr>
<td>No footpath for pedestrians or children on bikes is proposed within the court bowl, providing connection to Ailsa Street</td>
<td>Although construction of New Street would not include a footpath, Council’s Engineering Department is satisfied that the increased traffic volumes are still modest in nature, within the design limits for a street with an Access Lane designation and will allow for continued safe shared use.</td>
</tr>
<tr>
<td>It would be more appropriate for the lots to be accessed from Hunter Street.</td>
<td>Objectors raised the possibility of the applicant modifying the application at the consultative meeting but the applicant subsequently indicated a desire to proceed with the application as lodged. Accordingly, Council must assess the application which is before it.</td>
</tr>
</tbody>
</table>

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<thead>
<tr>
<th>Objection</th>
<th>Officer Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>The proposed access to the court bowl is not wide enough to accommodate residential traffic</td>
<td>The IDM seeks a minimum access to the court bowl of 6 metres. The application proposes an access of 6.6 metres.</td>
</tr>
<tr>
<td>There will be insufficient parking for existing residences in New Street including the occupants and any visitors</td>
<td>Each lot created by the proposed subdivision can accommodate a dwelling with off street car parking. Four visitor parking spaces are also proposed in the court bowl.</td>
</tr>
<tr>
<td>Stormwater flows into New Street will be a problem. New Street has no stormwater drains, gutters and no paths</td>
<td>Drainage for New Street will be upgraded and will address the issues raised as the water will be taken underground.</td>
</tr>
<tr>
<td>Filling is proposed to lots 5 and 6 which will potentially direct drainage to the land at 14-16 Ailsa Street. Water from Hunter Street drains through land at 14-16 Ailsa Street</td>
<td></td>
</tr>
</tbody>
</table>

Consultative Meeting

A consultation meeting was held on 16 December 2015 attended by Council Officers, the applicant and owner and seven (7) objectors.

Following the meeting no objections were withdrawn and no revised plans were submitted.

Officer Assessment

The proposal represents infill development of a large and essentially vacant parcel of land in an appropriately zoned and established residential area, and is within walking distance to the Mansfield Town centre which offers a range of services and access to reticulated utilities.

The subdivision design is considered to complement the existing neighbourhood character and will create a range of lot sizes.

Objector concerns centre primarily on the impact that an additional eight lots would have on New Street which is designated as an Access Place by the Infrastructure Design Manual (IDM). The indicated maximum volume for such a road is 300 vehicle movements per day (vpd).

New Street currently provides access to eight dwellings and, using the industry-accepted standard of 10vpds/dwelling, the current vehicle generation is 80vpd. Adding a further eight lots ie. eight new dwellings, would create a total of 160vpd.

While well within the indicated maximum of 300 vpd for a street of this type, the doubling of vehicle movements is considered to warrant construction of New Street to the standards outlined in the IDM, and any planning permit which issues for the proposed subdivision should be conditioned accordingly, but acknowledging the legal advice received which indicates that Council is unlikely to succeed with conditions requiring the permit holder to bear the full cost of such construction.

The proposal has been assessed against Clause 56 (Residential Subdivision) and has been found to meet the relevant objectives.

All referral authorities have consented to the proposal, and conditions will be applied to any permit which issues.

Removal of the three native trees is also supported as appropriate offsets can be conditioned to satisfy legislative requirements.

The proposal is considered to satisfy relevant State and Local Planning Policies, the purpose of the zone, the relevant objectives of Clause 56, and is therefore recommended for support by Council.

**Councillors Westendorp/Sladdin:**

That Council resolve to issue a Notice of Decision to Issue a Permit for an Eleven Lot Subdivision in Two Stages and Vegetation Removal at 15-19 Hunter Street, Mansfield otherwise known as Lot 2 on Plan of Subdivision 091716 in accordance with the endorsed plans and the following conditions:

**Endorsed Plans**

1. The subdivision must be carried out in accordance with the endorsed plans which must not be altered without the written consent of the Responsible Authority.

**Staged Subdivision**

2. The subdivision must proceed in the order of stages as shown on the endorsed plans unless otherwise agreed in writing by the Responsible Authority.

**Mandatory Conditions for Subdivisions**

3. 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.

4. 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.

