



MANSFIELD SHIRE

High Country, Lakes and Rivers

COUNCIL MEETING

TUESDAY, 17 MARCH 2020

**Notice and Agenda of meeting
to be held at the
Mansfield Performing Arts Centre
View Street, Mansfield**

Commencing at 5.00pm

Our aspiration for our Shire and its community

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

Councillors:

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

Officers:

<i>Chief Executive Officer:</i>	<i>Kaylene Conrick</i>
<i>Community Services Manager:</i>	<i>Melanie Hotton</i>
<i>Corporate and Organisational Development Manager:</i>	<i>Sharon Scott</i>
<i>Development Services Manager:</i>	<i>Ben McKay</i>
<i>Finance Manager:</i>	<i>Mandy Kynnersley</i>
<i>Infrastructure Manager (Interim):</i>	<i>Andre Kompler</i>



MANSFIELD SHIRE COUNCIL

Order of Business

1. OPENING OF THE MEETING

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

2. STATEMENT OF COMMITMENT

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

3. ACKNOWLEDGEMENT OF COUNTRY

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

4. APOLOGIES

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

5. CONFIRMATION OF MINUTES

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

6. DISCLOSURE OF CONFLICTS OF INTEREST

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

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

7. REPRESENTATIONS

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

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. REPORTS FROM COUNCIL APPOINTED REPRESENTATIVES

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

11. OFFICER REPORTS

11.1 Departmental Reports

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

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



11.2 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.

11.3 Community Services

Detailed reports prepared by the Community Services Department reports and are considered by Councillors. A Council position is adopted on the matters considered.

11.4 Finance Department

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

11.5 Infrastructure

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

11.6 Executive Services

Detailed reports prepared by officers from Executive Services Department will be considered by the Council. A Council position is adopted on the matters considered.

11.7 Corporate and Organisational Development

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

12. ASSEMBLY 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 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].

13. ADVISORY AND SPECIAL COMMITTEE REPORTS

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

14. 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.

15. 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.

16. CLOSURE OF MEETING TO MEMBERS OF THE PUBLIC

Whilst all Council meetings are open to members of the public, Council has the power under the *Local Government Act 1989* to close its meeting to the general public in certain circumstances which are noted where appropriate on the Council Agenda. Where this occurs, members of the public leave the Council Chamber while the matter is being discussed.

17. PRESENTATION OF CONFIDENTIAL REPORTS

18. REOPEN MEETING TO MEMBERS OF THE PUBLIC

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

19. CLOSE OF MEETING

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

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MANSFIELD SHIRE

MANSFIELD SHIRE COUNCIL

Ordinary Meeting of Council

AGENDA

TUESDAY, 17 MARCH 2020
MANSFIELD PERFORMING ARTS CENTRE
View Street, Mansfield
5.00PM

CONTENTS

1.	<i>OPENING OF THE MEETING</i>	3
2.	<i>STATEMENT OF COMMITMENT</i>	3
3.	<i>ACKNOWLEDGEMENT OF COUNTRY</i>	3
4.	<i>APOLOGIES</i>	3
5.	<i>CONFIRMATION OF MINUTES</i>	3
6.	<i>DISCLOSURE OF CONFLICTS OF INTEREST</i>	3
7.	<i>REPRESENTATIONS</i>	4
8.	<i>NOTICES OF MOTION</i>	4
9.	<i>MAYOR'S REPORT</i>	4
10.	<i>REPORT FROM COUNCIL APPOINTED REPRESENTATIVES</i>	6
11.	<i>OFFICER REPORTS</i>	7
	<i>11.1 DEPARTMENTAL REPORTS</i>	7
	<i>11.2 DEVELOPMENT SERVICES</i>	8
	<i>11.2.1 Application for Planning permit No. P164A/17 - Amendment to Permit - Use and Development of Land for a Service Station; Display of Business Identification Signage; and Creation of Access to a Road Zone Category 1 at 140 High Street, Mansfield</i>	8
	<i>11.2.2 Application for Planning Permit No. P119/19 - Development of the Land for a Convenience Restaurant at 2-4 Station Street, Mansfield</i>	17
	<i>11.3 COMMUNITY SERVICES</i>	28
	<i>11.3.1 Tourism North East Quarterly Report 2019-20 – Quarter 2</i>	28
	<i>11.3.2 Renewal of the Tourism North East Memorandum of Understanding</i>	30
	<i>11.3.3 Draft Economic Development Strategy 2020-25 for Public Consultation</i>	33
	<i>11.3.4 High Country Library Network Shared Service Agreement</i>	36
	<i>11.4 FINANCE</i>	40
	<i>11.4.1 Naming of a Feature: Mt Battery</i>	40
	<i>11.5 INFRASTRUCTURE</i>	43
	<i>11.5.1 Mansfield Shire Council 2020 Road Management Plan Update</i>	43



<i>12. ASSEMBLIES OF COUNCILLORS</i>	<i>46</i>
<i>13. ADVISORY AND SPECIAL COMMITTEE REPORTS.....</i>	<i>49</i>
<i>14. AUTHORISATION OF SEALING OF DOCUMENTS.....</i>	<i>49</i>
<i>15. PUBLIC QUESTION TIME.....</i>	<i>49</i>
<i>16. CLOSURE OF MEETING TO MEMBERS OF THE PUBLIC.....</i>	<i>49</i>
<i>17. CLOSE OF MEETING.....</i>	<i>49</i>



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TUESDAY, 17 MARCH 2020
MANSFIELD PERFORMING ARTS CENTRE
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5.00PM

1. OPENING OF THE MEETING

2. STATEMENT OF COMMITMENT

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

3. ACKNOWLEDGEMENT OF COUNTRY

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

4. APOLOGIES

5. CONFIRMATION OF MINUTES

Recommendation:

THAT the Minutes of the Ordinary meeting of Mansfield Shire Council, held on 18 February 2020, be confirmed as an accurate record.

6. DISCLOSURE OF CONFLICTS OF INTEREST

7. REPRESENTATIONS

Deputations in relation to the following items will be received by the Council:

- **Item 11.2.1** - Application for Planning Permit No. P164A/17 - Amendment to Permit - Use and Development of Land for a Service Station; Display of Business Identification Signage; and Creation of Access to a Road Zone Category 1 at 140 High Street, Mansfield
- **Item 11.2.2** - Application for Planning Permit No. P119/19 - Development of the Land for a Convenience Restaurant at 2-4 Station Street, Mansfield
- **Item 11.4.1** - Renaming of a Feature: Mt Battery

8. NOTICES OF MOTION

9. MAYOR'S REPORT

Cr Marg Attley will present the monthly Mayor's report from 18 February to 11 March to the Council as follows:

On behalf of Council and our community, it is my pleasure to welcome Kaylene Conrick as Council's new CEO. We look forward to working with Kaylene through the busy months leading up to the Council elections in October.

Budget considerations are underway together with preparations for the implementation of the new Local Government Act.

BUSHFIRE RECOVERY SUPPORT

The Mansfield District Business Association held an information session, led by Senator Jane Hume and State member for Eildon, Cindy McLeish. They presented information on Federal and State funding to assist businesses in particular. Senator Hume and Ms McLeish stressed the importance of community members, particularly business owners, providing input into the State Bushfire Inquiry.

Another session for businesses hosted a number of agencies who outlined bushfire support:

- *Ag Biz Small Business Support presented an overview of their assistance package, in particular, financial counselling and concessional loans through Rural Finance.*
- *CPA Australia provided information on its Disaster Recovery Toolkit.*
- *Australian Taxation Office outlined available free workshops.*
- *Upper Murray Family Care spoke about financial counselling available in Mansfield.*

Bushfire Recovery Victoria, led by Ken Lay AO APM, will be a permanent agency, working in partnership with Local Government.

There will be great opportunities to assist with business continuity and resilience.

9. MAYOR'S REPORT CONT.

COMMUNITY ENGAGEMENT

Café Conversations

It is pleasing to meet with so many residents in the relaxed environment of our local cafés. Over the past month the following conversations with residents have taken place:

- Roadsides of high conservation significance (ie, not allowing clearing/firewood collection)*
- Goughs Bay – footpaths and drainage*
- Fords Creek Landcare*
- Destruction of wild deer*
- Discussion and meeting process for Ordinary Council meetings*

The next Café Conversation is to be held on Thursday, 26 March at 10.30am at the Goughs Bay Caravan Park.

Economic Development Strategy

This draft Strategy has been discussed by Council following strong community consultation. It will be presented to Council at its March meeting for endorsement to be placed on public exhibition to invite community comment.

Mansfield Performing Arts Centre Strategic Development Plan

This Plan was presented to Councillors this month following consultation with community stakeholders.

Waste Management Strategy 2020-25

Two workshops will be held this month with the community and stakeholders to discuss the draft Strategy. It is important for key themes and priority focus areas to be developed from these sessions.

Botanic Park Playground

Following the work of the Committee for this redevelopment, a 'drop in' session for comments was held at the Mansfield Producers' Twilight Market on 6 March. A second 'drop in' session is also scheduled for this month.

MANSFIELD DUAL COURT STADIUM

Senator Jane Hume and State Member for Eildon, Cindy McLeish, assisted Council and the Mansfield Secondary College to 'turn the sod' for this exciting project. The stadium and associated works benefit the college, community and our growing population. It demonstrates the importance of the partnership Council has with the community, secondary college and the Federal and State governments. Partnerships such as this are critical for small rural councils.

9. MAYOR'S REPORT CONT.

COMMUNITY MEMBERS

I wish to acknowledge Pat Arbuthnot's contribution and passion in sharing her knowledge of the history of Mansfield. Pat was a long term resident of Mansfield, and her recent passing is felt across the community.

I also wish to acknowledge Vera McCormack, who continues to be an active member of the Mansfield CWA after 47 years. What an amazing commitment!

Cr Marg Attley OAM
Mayor

Recommendation:

THAT the Mayor's report for the period 19 February to 11 March 2020 be received.

