



MANSFIELD SHIRE

*High Country, Lakes and Rivers*

# COUNCIL MEETING

TUESDAY, 15 SEPTEMBER 2020

Notice and Agenda of meeting  
to be held via Zoom and livestreamed via the  
[Mansfield Shire Council](#) website

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:  
Mansfield Ward:  
Bonnie Doon Ward:  
Mansfield Ward:  
Jamieson Ward:

Cr Marg Attley (Mayor)  
Cr Peter Olver (Deputy Mayor)  
Cr Paul Sladdin  
Cr Paul Volkering  
Cr Harry Westendorp

### Officers:

Chief Executive Officer: *Kaylene Conrick*  
General Manager Infrastructure and Planning *Kirsten Alexander*  
General Manager Community and Corporate Services (Interim) *Jenny McMahon*



# **MANSFIELD SHIRE COUNCIL**

## **Order of Business**

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### **1. OPENING OF THE MEETING**

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

### **2. PRESENT**

Where a meeting is held virtually, Councillors will confirm that they can see and hear each other.

### **3. APOLOGIES**

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

### **4. STATEMENT OF COMMITMENT**

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

### **5. ACKNOWLEDGEMENT OF COUNTRY**

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

### **6. DISCLOSURE OF CONFLICTS OF INTEREST**

In accordance with the *Local Government Act 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. CONFIRMATION OF MINUTES**

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

### **8. REPRESENTATIONS**

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

### **9. NOTICES OF MOTION**

A Motion is a request (Notice of Motion) that may be made by a Councillor for an issue not listed on the Agenda to be discussed at a Council meeting and for a decision to be made.

### **10. MAYOR'S REPORT**

The Mayor provides a report on his/her activities.

### **11. REPORTS FROM COUNCIL APPOINTED REPRESENTATIVES**

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

### **12. PUBLIC QUESTION TIME**

Councillors will respond to questions from the community that have been received in writing, by midday on the Monday prior to the Council meeting. A form is provided on Council's website.



## 13. OFFICER REPORTS

13.1 Departmental Reports will be presented to the Council from each Department.

13.2 Detailed reports prepared by officers from the Infrastructure and Planning Directorate are considered by the Council. This includes reports from the following Departments:

- Community Safety
- Field Services
- Planning and Environment
- Operations and Capital Works

13.3 Detailed reports prepared by officers from the Community and Corporate Services Directorate are considered by the Council. This includes reports from the following Departments:

- Business and Performance
- Community Health and Wellbeing
- Community and Economic Development
- Governance and Risk

A Council position is adopted on the matters considered.

## 14. 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].

## 15. COUNCIL RESOLUTIONS REPORT

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

## 16. ADVISORY AND SPECIAL COMMITTEE REPORTS

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

## 17. 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.

## 18. CLOSURE OF MEETING TO MEMBERS OF THE PUBLIC

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

## 19. PRESENTATION OF CONFIDENTIAL REPORTS

## 20. REOPEN MEETING TO MEMBERS OF THE PUBLIC

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

## 21. CLOSE OF MEETING

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

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MANSFIELD SHIRE

# **COUNCIL MEETING**

## **TUESDAY, 15 SEPTEMBER 2020**

# **AGENDA**

MANSFIELD SHIRE COUNCIL  
Via Zoom and livestreamed via the  
[Mansfield Shire Council website](#)  
5.00pm

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MANSFIELD SHIRE

# **COUNCIL MEETING**

## **TUESDAY, 15 SEPTEMBER 2020**

# **AGENDA**

MANSFIELD SHIRE COUNCIL  
Via Zoom and livestreamed on the  
[Mansfield Shire Council website](#)  
5.00PM

## **1. OPENING OF THE MEETING**

## **2. PRESENT**

The Chair will call on each Councillor and ask them to confirm verbally that they can see all Councillors and hear the proceedings:

- Councillor Olver
- Councillor Sladdin
- Councillor Volkering
- Councillor Westendorp

Councillors will response to their name with: *"I can hear the proceedings and see all Councillors and Council officers"*.

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

Councillors will raise their hand to acknowledge they can hear each other.

## **3. APOLOGIES**

The Chair will call on the CEO for any apologies.