Reticulated Services

5. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, gas and telecommunication services to each lot, where available, shown on the endorsed plans and in accordance with the relevant authority requirements and legislation at the time.

Easements

6. 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 to be created on the plan of subdivision submitted for certification under the Subdivision Act 1988.

Public Open Space Contribution

7. Prior to a Statement of Compliance being issued for Stage 1 of the subdivision, under Section 18 of the Subdivision Act 1988, the applicant or owner must make a financial contribution to Open Space to the amount of five percent (5%) of the total value of the land, payable to the Responsible Authority.

Native Vegetation Offset Requirement

8. Before any vegetation is removed, evidence that an offset has been secured must be provided to the satisfaction of the Responsible Authority. This offset must meet the offset requirements of *Permitted Clearing of Native Vegetation- Biodiversity Assessment Guidelines* and *Native Vegetation Gain Scoring Manual*.

The general offset must:

- a) contribute gain of 0.006 general biodiversity equivalence units.
- b) be located within the Mansfield Shire Council or Goulburn Broken Catchment Management Authority boundary.
- c) have a strategic biodiversity score of at least 0.080.

Engineering Conditions

Easements to be provided

9. Easements must be provided over all infrastructure services located within the boundaries of any lots.

Roads

10. Prior to the issue of a Statement of Compliance for Stage 2 the developer shall provide a cash contribution of $42,400 (indexed on a yearly basis in accordance with the Bureau of Infrastructure, Transport and Regional Economics Road Construction and Maintenance Price Index) for the upgrade of New Street (from Ailsa Street to the proposed internal road) to a 7m wide sealed pavement.

11. Prior to the issue of a Statement of Compliance for Stage 2 the internal road must be constructed in accordance with the Infrastructure Design Manual standards version 4.4 (IDM) and the following minimum parameters unless otherwise approved by the Responsible Authority:

- a) The road is to be constructed to IDM Access Place standard (SD610, 6m wide) within a 14m (minimum) road reserve.
- b) The court bowl shall have a minimum radius of 10m to facilitate garbage truck movements as per IDM Table 2.0

12. The pavements must be designed by a suitably qualified geotechnical engineer, to the satisfaction of Council and shall be constructed to a minimum depth of 250mm in accordance with the Infrastructure Design Manual.

13. Detailed road design plans for the internal road must be submitted to and approved by the responsible authority prior to the commencement of any works.

14. Completed IDM Design Engineers Checklists #D1 & #D2 are to be submitted with the design plans.

Property Access

15. Vehicle crossovers shall be constructed in accordance with the Infrastructure Design Manual (SD240/245).

16. No additional crossings are permitted to be constructed.

Drainage

17. Underground stormwater infrastructure shall service all lots and be wholly contained within drainage easements.

18. Drainage plans and computations must be submitted to, and approved by the responsible authority prior to the commencement of any works.

19. The drainage plans must show:
   a) Catchments
   b) An on-site detention system designed by a suitably qualified engineering consultant to ensure no net increase in stormwater discharge from the proposed development and system suitably located for easy access and maintenance; Detention requirements are as per IDM Table 13
   c) All stormwater drainage discharge from the site connected to the approved point of discharge;
   d) All levels in AHD (Australian Height Datum).
   e) Measures to control sediment and erosion during and post construction.

20. Runoff from impervious surfaces must flow through the designed underground piped stormwater infrastructure within the required easements. The 100 year overland flow path is to be contained within the road reserves.

21. All stormwater infrastructure such as pipes, retardation and treatment facilities shall remain the responsibility of the developer until Statement of Compliance is issued for the final stage of the subdivision. The stormwater infrastructure must be maintained to a standard acceptable to the responsible authority.

22. Prior to commencement of buildings or works, application must be made to Council to obtain a Legal Point of Stormwater Discharge.

23. The design shall ensure that no concentrated stormwater shall drain or discharge from the land to adjoining properties.

24. No interrupted overland flow from this development shall be allowed to impact on the adjacent lots.

**Lighting**

25. All roads within the new subdivision shall be provided with public lighting in accordance with the requirement of the relevant Australian Standards, and IDM Clause 26 Public Lighting;

26. All new lighting shall be located outside the Clear Zone, and meet the standards for Category P Lighting.

27. All new lighting shall be incorporate the use of energy efficient globes (e.g. T5, CF42).

**Asset Protection**

28. 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.