10. REPORT FROM COUNCIL APPOINTED REPRESENTATIVES

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

COMMITTEE	Responsible Councillor(s)
Australia Day Awards Committee	Mayor Cr Marg Attley, Cr Paul Sladdin and Cr Paul Volkering
Goulburn Broken Greenhouse Alliance	Mayor Cr Marg Attley
Hume Regional Local Government Network (HRLGN)	Mayor Cr Marg Attley
Integrated Fire Management Planning Committee.	Mayor Cr Marg Attley and Cr Paul Volkering
Lake Eildon Land and On-Water Management Plan Implementation Committee	Cr Paul Sladdin
Mansfield Shire Audit and Risk Advisory Committee	Mayor Cr Marg Attley, and Cr Harry Westendorp
Mansfield Shire Environment Advisory Committee	Mayor, Cr Marg Attley
Mansfield Sport and Recreation Advisory Committee	Cr Paul Sladdin
Municipal Association of Victoria (MAV)	Mayor Cr Marg Attley
Municipal Emergency Management Planning Committee (MEMPC)	Mayor Cr Marg Attley and Cr Paul Volkering
Municipal Fire Management Planning Committee (MFMP)	Mayor Cr Marg Attley and Cr Paul Volkering
North East Local Government Waste Forum	Cr Peter Olver
North East Tracks Local Learning and Employment Network	Cr Harry Westendorp
Rural Councils Victoria	Cr Harry Westendorp

Recommendation:

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



11. OFFICER REPORTS

11.1 DEPARTMENTAL REPORTS

File Number: E103
Responsible Officer: Chief Executive Officer, Kaylene Conrick

Introduction

Departmental reporting allows a short briefing to be provided to 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 Council, as follows:

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

Attachments

11.1.1 Departmental reports

Recommendation:

THAT Council receive and note the Departmental reports for the period 18 February to 6 March 2020.



11.2 DEVELOPMENT SERVICES

11.2.1 Application for Planning permit No. P164A/17 - Amendment to Permit - Use and Development of Land for a Service Station; Display of Business Identification Signage; and Creation of Access to a Road Zone Category 1 at 140 High Street, Mansfield

File Number: DA6232/2
Responsible Officer: Development Services Manager, Ben McKay

Recommendation	Refuse the grant of a permit
Applicant	Ratio Consultants
Title/Covenant/S173 Agreement	The land is subject to a Section 173 Agreement which requires acknowledgement of the use of tennis courts and flood lighting to 11pm on a site to the south-west of the subject land.
Date Application received	23 December 2019
Current statutory days	64
Zoning	C1Z- Commercial 1 Zone
Overlays	DDO1- Design and Development Overlay- Schedule 1
Site area	3,867m ²
Number of outstanding Objections	25

Disclosure of Conflicts of Interest

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

Introduction

The purpose of this report is to seek Council's determination of an amendment to an existing planning permit for the use and development of land for a service station, display of business identification signage; and access to a Road Zone Category 1 on the land at 140 High Street, Mansfield.

The application has been referred to Council as the application has received 25 objections.

11.2.1 Application for Planning permit No. P164A/17 - Amendment to Permit - Use and Development of Land for a Service Station; Display of Business Identification Signage; and Creation of Access to a Road Zone Category 1 at 140 High Street, Mansfield cont.

Background

A current planning permit exists on the site for the use and development of land for a service station; display of business identification signage and creation of access to a Road Zone Category 1. The site is in a prominent position at the western gateway to Mansfield just before the start of the dual carriageway and opposite the Mansfield Visitor Information Centre.

A planning permit (P011/14) was issued by Council for a service station on 9 October 2014 - this permit has expired. Subsequently a planning permit (P164/17) for Use and development of land for a service station; display of business identification signage and creation of access to a Road Zone Category 1 was issued by Council 30 July 2018.

The applicant is proposing to amend the existing planning permit to change the layout of the service station to accommodate heavy vehicle refuelling.

Land adjoining the site is subject to a current planning application for commercial use (convenience restaurant) and land to the rear within the Commercial 1 Zone has been developed for residential uses. The remaining lots to the rear are currently vacant land.

The planning permit amendment seeks to:

- Reduce the number of car fuel bowsers from six to four so only a maximum of eight cars can refuel at any one time.
- Includes one truck bowser to allow for a maximum of two trucks to refuel in the southern section of the site with consequential changes to the crossover designs to allow for trucks to traverse and exit the site.
- Increase the western setback of the convenience shop to include a new 4.6 metre wide concrete carriageway for heavy vehicle access.
- Increase the height of the southern portion of the fuel canopy to allow for trucks to fit underneath with a new height of 7.37 metres.
- Extend construction of a larger canopy to have internally illuminated signage on all sides. The canopy will cover the four car petrol pumps as well as the one truck pump and provide cover between the pumps and main building. The extended canopy over the heavy vehicle pump will step-up in height.
- Include two EVC charging stations for electric cars.
- Revise landscape plan and site plantings. The amendment proposes to reduce landscaping area along the western boundary from 4.5 metres to 3.2 metres. The landscaping plan will maintain a 4.5 metre landscaping area along the southern boundary.
- Revised design of business identification signage on site. The amendment shows an increase to the width of the 6 metre high illuminated sign

11.2.1 Application for Planning permit No. P164A/17 - Amendment to Permit - Use and Development of Land for a Service Station; Display of Business Identification Signage; and Creation of Access to a Road Zone Category 1 at 140 High Street, Mansfield cont.

During the advertising period concerns were raised about the level of information on the plans and the absence of a landscape plan. The applicant provided revised plans showing additional information regarding canopy heights and a landscape plan. This information was provided to interested parties, however the application was not formally amended to include these plans.

Statutory Requirements

Council, as a Responsible Authority, has powers under the *Planning and Environment Act 1987* to grant, refuse or amend applications for planning permits under the Mansfield Planning Scheme. In accordance with *Planning and Environment Act 1987* Council can delegate all or part of its statutory planning powers.

Council Plan

Strategic Objective 4: Enhance Liveability

The objective outlines the importance of ensuring that services and facilities are provided that are responsive, sustainable and effective. It is considered that a co-ordinated and targeted approach to redevelopment within proximity to the Mansfield core is an important strategy in achieving improved quality of life. The proposed development is situated in an area of Mansfield that has been identified for Commercial use and the scope of development proposed must be in accordance with the zone and applicable planning provisions.

Community Engagement

The amendment application was advertised by way of notices to 10 owners or occupiers of properties within the area (January 24 until 6 February). The notices were provided to properties either adjoining the subject site or immediately south of the site on Curia Street. Twenty five submissions, all objecting, were received in response to advertising.

A summary of the main concerns raised in objections is as follows:

Impacts on the amenity of the area: Thirteen objectors asserted concern with the impacts associated with noise from trucks/heavy vehicle use of the site. This was also supported with a request that the applicant provide an acoustic report to examine noise. An equal number of objections were raised in relation to the potential for night time light pollution due to the proposed 7 metre high illuminated truck refuelling canopy. Concern was raised regarding the air pollution from heavy vehicles left idling on site, overshadowing of new development to residential dwellings situated south of the subject site.

11.2.1 Application for Planning permit No. P164A/17 - Amendment to Permit - Use and Development of Land for a Service Station; Display of Business Identification Signage; and Creation of Access to a Road Zone Category 1 at 140 High Street, Mansfield cont.

Site Layout: Objectors raised concern about the easement in favour of Goulburn Valley Water in the south east corner of the site. There was equal commentary about the amendment including a connecting access point to the adjoining land to the east where a current planning permit application has been lodged for a Convenience Restaurant. Many objectors point out that the amendment and new planning permit for the convenience restaurant are interconnected with respect to traffic. Objectors assert that the 7 metre height of the proposed new canopy over the truck bays is excessive and that the location of truck refuelling facilities is too close to existing residential dwellings. Objectors have noted that no loading area for the site has been allocated. The site fencing between the Service Station and existing residential to the south is a domestic design and the applicant has not provided appropriate treatment of this.

Access: Fourteen objectors oppose the introduction of heavy vehicles into the town beyond the existing approved truck bypass route. Many submissions contend that the proposed amendment will attract trucks and redirect heavy vehicle passage through the Commercial centre of Mansfield. There was concern regarding the impact upon local safety through the increased heavy vehicle traffic.

Regulation: Objectors' concerns relate to the departure of the proposal from the Design and Development Overlay (specifically the business identification sign and the height of the proposed canopy). Objectors raised that the proposal is not in keeping with Clause 21.08-1 Transport Linkages. A number of objections raise that the applicant has not addressed the Clause 52.34 Bicycle Parking requirements.

Road: Five objections raise concern that the proposal will cause parking congestion. Objector comments also relate to the increases in flow of traffic around the site and between the Service Station and proposed Convenience Restaurant.

Other: Other comments included loss of employment for other business, the poor architectural contribution that service stations create, the number of existing service stations in Mansfield, loss of surrounding land value and the impact of this application to the approach to the town from the west.

External Authority Submissions (3):

Regional Roads Victoria / Department of Transport:

The department notes there are concerns with the internal conflict points which may have implications on the arterial road network and as such objects to the issue of a planning permit because:

1. The Traffic Impact Assessment Report does not include the following –
 - a. Correct swept path analysis for the 19 m semi-trailers. The current analysis does not include the 0.5 metre clearance on either side of the vehicle.
 - b. Any analysis of appropriate turning treatments from Maroondah Hwy. Please refer to the Austroads (2017) Guide to Road Design Part 4 and Part 4A.

11.2.1 Application for Planning permit No. P164A/17 - Amendment to Permit - Use and Development of Land for a Service Station; Display of Business Identification Signage; and Creation of Access to a Road Zone Category 1 at 140 High Street, Mansfield cont.

2. The two-way traffic movements from each of the Maroondah Hwy accesses shown on the plan are not supported by the Department. The Department would only support entry-only and exit-only movements accessing the arterial road network at this location.

Goulburn Valley Water:

No objections subject to the inclusion of two standard conditions relating to connection of sanitary fixtures to reticulated sewerage and discharge of trade waste. Planning notes regarding civil construction drawings as new driveways cross over a 150 AC water main.

Environmental Protection Authority:

No objection. EPA notes that the proposed amendment includes an intensification of the permitted use. EPA recommend that Council consider the potential amenity impacts on nearby sensitive land use when making its assessment. EPA notes that development of truck refuelling facilities may cause adverse noise impacts on sensitive receptors to the rear of the site. EPA notes that the application does not include an acoustic assessment so it is unclear if the amended development can meet the guidelines for Noise from Industry in Regional Victoria (NIRV). EPA recommends that Council consider including a condition relating to potentially contaminating activity. EPA encourages the applicant to address residual air emissions through their design response, ventilation, indoor air cleaning devices, windows and barriers.

Officer's Comments

The scope of the application to amend the existing approved use and development of the land primarily relates to a change of design and services proposed. The amendment changes the service station design and setbacks. This also includes a change to the location of the proposed convenience shop. While the proposed changes to the layout for which approval is sought do not alter the intent of the permit to develop a service station, they do materially alter the traffic type and the location and design of the proposed access points.

Assessment against the particular requirements relating to vehicular movements

The design assumptions listed in the Traffic Impact Assessment Report do not correspond with the amended plans so it is unclear how the two can be assessed. It is noted that the Department of Transport has required that the eastern access be 'in only' and the western access to be 'out only'.

The Traffic Impact Assessment Report does not consider the proposed access to the adjoining development to the east that will have an impact on traffic behaviour across the two sites, and on Station Street. Whilst this adjoining land is affected by a separate planning application, at some point the impacts of the joint accesses must be considered, with mitigation measures possibly required across both sites. The Traffic Impact Assessment Report assumes that 75% of vehicles exiting the site will turn right in a westerly direction. However, there will be no right hand turns out of the site.

11.2.1 Application for Planning permit No. P164A/17 - Amendment to Permit - Use and Development of Land for a Service Station; Display of Business Identification Signage; and Creation of Access to a Road Zone Category 1 at 140 High Street, Mansfield cont.

There is a new traffic merge point proposed where heavy vehicles and light vehicles exit from the site. The design of the approach angle to this exit point is considered to be poor and the merge occurs at the intersection with an existing pedestrian path along the northern boundary. The proposed amendment results in an excessively long crossing distance for footpath users.

The swept path analysis does not provide a schematic showing the completed paths of the B-Double/ 26 metre vehicle types exiting and entering the site. To properly assess the proposal to include heavy vehicles the applicant needs to submit swept path analysis for the design of semi-trailer and B-double for all movements associated within all the proposed access points, including how the largest design vehicle (B-Double) that could reasonably be anticipated to use the site may enter and exit the development in a forward direction.

A functional site layout plan is required to properly assess the proposed revised access points to and from High Street. This will need to include features such as pavement, kerb/ shoulders, line marking, power poles, trees and other road furniture within 100 metres of the proposed access. The functional layout plan must also demonstrate how all the proposed access points fit into, operate and interact with High Street. This must include any required turning movements into and out of the proposed access points and details of the access arrangements including crossing of the drainage channel.

There is no response in the Traffic Impact Assessment Report that relates to exiting right turning traffic needing to cross the right turn lane on High Street. Further to this, there is no swept path analysis shown in the Traffic Impact Assessment for exiting right turning trucks or right turning light vehicles.

The proposed western cross over creates an awkward intersection with customer cars, trucks and large trucks essentially merging within the crossover. It is not clear which vehicles will have right of way. This merging arrangement also needs to occur at the point where the crossover intersects with the footpath. The new configuration would allow trucks and vehicles to exit at a relatively high speed. Mountable aprons have not been indicated to close down the exit width and allow sufficient path for heavy vehicle turning capacity.

The applicant contends that “trucks can be accommodated for refuelling at the truck bowlers”. This is not supported by the swept paths and Traffic Impact Assessment findings which state that “the site can accommodate 26 metre B-Doubles at the left hand side of the truck bowlers. The right hand side of the truck bowlers is designed for vehicles no longer than 20 metres”. There is no information as to how this constraint will be managed to prevent circulation issues and conflicts within the site.

The Traffic Impact Assessment Report provided with the application shows potential for truck trailer conflict with the south east corner of the lower roof canopy and heavy vehicle movement path. The Traffic Impact Assessment Report provided with the application shows the B-Double trailer track across the proposed bowser location.

11.2.1 Application for Planning permit No. P164A/17 - Amendment to Permit - Use and Development of Land for a Service Station; Display of Business Identification Signage; and Creation of Access to a Road Zone Category 1 at 140 High Street, Mansfield cont.

The proposed 7.37 metre height of the canopy over the heavy vehicle fuel bowser is disproportionately high in relation to the site and surrounds. The extended height is 1.37 metres greater than the specified maximum within the Design and Development Overlay for the Alpine Approaches and Township Gateways. It is considered that this amendment would not result in an acceptable planning outcome having regard to the Design and Development Overlay and the Township Approaches Planning Controls and Guidelines Study – June 2018.

There is no information to determine whether the increase in large truck movements and truck refuelling, including refrigerated trucks, will unreasonably impact on the amenity of the dwelling adjoining the southern boundary of the site.

Assessment against the Particular Provisions relating to Advertising Signs

With regard to advertising signage, the overlay requires signage to be no higher than 5 metres, however a 6 metre high branded sign is proposed. Internally illuminated signs have been conditionally approved as part of the existing permit. It has been considered that the location and amount of signage is appropriate for the proposed development and the proposed height of the sign is acceptable given the height of other buildings within the development. The internally illuminated signs have also been considered acceptable as they will provide clear identification of the site during hours of darkness which is important in terms of road safety for traffic using High Street.

The proposed increase in back-lit signage along the exterior edge of the extended 7.37 metre high canopy is not considered an acceptable amendment. It is considered that the cumulative effect of this lighting would unreasonably impact the amenity of adjoining residential properties with proximity to the south side of higher canopy location. The proposed increase in width of the signage on the north western corner of the site has not been addressed by the applicant. Accordingly, no assessment has been undertaken.

Assessment against the Particular Provisions relating to Car parking

Clause 52.06 of the Mansfield Planning Scheme sets out the car parking requirement for specific uses. Clause 52.06 does not specify a car parking rate for a service station therefore, pursuant to Clause 52.06-6, car parking spaces must be provided to the satisfaction of the responsible authority.

The existing approved development includes provision for 10 car parking spaces. The proposed amendment does not alter the number of spaces provided. Whilst the number of bays are compliant the design and location of car parking needs to be of a high standard whilst ensuring the functional layout does not adversely affect the amenity of the locality. It is considered that this particular provision is yet to be sufficiently addressed as part of the amended proposal.

11.2.1 Application for Planning permit No. P164A/17 - Amendment to Permit - Use and Development of Land for a Service Station; Display of Business Identification Signage; and Creation of Access to a Road Zone Category 1 at 140 High Street, Mansfield cont.

Conclusions

It is considered that the proposed amendment to service station location and site design represents a significant departure from the existing permit approval for use and development of land for a service station; display of business identification signage and creation of access to a Road Zone Category 1.

It has not been sufficiently demonstrated that the proposed amendments will result in an acceptable planning outcome. The applicant has been unable to demonstrate that no significant detrimental impacts to amenity nor the natural environment are likely consequences of the proposal. It is considered that the proposed amendments do not represent an acceptable outcome under the provisions of the planning scheme.

Attachments

- 1 Locality Plan
- 2 Development Proposal
- 3 Submissions

Recommendation:

THAT COUNCIL, having considered all the matters required under Section 60 of the *Planning and Environment Act 1987*, resolve to issue a Notice of Refusal in respect of the land at 2-4 Station Street, Mansfield more particularly described as Lot 1 in LP145122 and Lot 2 LP3436; for the following reasons:

- 1. The Traffic Impact Assessment Report does not include the following –**
 - a. Correct swept path analysis for the 19 m semi-trailers. The current analysis does not include the 0.5 metre clearance on either side of the vehicle.**
 - b. Any analysis of appropriate turning treatments from Maroondah Hwy. Please refer to the Austroads (2017) Guide to Road Design Part 4 and Part 4A.**
- 2. The two-way traffic movements from each of the Maroondah Hwy accesses shown on the plan are not supported by the Department of Transport. The Department of Transport would only support entry-only and exit-only movements accessing the arterial road network at this location.**
- 3. The increase in canopy height and associated advertising signs are contrary to the outcomes sought by Design and Development Overlay – Schedule 1 and the Township Approaches Planning Controls and Guidelines Study – June 2018.**

11.2.1 Application for Planning permit No. P164A/17 - Amendment to Permit - Use and Development of Land for a Service Station; Display of Business Identification Signage; and Creation of Access to a Road Zone Category 1 at 140 High Street, Mansfield cont.

4. The proposed amendments have not demonstrated that the amenity impacts on the adjoining residential properties, including noise and light, can be appropriately managed.
5. The traffic and impact assessment report fails to consider the proposed access arrangements in the amendment application.
6. The proposed changes to pedestrian and vehicle access to and from the site, and within the site, are unacceptable.
7. The proposed internal truck and vehicle movements and routes are unacceptable and will lead to conflict.
8. The proposed crossover design is unacceptable.
9. The amendments fail to explain how the proposal will operate in conjunction with the proposed convenience restaurant.
10. The amendment application fails to demonstrate compliance with clause 53.18 of the Mansfield Planning Scheme.

**11.2 DEVELOPMENT SERVICES CONT.****11.2.2 Application for Planning Permit No. P119/19 - Development of the Land for a Convenience Restaurant at 2-4 Station Street, Mansfield**

File Number: DA6938
Responsible Officer: Development Services Manager, Ben McKay

Recommendation	Refuse the grant of a permit
Applicant	Ratio Consultants
Title/Covenant/S173 Agreement	The title is not subject to any subject to any restrictive covenants
Date Application received	25 October 2019
Current statutory days	73
Zoning	C1Z- Commercial 1 Zone
Overlays	DDO1- Design and Development Overlay- Schedule 1
Site area	2,503m ²
Number of outstanding Objections	261

Disclosure of Conflicts of Interest

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

Introduction

A permit application has been submitted on behalf of the owner of 2–4 Station Street Mansfield for the development of the land for a convenience restaurant, including a drive through service.

Elevation plans and architectural renderings show that the restaurant will be a flat roof contemporary building. The floor plan shows minimal external façade articulation. The north elevation to High Street includes two drive-through pick up windows adjoining the restaurants back of house/kitchen area. An external drive-through open canopy extends out and over the traffic lane for the drive through and will wrap around the front of the site facing High Street. The proposed internal floor area available to the public will be 142m². According to the traffic report, the convenience restaurant will have a capacity of 89 patrons.

The application has been referred to Council as the cost of the proposed development is in excess of \$1 million and has received 261 submissions.

11.2.2 Application for Planning Permit No. P119/19 - Development of the Land for a Convenience Restaurant at 2-4 Station Street, Mansfield cont.

Background

The subject site is situated on the west side of Station Street at the intersection with the Maroondah Highway/High Street. The site is in a prominent position at the western gateway to Mansfield just before the start of the dual carriageway and opposite the Mansfield Visitor Information Centre.

The adjacent properties to the east and south are smaller lots and generally used and developed for residential purposes, despite their commercial zoning. The predominant local dwelling vernacular surrounding the subject site consists of single storey residential dwellings. The subject site is affected by a Design and Development Overlay (Schedule 1) that relates to Alpine Approaches and Township Gateways.

The subject site is surrounded by residential dwellings to the south and east and the applicant contends that the following measures have been taken to in relation to off-site amenity impacts.