29. A construction management plan (CMP) is to be submitted and approved by Council prior to the commencement of any works. The CMP will contain at minimum:

   a) Protection of significant native vegetation during the construction of roads, reticulated services and other infrastructure;
   b) Prevention of adverse environmental impacts on existing waterways including run-off and siltation; and
   c) Procedures to ensure the amenity of surrounding residents is not affected by noise, dust, vibration, waste, etc.

**Garbage Collection**

30. Prior to certification, a garbage collection plan must be submitted to, and approved by the responsible authority. The plan must indicate how bins are proposed to be stored and demonstrate the collection of waste and recycling bins do not encroach on adjacent property frontages.

**Administration, Permits, Fees and Charges**

31. Council must obtain, in writing, the name of the project coordinator appointed to oversee the works and notification of commencement date prior commencing works, a preconstruction/site induction meeting is mandatory.

32. Prior to the issue of a Statement of Compliance, the developer is required to pay to The Responsible Authority a cash contribution of:
   a) 0.75% of the total cost of the documented works for the checking of engineering plans associated with the development approved herewith (suitable evidence of cost of works to be supplied); and
   b) 2.50% of the total cost of the documented works for the supervision of works associated with the development approved herewith (suitable evidence of cost of works to be supplied).

33. Practical completion will not be granted until the relevant title (road, reserves etc.) are transferred to the responsible authority.

34. Prior to the issue of Certificate of Practical Completion and subsequent Statement of Compliance, the Developer is to lodge a security bond to the Responsible Authority for 5.00% of the total cost of the documented works. This bond will be released following a satisfactory inspection, a minimum of 52 weeks after practical completion.

35. Following completion of all works, but prior to issuing of Statement of Compliance, “as constructed” drawings are to be submitted to the Responsible Authority.

Goulburn Valley Water Conditions

36. Payment of a new customer contribution for water supply to the development, such amount being determined by the Corporation at the time of payment.

37. Provision of reticulated water supply and associated construction works to each allotment within the development at the developers expense in accordance with standards of construction adopted by and to the satisfaction of Goulburn Valley Region Water Corporation.

38. Payment of a new customer contribution for sewerage services to the development such amount being determined by the Corporation at the time of payment.

39. Provision of reticulated sewerage and associated construction works to each allotment within the development at the developers expense in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation.

40. Relocation of any existing house connection drain, and each allotment, to be independently and directly connected to sewer main of the Goulburn Valley Region Water Corporation.
### 10.2 Application for a Planning Permit: P086/15 - Eleven (11) Lot Subdivision in Two Stages and Removal of Native Vegetation cont.

<p>| | |</p>
<table>
<thead>
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<tbody>
<tr>
<td>41.</td>
<td>Provision of easements in favour of the Goulburn Valley Region Water Corporation over all existing and proposed sewer mains located within private property.</td>
</tr>
<tr>
<td>42.</td>
<td>The operator under this permit shall be obliged to enter into an agreement with Goulburn Valley Region Water Corporation relating to the design and construction of any sewerage or water works required. The form of such agreement shall be to the satisfaction of Goulburn Valley Water. A copy of the format of the Agreement will be provided upon request.</td>
</tr>
<tr>
<td>43.</td>
<td>The plan of subdivision lodged for certification is to be referred to the Goulburn Valley Region Water Corporation pursuant to Section 8 (1) of the Subdivision Act 1988.</td>
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**Country Fire Authority (CFA) Conditions**

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<tbody>
<tr>
<td>44.</td>
<td>The subdivision as shown on the endorsed plans must not be altered without the consent of the CFA.</td>
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</table>

**Hydrants**

<p>| | |</p>
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<tbody>
<tr>
<td>45.</td>
<td>Operable hydrants above or below ground must be provided to the satisfaction of the CFA. The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of building envelopes the rear of all lots) must be 120 metres and hydrants are to be no more than 200 metres apart.</td>
</tr>
<tr>
<td>46.</td>
<td>Hydrants must be identified as specified in 'Identification of Street Hydrants for Fire Fighting Purposes' available under publications on the Country Fire Authority website (<a href="http://www.cfa.vic.gov.au">www.cfa.vic.gov.au</a>).</td>
</tr>
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</table>

**Roads**

<p>| | |</p>
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<tbody>
<tr>
<td>47.</td>
<td>Roads must be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle of 15 tons for the trafficable road width.</td>
</tr>
<tr>
<td>48.</td>
<td>The average grade must be no more than 1 in 7 (14.4%) (8.1 degrees) with a maximum of no more than 1 in 5 (20%) (11.3 degrees) for no more than 50 metres. Dips must have no more than a 1 in 8 (12%) (7.1 degrees) entry and exit angle.</td>
</tr>
<tr>
<td>49.</td>
<td>Cultural Heritage Management Plan</td>
</tr>
</tbody>
</table>

All works on site must be constructed in accordance with the requirements of Part 2 of the Cultural Heritage Management Plan No. 13944 dated 15 February 2016.

Time for Starting and Completion

50. This permit will expire if:

   a) The plan of subdivision for stage 1 is not certified within two years of issue of this permit.
   b) The registration of the subdivision for stage 1 is not completed within five years of the date of certification of stage 1.
   c) The plan of subdivision for stage 2 is not certified within four years of issue of this permit.
   d) The registration of the subdivision for stage 2 is not completed within five years of the date of certification of stage 2.

Carried
ATTACHMENT 10.2

APPLICATION FOR A PLANNING PERMIT: P086/15 - ELEVEN (11) LOT SUBDIVISION IN TWO STAGES AND REMOVAL OF NATIVE VEGETATION

(4 PAGES)
Licensed Surveyor
JOHN F. EGAN
VERSION 1

Scale 1:500

Lengths are in metres

SURVEYORS FILE REF. 18666

PS 743289 C
The Engineering Department provides the following response in relation to the queries raised at the 2016 October Council meeting pertaining to the proposed subdivision for 15-19 Hunter Street, Mansfield.

The Engineering Department wishes to preface the comments below stating that it is unusual to be undertaking detailed design consideration prior to the issue of a planning permit. Detailed designs are not normally required until plans of subdivision are certified, but must be approved prior to the commencement of any works.

With regards to highlighted sections of IDM and Austroads passages as provided by the member of public (MOP), the Engineering Department wish to note the following:

1. **IDM Section 12.5: Intersection Design:**
   - The intersection is not a “four way intersection” or a “cross intersection” for which the IDM consideration for centreline angles would apply. Further explanation regarding the angle of intersecting centreline is provided below.
   - The intersection is classified as a “Y” intersection (as defined in Austroads “Guide to Road Design Part 4: Intersections and crossings Section 2.2 p.7”.
   - This passage highlighted is also a general design guideline and not a design standard

2. **Austroads Part 4a Section 2.2.1: Horizontal alignment (of intersection approaches):**
   - Austroads measure angles of intersections between conflicting traffic flows, hence a 70 degree angle is a tighter angle and would mean that a driver was looking over their shoulder. In basic summary, an intersection of less than 90d should be avoided, an angle of greater than 90d provides improved visibility
   - The angle of the intersection is greater than 90 degrees (122 degrees) which means that driver observation angles are improved over a standard 90 degree intersection.
   - This in a practical sense means that drivers are required to have a narrower field of view and thus do not have to turn their heads as far to observe oncoming traffic. This is of greater consideration for elderly drivers.
   - This passage highlighted is also a general design guideline and not a design standard
3. **Austroads Part 4a Section 3.1: Sight distance**

- Sight lines and sight distance are improved over a standard 90 degree intersection due to the larger sight angle of 122 degrees as explained above.
- It will also be a requirement of any final design that sight distances are confirmed and approved.
- This passage highlighted is also a general design guideline and not a design standard

4. **Austroads Part 4a Section 3.4: Sight distance at property entrances**

- Austroads 3.2.1 defines approach sight distance as the minimum level of sight distance which must be available on the minor road approach to all intersections to ensure that drivers are aware of the presence of an intersection. In this case the MOP makes reference to property accesses. The highlighted section again makes reference that meeting the approach distance for intersections is *desirable*. We suggest however that the concept design would achieve better than the minimum distance.
- The MOP quotes a number of sight distances for which the measurements have been inappropriately taken. Example; 11 New St access is 11m from the intersection – In this instance the MOP has measured the closest extremity of each element. The appropriate measurement is achieved by considering the position of the vehicles and not the closest extremity of the intersection. If measured appropriately, the distance would be approximately 30m.
- Further calculations in this section are usually only required where there is a vertical curve impeding the sight lines. As New Street has minimal vertical grade (is basically flat), the sight lines are not dissimilar to other streets in the area.