- The building is situated to the front of the subject site with the carpark closest to the residential uses to mitigate building bulk, over shadowing and overlooking impacts.
- The building materials and colour scheme have been tailored with consideration to the residential interface.
- The hours of operation will correspond with the existing approved service station to maintain current levels of amenity.

Statutory Requirements

Council, as a Responsible Authority, has powers under the *Planning and Environment Act 1987* to grant, refuse or amend applications for planning permits under the Mansfield Planning Scheme. In accordance with *Planning and Environment Act 1987* Council can delegate all or part of its statutory planning powers.

Council Plan

Strategic Objective 4: Enhance Liveability

The objective outlines the importance of ensuring that services and facilities are provided that are responsive, sustainable and effective. It is considered that a co-ordinated and targeted approach to redevelopment within proximity to the Mansfield core is an important strategy in achieving improved quality of life. The proposed development is situated in an area of Mansfield that has been identified for Commercial use and the scope of development proposed must be in accordance with the zone and applicable planning provisions.

Community Engagement

The application was advertised by way of notices to 17 owners or occupiers of properties within the area (January 16 until 7 February 2020). The notices were provided to properties either adjoining the subject site or immediately across the road in Station Street and Curia Street.

11.2.2 Application for Planning Permit No. P119/19 - Development of the Land for a Convenience Restaurant at 2-4 Station Street, Mansfield cont.

261 submissions were received in response to advertising, with seven submissions in support and 254 submissions raising objections. The submissions have been summarised below with Attachment 3 containing the full list.

A summary of the main concerns raised in objections is as follows:

Planning Regulation:

A number of submissions raised concern that the application does not satisfactorily address the Mansfield Planning Scheme. Specific areas of the Scheme include the Design and Development Overlay requirements, the local planning policy framework as well as the zone and particular provisions of the Scheme, such as those that relate to convenience restaurants and stormwater management.

Sequencing of development and proposed use of 140 High Street (Service Station):

The proposal for a convenience restaurant makes use of a neighbouring property on High Street for vehicular access and deliveries to the proposed restaurant. The interconnected aspects of the two uses has been raised by objectors.

Environmental Impact:

Many submissions have been lodged in relation to the concerns surrounding litter/ garbage management associated with the proposed use. This is often raised in relation to the site's proximity to the Mullum Wetlands area. The need for stormwater management at this site has also been identified.

Landscape Plan:

Objectors raised concerns relating to the limited level of landscaping proposed. Requests were made for a larger area/ thicker buffer to nearby residential uses.

Traffic and Parking:

A prevailing theme in the submissions made to Council is the concern regarding increased traffic that the proposed restaurant will generate. There is a widespread perception that the existing local street for the entrance/exit will result in unacceptable amenity impacts from vehicles that overflow and divert into residential areas to avoid congestion at the intersection with High Street. Questions were raised regarding the need for dedicated parking bays for longer vehicles along with perceived deficiencies in the Traffic study/ impact assessment.

Road:

Objectors' concerns relate to the increased impact to the surrounding local road network as well as the High Street function as a primary main road into the town.

11.2.2 Application for Planning Permit No. P119/19 - Development of the Land for a Convenience Restaurant at 2-4 Station Street, Mansfield cont.

Hours of Operation:

Objectors' concerns relate to the long hours of operation (earlier and later) than the trading hours of the existing commercial area.

Amenity:

Issues raised focus on noise, odours, overlooking, and traffic lights towards residential dwellings early and late.

Points of support:

There were seven submissions in support of the proposal. The areas of support included the size and affordability of the commercial use proposed, the diversity of choice for customers and that the proposal presents a valuable place to gather and beneficial new local employer.

Other:

Other comments included commercial competition and impact to existing business as a concern. Impacts of fast food on lifestyle and health, potential links to crime and undesirable activity.

Authority Submissions (3):

Regional Roads Victoria / Department of Transport:

The Department notes that the development can directly impact the arterial road i.e. Maroondah Highway and its intersection with Station Street and as such the Department objects to the issue of a planning permit because:

1. The development will generate a high number of traffic movements, many of which will be using the intersection of Maroondah Highway and Station Street. The Department is not satisfied as to how the effects of the traffic generated by the convenience restaurant will be mitigated.
2. The plans provided indicate internal access to neighbouring properties to the south (new subdivision) and west (adjoining development).
 - a) The Department is concerned with the impacts that traffic using these accesses will have on the internal movement of vehicles through the development and, as a result, the arterial road network. The Department is not satisfied that the application adequately addresses these issues.
 - b) The Department is not satisfied that the accesses to adjoining properties have been guaranteed into the future. No agreements to guarantee access have been provided, nor do they appear to have been considered in the application.

11.2.2 Application for Planning Permit No. P119/19 - Development of the Land for a Convenience Restaurant at 2-4 Station Street, Mansfield cont.

Goulburn Valley Water:

Goulburn Valley Water has no objection to the issuing of a permit for this development subject to the inclusion of two standard permit conditions relating to connection of sanitary fixtures to reticulated sewerage and discharge of trade waste.

Goulburn Murray Water:

No objection. No conditions stipulated.

Officer's Comments

The proposed development has been assessed in accordance with the following points:

Assessment against the Planning Policy Framework (PPF)

While the Commercial 1 zone contemplates further intensification of commercially zoned land, it is considered that the proposal does not address the amenity, built environment, urban design, building design and neighbourhood character objectives of the planning scheme. It has not been demonstrated that an acceptable outcome can be achieved that addresses the existing parameters of the site, its immediate context and the important location at the entrance to Mansfield.

Description of subject site

The permit application described the land subject to the permit application as 2-4 Station Street, Mansfield, being lot 2 on LP3436 and lot 1 on LP145122. This is the correct street address for these two lots. During the preparation of this report, it has become apparent that the land subject to the application also includes part of lot 2 on LP145122. This can be seen on plan TP-01. Lot 2 on LP 145122 is known as 8-10 Station Street, Mansfield. The application form and the advertising material should have referred to this land.

Assessment against the Local Planning Policy Framework (LPPF)

Local policy in Clause 21.04-2 (Character) recognises that linear development along the major routes into and out of the Mansfield Township should be sensitive to the role that the town plays as an 'Alpine Approach'. Development of land along the Maroondah Highway on the western entry into town should be designed in such a way that the 'gateway' to the Alpine areas is promoted and themed so it becomes obvious to locals and visitors that Mansfield Township has embraced its heritage and capitalised on its attractiveness. It needs to be acknowledged that the proposed convenience restaurant is within an existing residential area, notwithstanding that the land is zoned for commercial purposes. A key issue in this local policy reiterates that new development along the approaches to Mount Buller and Mount Stirling should maintain a high visual amenity. It is reasonable to conclude that the proposed development will likely impact negatively the township gateway and approach as well as nearby residential amenity.

Assessment against the Purpose and Schedule of the Commercial 1 Zone- Schedule 1

The purpose of the Commercial 1 Zone seeks *to create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.*

11.2.2 Application for Planning Permit No. P119/19 - Development of the Land for a Convenience Restaurant at 2-4 Station Street, Mansfield cont.

The applicant has not submitted a written response to address the specific decision guidelines as they relate to the zone for the proposed buildings and works. Minimal supporting information has been provided to properly assess relevant areas such as the interface, especially the relationship with residential dwellings that are situated proximate to the site.

The proposed building will be setback approximately 7.27 metres from High Street and the drive through canopy will be setback just 2.72 metres. Within this setback some landscaping is proposed. It is considered that the combination of the drive through tunnel and the expansive volume of the northern elevation with minimal articulation will have a negative effect on the broader streetscape and will limit the ability for the proposal to successfully integrate with High Street. Further, it is considered that the scale and height of the proposed building is not compliant or consistent with the requirements of the Design and Development Overlay – Schedule 1.

The northern side of the site, which can be seen from High Street, is poorly activated. The drive through tunnel, vehicle queue lane as well as the pick-up windows and the back of house area face High Street, which does not respond to the Design and Development Overlay, which seeks active frontages facing High Street.

In order to activate this side of the building, re-orientation to provide improved restaurant frontage needs to be provided. Further consideration and integration of the existing pedestrian public pathway along the front elevation also needs to be addressed in the site layout design.

Modifications of the design of the building will be required to minimise the impacts on the streetscape. It is considered significant design and layout amendments are required to address the requirements of the Commercial Zone.

Assessment against the Design and Development Overlay - Schedule 1

The overlay specifies a number of requirements for the design of new buildings and also signage, with the aim of tempering the development outcomes and expectations for the area. The proposal is considered inconsistent with the built form and design requirements in the following ways:

- The design, form appearance and scale will compromise the entry to the township as the building is bulky in size and height.
- The frontage to High Street is not activated. The two small service windows, minimal landscaping, drive through tunnel, and access way fail to provide any meaningful integration and activation.
- The exterior walls of the building are proposed to be imitation timber aluminum cladding, imitation brick tile, cement render and vivid white paintwork. These are inconsistent with the design guidelines that require natural materials and colours that complement an alpine approach and township gateway theme. A design that provides for timber and/or earth-based materials to be applied to the exterior walls to add interest to the building when viewed from High Street.

11.2.2 Application for Planning Permit No. P119/19 - Development of the Land for a Convenience Restaurant at 2-4 Station Street, Mansfield cont.

- The building is proposed to be up to 7.26 metres in height. The overlays states the maximum height should be 6 metres. The encroachment of 1.26 metres is not considered acceptable and is significant, particularly given the other shortfalls of the proposal.
- The buildings are not sufficiently setback from High Street to minimise any impacts on the township approach.
- Developments should have a strong emphasis on environmental sustainability and energy efficiency. The proposal as submitted does not incorporate any sustainability or energy efficiency measures.
- The proposal does not include sufficient area for parking and movement of vehicles. See the assessment under Loading/Unloading and Waste Collection.
- The landscaping plan submitted has been assessed by Council's Environment Officer and further detail is required.

Assessment against the Particular Provisions relating to car parking

Pursuant to the provisions of Clause 52.06-5 car parking for the use of the site as a convenience restaurant requires a rate of 0.3 spaces to each patron permitted. The proposed total patrons at the subject property is 89. A total of 26 spaces are required. It is considered that the total number of required parking have been allocated on site.

The applicant has provided for a car park containing 25 car spaces to the south of the proposed restaurant. One accessible car parking space is also identified with a symbol of access and right hand space directly south of the entrance doors on the south elevation (next to the loading bay). Two additional vehicle waiting bays are located on the south elevation.

However, almost half of the customer car spaces are separated from the convenience restaurant building by the main vehicle and truck access route through the site and to the adjoining service station. This access way will also carry all the drive through traffic. It is considered that there is poor connectivity with these car spaces to the building and they will likely to be required when demand for car spaces and internal movements will be at their highest.

Assessment of Traffic Impact Assessment

The Traffic Impact Analysis that has been provided with the current application suggests that the proposed development will significantly increase the number of vehicle movements on the surrounding local road network (151% increase in vehicles per day). The current proposal fails to address how the existing local road conditions will be upgraded to provide an adequate design, address traffic safety and prevent unreasonable local amenity impacts commensurate to the scale and volume of traffic increases. The assessment relies on traffic data that had been prepared for the adjoining service station. The assessment should be based on the likely peak use of the convenience restaurant.

11.2.2 Application for Planning Permit No. P119/19 - Development of the Land for a Convenience Restaurant at 2-4 Station Street, Mansfield cont.

Council's traffic engineer has raised a number of material concerns about the assumptions relied upon in the traffic report and the proposed access arrangements, both external and internal to the site.

Assessment against the particular provisions relating to Convenience Restaurant and Take-Away Food Premises

The applicant has not submitted a written response to address the specific decision guidelines as they relate to Convenience Restaurant and Take-Away Food Premises specified in Clause 53.04-2.

It is considered that a number of aspects of the broader amenity need to be addressed as a component of the current application.

- It is unclear how the proposed design of the restaurant building has addressed the broader context and character of the area, including:
 - The proximity of the site to the Mansfield Mullum Wetlands.
 - Massing, proportions, materials and colours of the proposed building in context with the single storey residential vernacular around the site and the architectural character of the Mansfield Railway Station Historic Reserve.
 - Recreation connections for pedestrian traffic and cyclists using the Rail Trail and recreation areas across the road to the north.
- It is considered that the building design, orientation, bulk and height does not address the objectives of the Planning Scheme with respect to character and building design. The current proposal does not provide for an outcome that reflects positively within the local context or provide for a development that can enhance the public realm.
- The proposed vehicle access in/out of a local traffic only road has not addressed any attenuation measures to adequately prevent significant loss of amenity to adjacent residential land uses due to emission of noise, emission of light, loss of privacy.
- Proposed vehicle waiting bays are located directly across from adjacent residential properties. The landscaping plan does not provide for screening.

Assessment against the Particular Provisions relating to Stormwater Management

The current application has not provided supporting information to address Clause 53.18. It is not possible to assess how the development will be managed to mitigate any impacts of storm water on the environment, property and public safety. An application to construct a building or construct and carry out works must meet all of the objectives of 53.18-5 and 53.18-6. Further details of the proposed stormwater management system, including drainage works and retention, detention and discharges of stormwater to the drainage system are required.

11.2.2 Application for Planning Permit No. P119/19 - Development of the Land for a Convenience Restaurant at 2-4 Station Street, Mansfield cont.

Assessment of Proposed Delivery Loading/Unloading and Waste Collection

The swept path plans show that the proposed loading/unloading bay requires turning and reversing movements to rely on the adjoining property. This is a poor outcome and there is no certainty that such an arrangement will be guaranteed into the future. This is considered to be poor and potentially dangerous/unsafe arrangement and the proposed layout of the service station has not been accurately drawn in the swept paths. Access to the site and within the site needs to be revisited. A complete redesign and rethink are considered to be necessary.

Assessment against the Township Approaches Planning Controls and Guidelines Study – November 2017

The Township Approaches Planning Controls and Guidelines Study – June 2018 (Township Approaches Guidelines), was adopted by Council on 26 June 2018 and therefore can be considered when assessing the permit application.

The building proposed is bulky in mass with minimal façade articulation and a flat roof form. The building frontage to High Street does not provide for any streetscape activation or pedestrian interface. The front elevation features two small window openings and the full extent of the frontage is an area nominated for an area where cars will queue to pay and pick up take away food. The current building design does little to demonstrate sensitivity to the role of the Alpine approaches as gateways to the Mansfield Township.

It is considered that the current proposed design of buildings and works does little to reinforce or establish the preferred character of the adjacent township approaches. This is a primary objective of site responsive design guidelines.

The Township Approaches Guidelines specifically indicate that drive through sales facilities are discouraged within view of the town approaches. The current buildings and works are situated in the Design and Development Overlay specific to township gateways. It is considered that the proposal has not adequately addressed many of the guidelines and is in direct conflict with this specific outcome of the Township Approaches Guidelines to discourage such uses and development from this location.

Specifically, it is considered that the current proposal does not:

- Address the township approach and enhance the vibrancy of the street.
- Endure adequate activation and passive surveillance of adjoining approaches.
- Orientate the building frontage (ie entrance, customer service area) parallel or at least facing the street.
- Locate pedestrian generating uses including customer service and retail components located to address the adjoining approach to provide visual interest to the street.
- Provide a building that addresses the street frontage with articulated facades.
- Avoid blank, unarticulated walls directly adjacent to an approach.

11.2.2 Application for Planning Permit No. P119/19 - Development of the Land for a Convenience Restaurant at 2-4 Station Street, Mansfield cont.

Conclusion

Council initially referred the application to Department of Transport under section 52 of the Act. The Department of Transport requested that the application be received under section 55 of the Act. Council has complied with the Department of Transport's request. When a determining authority objects to an application, Council must refuse it however in this application even if the Department was not a determining authority, the refusal of the permit application would have been recommended.

The applicant has failed to provide sufficient supporting information to demonstrate that no significant detrimental impacts are likely consequences of the proposal such as those relating to built form, how the proposed development addresses High Street, adequately addressing the Township Approaches Guidelines, internal vehicular circulation, parking and traffic.

Attachments

- 1 Locality Plan
- 2 Development Proposal
- 3 Submissions

Recommendation:

THAT Council, having considered all the matters required under Section 60 of the *Planning and Environment Act 1987*, resolve to issue a Notice of Refusal in respect of the land at 2-4 Station Street, Mansfield more particularly described as Lot 1 in LP145122 and Lot 2 LP3436; for the following reasons:

- 1. The development will generate a high number of traffic movements, many of which will be using the intersection of Maroondah Highway and Station Street. The Department of Transport is not satisfied as to how the effects of the traffic generated by the convenience restaurant will be mitigated.**
- 2. The plans provided indicate internal access to neighbouring properties to the south (new subdivision) and west (adjoining development).**
 - a) The Department of Transport is concerned with the impacts that traffic using these accesses will have on the internal movement of vehicles through the development and, as a result, the arterial road network. The Department is not satisfied that the application adequately addresses these issues.**
 - b) The Department of Transport is not satisfied that the accesses to adjoining properties have been guaranteed into the future. No agreements to guarantee access have been provided, nor do they appear to have been considered in the application.**
- 3. The permit application fails to properly and accurately describe the land subject to the proposed use and development.**



11.2.2 Application for Planning Permit No. P119/19 - Development of the Land for a Convenience Restaurant at 2-4 Station Street, Mansfield cont.

4. The proposal fails to respond to the decision guidelines of the Commercial 1 Zone and its context.
5. The proposal will have an adverse impact on the character and amenity of the area, noting the number of dwellings in proximity to the land.
6. The proposal is inconsistent with, and will undermine, the outcomes sought by Council's adopted policy, 'Township Approaches Planning Controls and Guidelines Study – June 2018'.
7. The proposal is inconsistent with the objectives of the Design and Development Overlay – Schedule 1 and fails to comply with numerous requirements of the overlay.
8. The proposal fails to provide appropriate access to and from the site and within the site.
9. The provision of car parking is unsuitable given the context of Mansfield and its role in supporting tourists.
10. The proposal will unreasonably impact on the operation of the surrounding road network.
11. The proposed development should be integrated into the adjoining development at 140 High Street.
12. The proposal fails to provide showers and change rooms in accordance with clause 52.34-6 of the Mansfield Planning Scheme.
13. The permit application fails to demonstrate compliance with clause 53.18 of the Mansfield Planning Scheme.

11.3 COMMUNITY SERVICES

11.3.1 Tourism North East Quarterly Report 2019-20 – Quarter 2

File Number: E2017

Responsible Officer: Community Services Manager, Melanie Hotton

Disclosure of Conflicts of Interest

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

Introduction

This report is for noting purposes only.

Background

Tourism North East (TNE) is a regional tourism board for the High Country, charged with leading strategic supply and demand driven tourism initiatives that deliver strong outcomes to the local visitor economy. It operates across the key areas of regional marketing, industry development, infrastructure and product development, strategic planning, advocacy and research, and works collaboratively with a range of stakeholders to drive visitation, yield and dispersal throughout the High Country.

At the end of each quarter, TNE produce a report that provides an overview of all regional activities that Mansfield Shire Council invests in, and key deliverables within that period.

During the course of Quarter 2, the region has been affected and significantly impacted by bushfires. The fires have also had a significant effect on “business as usual”, and many TNE activities, particularly marketing campaigns, have been postponed or cancelled for Quarter 3. As such, these will form the content of the third quarter report.

The Quarter 2 report for 2019-20 details:

- the publishing of the Ride High Country Guide 2020
- solid social media increases across the board to both reach and engagement,
- Facebook highlight features for Mansfield Shire, with highest engagement generated by the Great Victorian Rail Trail engaging audiences to plan a trip on the trail over summer,
- the timely delivery of the *Great Victorian Rail Trail Strategic Development Plan*.

Mansfield Shire features across a range of social media posts of Feast High Country during Quarter two, with features covering summer picnic spots and perfect Christmas lunch spreads, Christmas famers markets and luxury accommodation.

Local business fared well with luxury accommodation ‘187 Merrijig’ gaining favored attention, Christmas at the Delatite Hotel receiving healthy view rates, and ‘The Mill Inn’ restaurant’s delicious Italian cuisine punching well above the prior posting benchmark of 2.23% with a fantastic 5.47% for engagement.



11.3.1 Tourism North East Quarterly Report 2019-20 – Quarter 2 cont.

Statutory Requirements

There are no statutory requirements in considering this report.

Council Plan

Strategic Direction 1 – Participation and Partnerships

1.3 Partnerships are strong between key service providers and authorities across the municipality:

Co-operate with Tourism North East, Mt Buller Mt Stirling Alpine Resort Management, Goulburn Murray Water and other key industry stakeholders to deliver a range of tourism and visitor services'

Financial

Council contributes annually to TNE along with Alpine Shire, Benalla Rural City, Indigo Shire, Rural City of Wangaratta, Towong Shire, Falls Creek Resort Management Board, Mt Hotham Resort Management Board and Mt Buller Resort Management Board.