Signed: Paul Valente  
Senior Civil Engineer
10. OFFICER REPORTS CONT.


File Number: E328
Responsible Officer: Governance Co-ordinator, Dawn Bray

Disclosure of Conflicts of Interest

The author of this report has declared no conflict of interest in relation to this matter.

Introduction

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.

With the recent resignation of Council’s Statutory Planner, Ms Gillian Williamson, and Team Leader Statutory Planning, Mr Grant Trenwith, currently taking long service leave, Council appointed an experienced Statutory Planner, Ms Helen Francis, to a fixed term contract to undertake statutory planning duties until 3 January 2017. As a result, Ms Francis is required to be authorised under the Planning and Environment Act 1987 to undertake her duties effectively.

Council’s associated Instrument of Appointment and Authorisation (Schedule 11) was endorsed by the Chief Executive Officer under delegated authority on 9 November 2016 to reflect this update.

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, by role and officer name, who the ‘authorised’ person is.

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

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 Plan

The update of Council’s Instruments of Appointment and Authorisation falls under the Governance and Organisational Management objective of “Driving Organisational Performance and Resource Management”.

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.

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 ensure that basic good governance principles are adhered to.

It is critical that Council’s Instruments of Appointment and Authorisation be kept up to date. As an example, when issues arise around enforcement of an Act, should the matter proceed to a legal case or court hearing, Council will need to demonstrate that the appropriate ‘authorised officer’ performed the relevant tasks under the relevant Act or Regulation.

Councillors Sladdin/Attley:

In the exercise of the powers conferred by section 188 of the *Planning and Environment Act 1987*, Council resolves that:

1. The officers and roles listed and on the attached S11A Instrument of Appointment and Authorisation be endorsed to allow the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in Council’s Instruments of Delegation, the powers, duties and functions set out in those instruments, subject to the conditions and limitations specified in that Instrument

2. The S11A Instrument of Appointment and Authorisation come into force immediately the common seal of Council is affixed to the Instruments.

Carried
ATTACHMENT 10.3

INSTRUMENT OF APPOINTMENT & AUTHORIZATION
PLANNING & ENVIRONMENT ACT 1987

(2 PAGES)
**Instrument of Appointment and Authorisation**  
*(Planning and Environment Act 1987 only)*

In this instrument “officer” means -

<table>
<thead>
<tr>
<th>ABBR.</th>
<th>OFFICER NAME</th>
<th>OFFICER TITLE</th>
</tr>
</thead>
<tbody>
<tr>
<td>CEO</td>
<td>Peter (Alexander) Green</td>
<td>Chief Executive Officer</td>
</tr>
<tr>
<td>DSM</td>
<td>Michael Bismire</td>
<td>Development Services Manager</td>
</tr>
<tr>
<td>EO</td>
<td>Damien Gerrans</td>
<td>Environment Officer</td>
</tr>
<tr>
<td>LLO</td>
<td>James Brown</td>
<td>Local Laws Officer</td>
</tr>
<tr>
<td>LLO</td>
<td>Mathew Comerford</td>
<td>Local Laws Officer</td>
</tr>
<tr>
<td>LLO</td>
<td>Sonia Dioguardi</td>
<td>Local Laws Officer</td>
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<tr>
<td>LLO</td>
<td>David McKenzie</td>
<td>Local Laws Officer</td>
</tr>
<tr>
<td>LLO</td>
<td>Kirriley Scanlon</td>
<td>Local Laws Officer</td>
</tr>
<tr>
<td>PASO</td>
<td>Lynn Plummer</td>
<td>Planning Administration Support Officer</td>
</tr>
<tr>
<td>SP</td>
<td>Alex Duncan</td>
<td>Statutory Planner</td>
</tr>
<tr>
<td>SP</td>
<td>Helen Francis</td>
<td>Statutory Planner</td>
</tr>
<tr>
<td>SPTL</td>
<td>Grant Trenwith</td>
<td>Statutory Planning Team Leader</td>
</tr>
<tr>
<td>SPO</td>
<td>Victoria Brown</td>
<td>Strategic Planning Officer</td>
</tr>
<tr>
<td>SSP</td>
<td>Kathy Richardson</td>
<td>Senior Strategic Planner</td>
</tr>
</tbody>
</table>
By this instrument of appointment and authorisation Mansfield Shire Council -