Social

Nil.

Environmental

Nil.

Economic

Nil.

Risk Management

Nil.

Community Engagement

Nil

Officer's Comments

TNE produces quarterly reports regarding progress against those initiatives in which Council has invested.

Attachments

1 Tourism North East - Mansfield Shire Council 2019-20 Q2 Report.

Recommendation:

THAT the Tourism North East Quarterly Report 2019-20 – Quarter 2 be received.

11.3 COMMUNITY SERVICES CONT.

11.3.2 Renewal of the Tourism North East Memorandum of Understanding

File Number: E1947

Responsible Officer: Community Services Manager, Melanie Hotton

Disclosure of Conflicts of Interest

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

Introduction

This report presents the Regional Tourism Memorandum of Understanding 2020-2023 for consideration by Council.

Background

Tourism North East's (TNE) Local Government and Resort Management Boards funding partners have developed a memorandum of understanding (MoU) committing to work collaboratively to generate positive High Country tourism outcomes with delivery through TNE.

The relationship between the funding partners commenced in 2010.

The current MoU covers a three-year term, which commenced 1 July 2017 and expires 30 June 2020. As per the terms of the MoU, funding partners are to table negotiations from 1 May 2019 for the renewal of this MoU for a further three-year period.

Historically, negotiations and the subsequent MoU execution has occurred far in advance of the expiry of the agreement term to allow LGA / RMB partners appropriate time to execute the agreement as per their own internal requirements, and to provide TNE with operational certainty and planning continuity.

It was agreed by the Board that the partners would proceed with the execution of a new MoU in line with a business as usual approach despite the Regional Tourism Review that is currently in process. However, an additional clause has been added to the MoU pertaining to an agreement review / termination if the model or scope of TNE changes as an outcome of the review.

Statutory Requirements

There are no statutory requirements related to the report.



11.3.2 Renewal of the Tourism North East Memorandum of Understanding cont.

Council Plan

Strategic Objective 1.3 Partnerships are strong between key service providers and authorities across the municipality.

Co-operate with Tourism North East and a range of other stakeholders to deliver a range of Tourism and visitor related services.

Financial

The endorsed 2019/20 budget identifies \$40,981 commitment to funding the MoU.

Commitment to funding the Tourism North East MoU has also been identified in the Mansfield Shire Council Long Term Financial Strategy with appropriate increases related to annual CPI.

The partnership with TNE gives Council access to staff with skills and resources that Council would not otherwise have access to, for example, TNE employs full-time digital and industry and product development teams.

These resources are highly specialised with specific expertise in tourism and generate a high degree of value for Mansfield.

In addition to the partnership investment, an annual allocation of “buy in” funding is considered through each budget cycle.

In the 2019/20 budget there is an allocation of \$34,500.

Project name	Buy in allocation
Industry and Product Development	\$13,000
Ride High Country – Signage strategy	\$5,000
Ride High Country – Rail Trail	\$2,000
Ride High Country – Road Cycling	\$2,000
Ride High Country – Cycle guide	\$3,000
Feast High Country Campaign – Beer	\$1,000
Feast High Country Festival	\$1,500
Walk High Country Campaign	\$4,000
Brewery Tourism Research	\$1,000
Agri-tourism Digital Platform	\$2,000
	\$34,500

Social

There are no social implications related to this report.

Environmental

There are no environmental implications related to this report.

11.3.2 Renewal of the Tourism North East Memorandum of Understanding cont.

Economic

Since the inception of the partnership, visitor numbers to the High Country have increased by 33% with an increased spend of 74% estimated to be at \$1.207 billion per annum.

TNE has successfully secured \$6 million in funding from both State and Federal Governments on behalf of the partnership.

TNE provides a vehicle through which the partners can collaborate, pooling funds to deliver large-scale campaigns and activities that maximise market impact, and provide a broader regional awareness that can be leveraged for individual destinations.

Risk Management

There are no associated risk implications related to this matter.

Community Engagement

There is no community engagement required with this matter.

Attachments

- 1 Tourism North East Memorandum of Understanding.

Recommendation:

THAT Council:

1. resolve to renew the Regional Tourism Memorandum of Understanding for 2020-23.
2. authorise the Chief Executive Officer to execute the Regional Tourism Memorandum of Understanding on behalf of Council.

11.3 COMMUNITY SERVICES CONT.

11.3.3 Draft Economic Development Strategy 2020-25 for Public Consultation

File Number: E6259

Responsible Officer: Community Services Manager, Melanie Hotton

Disclosure of Conflicts of Interest

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

Introduction

This report seeks endorsement of the Draft Economic Development Strategy 2020-25 for further public consultation before a final draft can be considered by Council.

Background

In December 2019, Council engaged Urban Enterprise Pty Ltd to develop an Economic Development Strategy for Mansfield Shire Council. The brief provided for the utilisation of substantial, existing data and research that outlined the Mansfield Shire Councils position and projections, Councils role, potential partners and stakeholders.

Existing data is contained within –

1. The Mansfield Planning Strategy
2. The Mansfield Shire Economic Profile 2018
3. The Lake Eildon Masterplan 2019 – Stage 1: containing an economic assessment of current tourism visitation and Lake Eildon’s recreational value.

The Economic Development Strategy identifies four key themes derived from data and research that outlines the current position and projections for the Mansfield Shire.

Theme 1: Strengthen and diversify the economy

Theme 2: Enhance the visitor economy

Theme 3: Drive growth in infrastructure and public land enhancement

Theme 4: Best practice economic development

A late amendment to the Draft has seen the inclusion of focus around building business and community resilience to unforeseen events such as the bushfires, power outages and now Covid19.

Statutory Requirements

There are no statutory requirements related to this recommendation.



11.3.3 Draft Economic Development Strategy 2020-25 for Public Consultation cont.

Council Plan

Strategic Objective 2.7 Mansfield’s economy is diverse, with the agility to respond to changing consumer demands.

SO2.7.4 Review the Economic Development Strategy in partnership with the business community to ensure a medium term plan is in place to support ongoing economic growth.

Financial

The Draft Strategy has been developed within the \$15,000 budget available in this financial year.

The implementation of the Strategy will be delivered within our current staffing resources and will form the basis of workplans for this area for the next five years.

Social

There are no social impacts related to this recommendation.

Environmental

There are no environmental impacts related to this recommendation.

Economic

There are no economic impacts related to this recommendation.

Risk Management

There are no risk management considerations related to this recommendation.

Community Engagement

The approach throughout this process has been aligned with the “Collective Impact Framework” which acknowledges that there is no “single” owner of a complex problem. Change in these areas requires the establishment of a shared agenda and collaborative action from a broad, diverse group of stakeholders from across the shire.

A multi-media campaign was mounted to highlight the opportunity to participate, to provide input into this process. This included the Mansfield Courier, local community radio announcements, interviews, multiples of social media notice board uploads and use of local community notice boards.

11.3.3 Draft Economic Development Strategy 2020-25 for Public Consultation cont.

On-line surveys were distributed, having been directed to local business owners and thereafter, the broader community, across the Mansfield Shire. During the latter stages of this campaign a further series of advertising was conducted to invite local business owners and community members to participate in a series of well attended Consultative Workshops, held across two days at the Mansfield Visitor Information Centre.

Input from the business and community sectors combined, throughout these information collection processes was constructive and provided the framework for the draft.

Now that a draft document has been produced, an opportunity will now be provided for broader review and consideration before coming back to Council for endorsement.

Officer's Comments

The development of this draft to this point has involved a number of industry and interested stakeholder workshops and surveys, and a desktop review and consolidation of a number of past and current documents related to the Economic Development of the Shire.

Broader community feedback will now be sought in this format to ensure diverse feedback and input has been pursued.

Attachments

- 1 Draft Economic Development Strategy

Recommendation:

THAT Council:

1. **endorse the Draft Economic Development Strategy 2020-25 to be placed on public exhibition inviting community comment; and**
2. **receive a further report on community comments and any recommended changes to the Draft Economic Development Strategy 2020-25.**

11.3 COMMUNITY SERVICES CONT.

11.3.4 High Country Library Network Shared Service Agreement

File Number: AG1115

Responsible Officer: Community Services Manager, Melanie Hotton

Disclosure of Conflicts of Interest

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

Introduction

This report seeks Council's endorsement to renew the High Country Library Network Shared Services agreement, for a further three years, with two options to extend for an additional three years (3+3+3). Council's endorsement is required before a ministerial exemption is sought, under subsection 186(5)(c) of the *Local Government Act 1989* due to the cumulative value of the agreement exceeding the tender threshold.

Background

On 1 August 2016 Mansfield Shire Council transitioned from the High Country Library Corporation (HCLC) to a shared service model and entered into an Agreement with Alpine Shire Council, Benalla Rural City Council and Wangaratta Rural City Council.

The Agreement was for an initial period of 12 months and followed by a subsequent Agreement for a further three years. This Agreement expires on 30 June 2020.

The shared service model involved liquidating HCLC and replacing it with a shared service where 'spoke' libraries purchase services from a 'hub'. Branch staff are employed by, and report to their respective Councils and central services such as the Library Management System, book stock procurement and collection management are purchased from the 'hub' library.

Alpine Shire Council has successfully operated a library "hub" and provided the following shared library services to the four councils:

- Procurement and processing of a shared library collection
- Coordination of freight amongst the member branches
- Financial management and reporting
- Administration of the Library Management System
- Administration of the supply agreement with Public Libraries Victoria on behalf of the councils.

Based on the most recent (2018-2019) Know Your Council data, the average cost of the Library service to Council per visit, is below the average for all Councils and for Councils of a similar size to Mansfield, and the service is outperforming the average of other Councils and Councils of similar size in all other measures.

11.3.4 High Country Library Network Shared Service Agreement cont.

A new Agreement for a further three years, with two options to extend for an additional three years (3+3+3) has been developed and is attached.

The major tenets of the agreement remain unchanged except for the proposed term for the new agreement is three years plus two options to extend for an additional three years (3+3+3).

Minor modifications to the agreement include the following:

1. Definition of what constitutes a “member” of the Library Management Group and who can vote
2. A provision for associate members to be incorporated into the network to partake of a subset of the shared library services
3. Clarification of the responsibilities of the “hub” and the expected service level to be provided to members.

Wangaratta Rural City Council has undertaken a best value analysis that demonstrates the shared service agreement achieves:

- value for money
- open and fair competition
- accountability
- risk management
- probity and transparency
- social value

Statutory Requirements

The Shared Service Agreement subject to this report is for a period of three years plus two options to extend for an additional three years (3+3+3). It is estimated that Mansfield Shire Councils contribution each year will be approximately \$105,000 or \$315,000 over three years (\$630,000 if the first option to extend is exercised, \$945,000 if the second option to extend is exercised). All options are over the CEO's delegation for awarding a contract and as such require a Council resolution.

In addition, this contract exceeds the limits in which Council must invite tenders. Under subsection 186(1) of the *Local Government Act 1989*, Council must expose all purchases of goods, services or works which reach the thresholds to public tender. This section does not apply if the contract is entered into in accordance with arrangements approved by the Minister 186(5)(c)

Council Plan

Strategic Objective 2.5: Council maximises shared services with other Councils and authorities to minimise service costs

Strategic Objective 2.6: Our population continues to steadily grow, supported by the provision of sustainable community infrastructure and services

Strategic Objective 4.2: We are a community that is passionate about the arts, culture, heritage and environment

11.3.4 High Country Library Network Shared Service Agreement cont.

Financial

Under the terms of the Shared Service Agreement, Alpine Shire Council prepares a budget for the Hub operations annually. The annual budget is presented to and endorsed by the member Councils at the Library Network Management Group prior to each council's annual budget process.

The budget proposed by Alpine Council for the 2020-21 financial year is \$736,448 of which \$366,062 is capital (book collection purchases).

The financial contribution of each Council to the Hub is determined by the percentage of the total population. In the case of Mansfield Shire Council this is 14%, being \$103,103 in the 2020-21 financial year.

Social

The Mansfield Library plays a vital role in the social capital, education, and recreational development of the Mansfield community

- On average, the Library receives 4000 visits per month and loans 4000 items per month.
- Regular programs at the Library include; preschool story time, kinder visits and school visits as well as hosting a number of different groups, such as scrabble club, chess club and jigsaw club.
- In addition to the regular activities the Library also hosts school holiday programs, author visits and special events
- The Library offers an important outreach visiting Library service to some of our most remote community members on Woods Point and Gaffney's Creek

Environmental

Nil.

Economic

Nil.

Risk Management

Two representatives from each council, the Library Co-ordinator and their manager, participate in the Library Network Management Group. This group meets quarterly to review the service delivery against the agreed performance indicators and budget. Under the Agreement, variances to budget (positive and negative) are shared amongst the members based on their percentage of the total population. Variances to budgeted expenditure will not exceed 10% unless agreed by the Library Network Management Group

Community Engagement

Not applicable.

11.3.4 High Country Library Network Shared Service Agreement cont.

Officer's Comments

Over the four year period of the existing shared service arrangement, hub services have been delivered successfully by Alpine Shire Council. Council staff across all four councils participating in the shared service arrangement have been pleased with the service.

It is reasonable to assume that the other councils (Alpine, Benalla and Wangaratta) will continue with the shared service model and enter into a new Shared Services Agreement.

Attachments

- 1 High Country Library Network Shared Service Agreement

Recommendation:

THAT Council authorise the Mansfield Shire Council Chief Executive Officer to seek a Ministerial Policy Exception (as per sub-section 186(5)(c) of the *Local Government Act 1989* and enter into a Shared Service Agreement with Alpine Shire Council for the provision of Library 'Hub' services from 1 July 2020 for a period of 3 years, with two options to extend for an additional three years (3+3+3).

11.4 FINANCE

11.4.1 Naming of a Feature: Mt Battery

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

Disclosure of Conflicts of Interest

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

Introduction

This report seeks Council's consideration of feedback from the Office of Geographic Names in relation to its resolution made at the Ordinary Council Meeting of 18 February 2020 to seek a dual name for Mt Battery.

Background

At its Ordinary Council Meeting 18 February 2020, Council resolved to:

- incorporate an indigenous name to the feature currently known as Mount Battery with a dual name "Beolite-Mount Battery", and
- authorise officers to lodge this with the Office of Geographic Names (OGN) to be approved by the Registrar, gazetted and added to VICNAMES.

The resolution has since been discussed with OGN who have declined the name in the form it was put forward under the resolution. Council will need to revisit the name with consideration given to the *Naming rules for places in Victoria – Statutory requirements for naming roads, features and localities – 2016* (the Naming Rules), and the community feedback obtained during engagement.

Statutory Requirements

Section 5 (1) to Schedule 10 of the *Local Government Act 1989* states that a Council may

- (a) approve, assign or change the name of a road (or feature); and
- (b) erect signs on a road;

Section 5 (2) requires Council to comply with the *Naming rules for places in Victoria – Statutory requirements for naming roads, features and localities – 2016* (the Naming Rules).

The Office of Geographic Names (OGN) provides state-wide advice to Victorian naming authorities and the public about appropriate and compliant naming practices. The Registrar of Geographic Names oversees the gazettal and registration of place names in Victoria. Road names & features must be approved by OGN and once gazetted are placed on the public VICNAMES database.

11.4.1 Naming of a Feature: Mt Battery cont.

The naming process undertaken in accordance with Council Policy, the statutory requirements under the *Local Government Act 1989* and the *Naming Rules*, is performed by the Revenue Co-ordinator under delegation by the CEO.

Council Plan

Strategic Direction Four: Enhanced Liveability.

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

Financial

There will be no financial impact to Council. There is no existing signage with the name Mount Battery, and therefore there is no replacement signage proposed. This Feature under consideration is on private land.

Social

Naming this as a dual name feature in memory of European and traditional owners goes some way to reconciliation. This recognition brings community together respectfully honoring the culture and beliefs of both our First Nations peoples and our European pioneers.

Environmental

There is no environmental impact associated with this proposal.

Economic

There is no economic impact associated with this proposal.

Risk Management

There are no significant risks arising from this proposal.

Community Engagement

Community consultation has been conducted on the original naming proposal (“Mt Battery / Beolite”) in accordance with the statutory requirements under the section 7 of the *Naming Rules for Places in Victoria*.

There has been no further consultation with the wider community on the resolved name of “Beolite – Mt Battery” outside of discussion at the Ordinary Council Meeting 18 February 2020.

Officer’s Comments

Approval was sought from the Office of Geographic Names (OGN) to rename the existing feature known as “Mount Battery” with the dual name “Beolite-Mount Battery” in accordance with the resolution of Council made 18 February 2020.

11.4.1 Naming of a Feature: Mt Battery cont.

OGN declined the name on the grounds that the use of a hyphen is not appropriate, as the use of a solidus (/) has been agreed by all jurisdictions across Australia under Principle (G) of the *Naming Rules*.

Guidelines within Principle (G) state:

- dual names will be formally registered without any distinction between non-aboriginal and Aboriginal name parts other than sequence
- the non-Aboriginal name would appear first in the combined name, as long as it best reflects local community usage.
- if a visual separator is required for clarity, it should be a solidus (i.e. a /) preceded and followed by a space
- the feature type (ie “Mount”) should only be included with the non-Aboriginal name.

OGN also recommend that if the name proposed by Council is different to that proposed during the community engagement process (“Mount Battery / Beolite”), Council should undertake a new engagement process prior to making a submission to the Registrar for approval.

In moving forward with the proposal to incorporate an indigenous name to Mount Battery, Council may choose one of the following three options.

Option A - Select the name Mount Battery / Beolite, consistent with the original proposal.

Option B - Conduct a new engagement process on a new name, for example, Beolite / Mount Battery.

Option C - Choose not to rename Mount Battery.

Based on the outcomes of the engagement conducted on the original proposal, the deputations provided at the Ordinary Council Meeting 18 February 2020, and the Council resolution from the same meeting, officers recommend Option B.

Recommendation:

THAT Council:

- 1. propose to incorporate an indigenous name to the feature currently known as Mount Battery with a dual name - Beolite / Mount Battery;**
- 2. instruct officers to conduct community engagement on the proposal in accordance with section 7 of the Naming Rules for Places in Victoria; and**
- 3. request that the outcomes of the engagement be presented in a report to Council at the May 2020 Ordinary Council meeting.**

11.5 INFRASTRUCTURE

11.5.1 Mansfield Shire Council 2020 Road Management Plan Update

File Number: E1062
Responsible Officer: Infrastructure Manager, Andre Kompler

Disclosure of Conflicts of Interest

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

Introduction

This report outlines the background and reasoning for an update of Mansfield Shire Council's 2017 Road Management Plan and recommends the attached 2020 revised document be put out for public comment before being brought back to Council for adoption, subject to change as necessary.

Background

The justification for updating a Road Management Plan (ie, RMP) can be three fold. That is:

- either a change in legislation;
- the fulfilling of the *Road Management Act 2004*'s statutory requirement to review RMP's at least every 4 years; or
- a material change in Council's RMP intended level of service as indicated by target response times for follow-up and rectification of defects.

Council's last adopted RMP dates back to 2017. Since then, four 'drivers for change' are happening and or pending which have triggered the attached recommended RMP update:

1. Council's road network is changing with new subdivisions and thereby changes to Council's road register and road network;
2. There has been the need for a clearer categorisation of defect types and simplified recording of the same to support better prioritization of available maintenance resources in the management of the road network defects. This will dovetail with Council's new asset management system (Assetic) and tablet platform for recording of asset maintenance data;
3. The time frame for response to road network defects needs to match Council's available inspection and response resources;
4. The pending 2019 s87 amendment to the Local Government Act mandates an asset management plan which will refer to and be informed by the RMP amongst other things.

11.5.1 Mansfield Shire Council 2020 Road Management Plan Update cont.

Statutory Requirements

The *Local Government Act 1989* Schedule 11 talks to the Powers of Councils in relation to Roads and Division 2 sections 203- 208 of the same Act speak to Transport and references The Road Management Act 2004. The maintenance of a public road network requires an Asset Management Plan per s87 of the soon to be adopted 2019 Local Government Act Amendment, and the *Road Management Act 2004* requires a Road Management Plan which, above all, defines response times for the investigation of different road defects and the rectification of the same.

Council Plan

The RMP update fits with Council Plan Strategic Objective 2.3- 'We prudently manage our asset maintenance and capital works programs in line with our long term financial plan'.

Financial

The recommended RMP is based on no increase of current road inspection resources.

Social

Perceptions of community safety should be improved with the proposed RMP based on the more succinct and consistent categorisation of defects reporting, and clear time frames for follow-up consistent with a risk-based approach to dealing with road defects. For instance, there are two categories of Council response that is 'reactive' and 'proactive'.