1. under section 147(4) of the Planning and Environment Act 1987 – appoints the officers to be authorised officers for the purposes of the Planning and Environment Act 1987 and the regulations made under that Act; [CEO, DSM, EO, PASO, SP, SPTL, LLO]

2. under section 232 of the Local Government Act 1989 authorises the officers generally to institute proceedings for offences against the Acts and regulations described in this instrument. [CEO, DSM, EO, LLO, SPTL, SSP, SP, SPO]

It is declared that this Instrument –

(a) comes into force immediately upon its execution;
(b) remains in force until varied or revoked.

This Instrument is authorised by a resolution of the Mansfield Shire Council on the twenty second day of November 2016.

THE COMMON SEAL OF
MANSFIELD SHIRE COUNCIL
is hereto affixed this Instrument on the twenty second day of November 2016.

..................................................  Councillor

..................................................  Chief Executive Officer
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.

<table>
<thead>
<tr>
<th>Date</th>
<th>Type of Assembly</th>
<th>Issues Discussed</th>
</tr>
</thead>
</table>
| 8 November 2016 | Councillors’ Briefing Session | Conflict of Interest:  \nNil.  \n
Issues Discussed:  \n- Departmental overview |
| 11 November 2016| Councillor Update       | Conflict of Interest:  \nNil.  \n
Issues Discussed:  \n- Australian Four Day Enduro Event |
11. **ASSEMBLIES OF COUNCILLORS CONT.**

<table>
<thead>
<tr>
<th>Date</th>
<th>Type of Assembly</th>
<th>Issues Discussed</th>
</tr>
</thead>
<tbody>
<tr>
<td>11 November 2016</td>
<td><strong>Councillors’ Transition and Induction Session</strong></td>
<td><strong>Conflicts of Interest:</strong> Nil.</td>
</tr>
<tr>
<td></td>
<td>Councillors:</td>
<td><strong>Issues Discussed:</strong> Governance presentation by Mark Hayes of Maddocks in relation to probity and integrity as a Councillor.</td>
</tr>
<tr>
<td></td>
<td>• Marg Attley</td>
<td></td>
</tr>
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<td></td>
<td>• Peter Olver</td>
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<tr>
<td></td>
<td>• Paul Sladdin</td>
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<tr>
<td></td>
<td>• Paul Volkering</td>
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<td></td>
<td>• Harry Westendorp</td>
<td></td>
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<td></td>
<td>Officers:</td>
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<td></td>
<td>• Chief Executive Officer</td>
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<td></td>
<td>• Governance Co-ordinator</td>
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<tr>
<td></td>
<td>• Governance &amp; Council Support Admin Assistant</td>
<td></td>
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<tr>
<td>15 November 2016</td>
<td><strong>Councillors’ Briefing Session</strong></td>
<td><strong>Conflict of Interest:</strong> Cr Paul Sladdin in relation to confidential item. Departed the Council Chamber at 4.20pm and did not return.</td>
</tr>
<tr>
<td></td>
<td>Councillors:</td>
<td><strong>Issues Discussed:</strong> 15-19 Hunter Street Planning Application Confidential item</td>
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<td></td>
<td>• Marg Attley</td>
<td>(Meeting concluded at 5.10pm)</td>
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<td>• Peter Olver</td>
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<td>Officers:</td>
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<td>• Chief Executive Officer</td>
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<td>• Senior Civil Engineer</td>
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<td>15 November 2016</td>
<td><strong>Councillors’ Transition and Induction Session</strong></td>
<td><strong>Conflicts of Interest:</strong> Nil.</td>
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<td>Councillors:</td>
<td><strong>Issues Discussed:</strong> Meeting Procedures for Local Government Presentation by consultant Cheryl Bromfield.</td>
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**Councillors Olver/Westendorp:**

That the Council note the Assemblies of Councillors as provided.  

Carried
12. ADVISORY AND SPECIAL COMMITTEE REPORTS

Nil.

13. AUTHORISATION OF SEALING OF DOCUMENTS

The following documentation has been signed and sealed by Council:

- Section 173 - 312 Dead Horse Lane Mansfield - Loyola Run - Matthew Sampson (DA6455)

Councillors Westendorp/Sladdin:
That Council note the above. **Carried**

SUSPENSION OF STANDING ORDERS

Councillors Attley/Sladdin:
That Council suspend standing orders to facilitate public question time. **Carried**

14. PUBLIC QUESTION TIME

*Note: All questions raised were in relation to item 10.2.1 – Hunter Street Subdivision.*

14.1 Mr Andrew Setchell asked about access and site distances questioning if this complies with the Infrastructure Design Manual. Mr Setchell voiced concerns that the plan of subdivision is not compliant, and he is also of the opinion that the developer did not submit detailed design plans.

Council’s Chief Executive Officer, Mr Alex Green, responded that Council will work with the applicant to determine compliance with the permit conditions.

14.2 Ms Dawn Shaw asked why the development could not be accessed via Hunter Street rather than New Street given Hunter Street currently has the appropriate infrastructure.

Council’s CEO responded that Council is required to consider the application before it.

14.3 Mr Murray Chenery responded to Mr Setchell’s comment (14.1) in relation to design plans, advising that detailed engineering plans had been submitted to Council, and therefore Mr Setchell’s comment is incorrect.
14. PUBLIC QUESTION TIME CONT.

14.4 Mrs Val Kirley commented that she is not against the redevelopment, but would like to see to entrance moved to Hunter Street instead New Street.

14.5 Mr Peter Hallam asked if New Street would remain as it currently is.

Senior Civil Engineer, Mr Paul Valente, responded that the conditions of the Notice of Decision to Grant a Permit did not require New Street to be constructed.

14.6 Mr Andrew Setchell asked about road sealing for New Street and questioned how the development permit can be approved where there is currently a dirt road in situ.

Council’s CEO responded that discussions with the developer will occur in relation to the road sealing. Both the CEO and Cr Paul Sladdin confirmed that there is currently an allocation in Council’s current budget for road upgrade works to New Street.

Mr Setchell asked if Council can confirm that New Street will have a Special Charge Scheme implemented.

Council’s CEO responded that Council has a policy that allows for the use of Special Charge Schemes for the construction of unmade roads.

The CEO commented to the Gallery that with the Council motion to issue a notice of decision to issue a permit, officers now are required to take the time to work through the processes involved.

14.7 Mr Setchell commented that the Council decision in this instance is a bitter pill for the residents of New Street. He asked if New Street goes ahead with an intention for a Special Charge Scheme, where does this leave the new subdivision if the Scheme is unanimously rejected by residents.

Council’s CEO responded the Council has the option to proceed with a Special Charge Scheme based on Policy.

14.8 Mr Setchell asked if Council has a ‘Sense of Place’ Policy.

Development Services Manager, Mr Michael Bismire, responded that he is not aware of any document.

14.9 Mr Jason Kelleher commented that all residents of New Street have been against this development, and that the developer, Mr Chenery, had never approached residents to discuss.
14. PUBLIC QUESTION TIME CONT.

14.10 Mr Glen Cane commented that he is not opposed to the subdivision and respects Mr Chenery’s development. However, he is concerned about the large volume of traffic and parking issues with the New Street access. Mr Cane also advised that he had not received any communication about the subdivision from Council.

The Mayor offered his apologies to Mr Cane for any miscommunication.

14.11 Ms Laura Carter stated that ‘sense of place’ is also about environment. She is concerned that the developer views the subdivision as a ‘commodity’, and implores Council to look at the planning rules.

The Mayor responded that he is cognisant of the fact that Mansfield retain its character. He also acknowledged that the emotional impact this planning item has had on all parties.

RESUMPTION OF STANDING ORDERS

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<th>Councillors Sladdin/Attley:</th>
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<td>That Council resume standing orders.</td>
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Carried

15. CLOSE OF MEETING

There being no further business the meeting concluded at 6.43pm.

CONFIRMED this twentieth day of December 2016.

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Mayor