The 'reactive' category sets clear realistic time targets of 15 days for response for all Council roads except for 'limited access' roads/ fire trails. The 'proactive' inspection by Council of road/ paths/ bridge defects are also given response times. However, these are more associated with the relative importance of the risk to be dealt with like obstructions on the road (water or storm damage) and the road hierarchy. Higher priority roads in the road hierarchy are those roads which attract more traffic like Link Roads, which are responded to quicker than lower trafficked access roads.

Environmental

The RMP should assist in the provision of better environmental outcomes by virtue of better planning and decision making based on a risk based management approach.

Economic

The updated RMP when combined with Council's road hierarchy, Council's road register, and new road asset management facilitating more data analytics through predictive modelling , collectively should deliver better 'value for money' programed maintenance, doing more of what needs to be done at the right time, as opposed to a plethora of less cost effective reactive work.

11.5.1 Mansfield Shire Council 2020 Road Management Plan Update cont.

Risk Management

Real management of risk in the context of Council infrastructure assets comes from the generation of better quality data, dealing with assets according to a hierarchy like Council's road hierarchy, informed engineering analysis of the data, the use of predictive modelling to ensure right time maintenance/ asset renewal intervention, and the use of innovative technology for both maintenance and renewal. The updated RMP is a key plank in Council's risk management approach to providing a road network service into the future.

Community Engagement

The level of engagement on this RMP update has involved:

1. advice and input from professionals who will be administering the RMP,
2. Briefing and feedback from Councillors, and
3. Consideration of community feedback following a 21 day period of public consideration.

Officer's Comments

The key takeaway messages associated with this RMP update are:

- a. RMP change is being driven by the need for clarity on what is inspected, frequency of inspection, resource constraints, changing legislation and business change re asset management/ field data collection;
- b. It features greater clarity around bridges provision;
- c. The 'reactive' response is marginally changed but time for response on proactive works lengthened to allow for proper planning, limited council resourcing, bundling/ pursuit of the right first time/ fit for purpose/ most cost effective outcome;
- d. Some of what was described in 2017 about subjective condition rating has been culled, and more industry accepted condition rating inputs will ultimately be adopted.
- e. Associated asset policy and asset management plans for transport will follow this financial year after Council adoption of the RMP.

Attachments

- 1 Draft 2020 MSC Road Management Plan
- 2 Summary of changes between 2017 and 2020 RMP

Recommendation:

THAT Council:

1. **endorse the draft 2020 Road Management Plan for the purposes of placing on public exhibition inviting community comment over 28 days; and**
2. **receive a further report no later than June 2020 on community comments along with any changes recommended as a result of community consultation, to finalise 2020 Road Management Plan.**

12. ASSEMBLIES OF COUNCILLORS

Under sections 3 and 80A of the *Local Government Act 1989* an Assembly of Councillors (however titled) is defined as:

- a meeting of an advisory committee of the Council, if at least one Councillor is present, or
- 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:
 - a) the subject of a decision of the Council; or
 - b) subject to the exercise of a function; duty or power of a Council that has been delegated to a person or committee.

An assembly of Councillors does not include a meeting of the Council, a special committee of the Council established under s139, a club, association, peak body, political party of other organisation.

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

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

DATE	TYPE OF ASSEMBLY	ISSUES DISCUSSED
18 February 2020	<p>Councillors' Briefing Session</p> <p>Councillors:</p> <ul style="list-style-type: none"> · Cr Marg Attley · Cr Harry Westendorp · Cr Paul Volkering · Cr Paul Sladdin · Cr Peter Olver <p>Officers:</p> <ul style="list-style-type: none"> · Acting Chief Executive Officer, Melanie Hotton · Finance Manager, Mandy Kynnersley · Acting Corporate and Organisational Development Manager, Julie Dolling · Acting Community Services Manager, Jenny Lovick 	<p><i>Conflicts of Interest:</i> NIL</p> <p><i>Issues Discussed:</i></p> <ul style="list-style-type: none"> · Rating Strategy Review · Resource Recovery Centre Budgetary Impact · Fees and Charges · Disabled Parking at High Street Public Toilets · Bonnie Doon Oval Reseeding · Letter from Cindy McLeish to Goughs Bay Residents Re: Maintenance and Mowing · Drainage Withers Lane/Maroondah Hwy intersection · Rosehaven Planning Permit · Special Council Meeting – Submissions, Convenience Store · Tolmie Recreation Reserve Permit Fee · Pool Fencing Legislation · Cemetery Fees and Charges · Bushfire Recovery Victorian Funding and Financial Counselling · North East Multicultural Sign Installation · Welcome to Country · Hike and Bike Strategy

12. ASSEMBLIES OF COUNCILLORS CONT.

DATE	TYPE OF ASSEMBLY	ISSUES DISCUSSED
25 February 2010	<p>Councillors' Briefing Session</p> <p>Councillors:</p> <ul style="list-style-type: none"> · Cr Marg Attley · Cr Harry Westendorp · Cr Paul Volkering · Cr Paul Sladdin · Cr Peter Olver <p>External Attendees:</p> <ul style="list-style-type: none"> · Strategic Asset Management Representatives <ul style="list-style-type: none"> - Raston Nga, Consulting Manager - Darren Burgess, Manager PMO <p>Officers:</p> <ul style="list-style-type: none"> · Acting Chief Executive Officer, Melanie Hotton · Finance Manager, Mandy Kynnersley · Acting Infrastructure Manager, Andre Kompler · Acting Community Services Manager, Jenny Lovick · Acting Corporate and Organisational Manager, Julie Dolling · Development Services Manager, Ben McKay · Project Officer, Caitlin Riley · Senior Accountant, Belinda Langlands 	<p><i>Conflicts of Interest:</i> NIL</p> <p><i>Issues Discussed:</i></p> <ul style="list-style-type: none"> · Review of Capital Expenditure · Friday's Lane Bridge · Renaming of Mt. Battery · Passing of Local Government Bill · AgBiz Bushfire Recovery Support Session · Image Gallery · Botanic Park Playground · Indoor Sports Stadium Sod Turning · Highton Manor Subdivision · Convenience Restaurant Planning Application · Draft Economic Development Strategy · Thanks from Goughs Bay Progress Association to Parks Team for Maintenance · Tree Cnr. Redgum Drive and Tolmie Road Arborist Report · Mt. Buller Road Footpath · Protective Personal Equipment (PPT) for Parks and Gardens Team · Median Strip Grass · State Government Waste Management Changes
28 February 2020	<p>Indoor Sports Stadium Sod Turning</p> <p>Councillors:</p> <ul style="list-style-type: none"> · Cr Marg Attley · Cr Harry Westendorp · Cr Paul Volkering · Cr Peter Olver <p>Apologies:</p> <ul style="list-style-type: none"> · Cr Paul Sladdin <p>External Attendees:</p> <ul style="list-style-type: none"> · The Hon. Jane Hume, Senator for Victoria · Jacob Mildren, Advisor · Cindy McLeish, State Member for Eildon · Mansfield Secondary College Representatives: Alli Walker, President School Council, Tim Hall, Principal, Nick Watson and Grace Hood, School Captains <p>Apologies:</p> <ul style="list-style-type: none"> · The Hon. Dan Tehan, Minister for Education · Helen Haines MP, Federal Member for Indi · Jaclyn Symes MP, Member for Northern Victoria <p>Officers:</p> <ul style="list-style-type: none"> · Chief Executive Officer, Kaylene Conrick · Community Services Manager, Melanie Hotton · Community Development Team Leader, Kirsten Lingard · Project Manager, Dean De Santis 	<p><i>Conflicts of Interest:</i> NIL</p> <p><i>Issues Discussed:</i></p> <ul style="list-style-type: none"> · Multi Use Indoor Sports Stadium



12. ASSEMBLIES OF COUNCILLORS CONT.

DATE	TYPE OF ASSEMBLY	ISSUES DISCUSSED
3 March 2020	<p>Councillors’ Briefing Session</p> <p>Councillors:</p> <ul style="list-style-type: none"> · Cr Marg Attley · Cr Harry Westendorp · Cr. Paul Volkering · Cr. Paul Sladdin · Cr. Peter Olver <p>External Attendees:</p> <ul style="list-style-type: none"> · RMCG Consultant representatives: David Hale & Mel Ludeman, <p>Officers:</p> <ul style="list-style-type: none"> · Chief Executive Officer, Kaylene Conrick · Community Services Manager, Melanie Hotton · Corporate and Organisational Development Manager, Sharon Scott · Acting Infrastructure Manager, Andre Kompler · Development Services Manager, Ben McKay · Waste Management Officer, Rebecca Kirley 	<p><i>Conflicts of Interest:</i> NIL</p> <p><i>Issues Discussed:</i></p> <ul style="list-style-type: none"> · Road Management Plan · Mansfield Performing Arts Centre Business Plan · Mansfield Library Agreement · Waste Strategy · Convenience Store Planning Application · IT Strategy · Kidston Parade Speed Reduction Request · Coronavirus · Economic Development Strategy · Bonnie Doon Street Bins · Maintongoon Road Planning Permit · Lake View Drive Bonnie Doon · Royal Town Road · Reseeding Bonnie Doon Oval · Signage Request Ancona Road · Waste Bin, High Street · Roundabout Planting · Goughs Bay Meeting · Howqua Boat Ramp · Soldiers Road, Barwite · Jamieson Licola Road Marking · Fees, Tolmie Recreation Reserve · Caravan, Collopy Street

Recommendation:

THAT Council receive and note the Assemblies of Councillors report for the period 18 February to 3 March 2020.



13. ADVISORY AND SPECIAL COMMITTEE REPORTS

The Minutes of the following Mansfield Shire Environment Advisory Committee meeting, held on 10 February 2020, are attached for the Council's information.

Attachments

- 1 Minutes of meeting – Mansfield Shire Environment Advisory Committee

Recommendation:

THAT Council receive the Minutes of the Mansfield Shire Environment Advisory Committee meeting, held on 10 February 2020.

14. AUTHORISATION OF SEALING OF DOCUMENTS

The following documentation has been signed and sealed by Council:

- Confidential Human Resources related issue.

Recommendation:

THAT Council note the document sealed by Council on 17 February 2020:

- Confidential Human Resources related issue

SUSPENSION OF STANDING ORDERS

Recommendation:

THAT Council suspend standing orders to facilitate public question time.

15. PUBLIC QUESTION TIME

RESUMPTION OF STANDING ORDERS

Recommendation:

THAT Council resume standing orders.

16. CLOSURE OF MEETING TO MEMBERS OF THE PUBLIC

Nil.

17. CLOSE OF MEETING