## **4. STATEMENT OF COMMITMENT**

The Chair will read the statement and call on each Councillor to confirm their commitment:

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



## 5. ACKNOWLEDGEMENT OF COUNTRY

Deputy Mayor, Cr Peter Olver, will recite Council's Acknowledgement of Country:

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

## 6. DISCLOSURE OF CONFLICTS OF INTEREST

The Chair will call on each Councillor in turn and ask them to declare whether they have any conflicts of interest in relation to any agenda items:

- Councillor Olver
- Councillor Sladdin
- Councillor Volkering
- Councillor Westendorp

## 7. CONFIRMATION OF MINUTES

**Recommendation:**

**THAT the Minutes of the Mansfield Shire Council meetings held on:**

- **18 August 2020**
- **1 September 2020**

**be confirmed as an accurate record:**

## 8. REPRESENTATIONS

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

- **Item 13.2.1** - Application for Planning Permit No. P046/20: Use and Development of Land for a Service Station; Display of Business Identification Signage; and Creation of Access to a Road Zone Category 1: 25-27 Malcolm Street, Mansfield
  - Jane Macey (applicant)
- **Item 13.2.2** - Use and Development of Land as an Education Centre - Training Facility - Accommodation - Camping and Recreation facility: 3 Lot Subdivision - 128 Ogilvies Road, Mansfield
  - Simone Reeves, Judy Dixon, Paul Valente (applicants)

## 9. NOTICES OF MOTION

Nil.



## 10. MAYOR'S REPORT

Mayor Cr Marg Attley OAM will present the monthly Mayor's report from 19 August 2020 to 8 September to the Council as follows:

*This is Council's final meeting before entering the Caretaker period leading to the Victorian Local Government Elections on 24 October 2020.*

*It is pleasing to hear several people are proposing to nominate for election. Strong democracy is allowing the residents to have their say. Your vote is important to elect a strong team to lead the community through the difficult and uncertain times ahead.*

### **Media**

*I have continued to connect with and inform the community through the weekly Mayor's messages, on Mansfield Community Radio and often on regional television and radio.*

*It has been important to highlight the operation of Council services through this time.*

*We have also showcased positive initiatives of community members. I read a book to our young readers through our Library's online Storytime this week as well. I have enjoyed connecting in this way and hope it has been beneficial.*

*My final video message and media interviews will be during the week ending 18 September, before we head into Caretaker mode.*

### **Business Community Recovery Advisory Committee**

*This committee has met twice in the last month to workshop and receive the Recovery Plan prepared by Urban Enterprise. It has been important to link the actions to the funding areas, highlight the gaps and set priorities.*

*The roadmap forward is difficult to predict, so setting priorities about what is needed now, is crucial and we will have to adapt as we go.*

*I'd like to thank the committee members for the time given to the project and I acknowledge the work of the consultants in their preparation of the plan.*

### **Working for Victoria Program**

*Again, I highlight the new staff selected as part of the State Government program. Their roles are greatly needed to support Council through these demanding times and we welcome them onboard.*

*In closing, my continued thanks to our community for working together to keep positive and provide hope and support to each other. Council is proud of you all and may we continue to assist one another.*



**10. MAYOR'S REPORT CONT.**

*On behalf of Council, I pass on my condolences to the Howie and Padbury families following the passing of Beryl and Graham. Such community members will be a loss to us all and we acknowledge their contributions.*

**Cr Marg Attley OAM  
Mayor**

**Recommendation:**

**THAT Council receive the Mayor's report for the period 19 August to 8 September 2020.**



## 11. REPORTS FROM COUNCIL APPOINTED REPRESENTATIVES

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

COMMITTEE	Responsible Councillor(s)
Australia Day Awards Committee	Mayor and Cr Paul Sladdin and Cr Paul Volkering
Business and Community Recovery Advisory Committee	Mayor and Cr Paul Sladdin
Goulburn Broken Greenhouse Alliance	Cr Marg Attley
Hume Regional Local Government Network (HRLGN)	Cr Marg Attley
Integrated Fire Management Planning Committee.	Cr Paul Volkering and Cr Marg Attley
Lake Eildon Land and On-Water Management Plan Implementation Committee	Cr Paul Sladdin
Mansfield Shire Audit and Risk Advisory Committee	Mayor and Cr Harry Westendorp
Mansfield Shire Environment Advisory Committee	Cr Marg Attley
Mansfield Sport and Recreation Advisory Committee	Cr Paul Sladdin
Municipal Association of Victoria (MAV)	Cr Marg Attley
Municipal Emergency Management Planning Committee (MEMPC)	Cr Paul Volkering and Cr Marg Attley
Municipal Fire Management Planning Committee (FMPC)	Cr Paul Volkering and Cr Marg Attley
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.**

## 12. PUBLIC QUESTION TIME

Council welcomes questions from the community. A question must be submitted by midday on the Monday prior to the Council meeting. The [‘ask a question’ form](#) is available from Council’s website.

The Mayor will read out the question and answer at the meeting.



## 13. OFFICER REPORTS

### 13.1 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 from the following Directorates:

- Community and Corporate Services
- Executive Services
- Planning and Infrastructure

#### Attachment

- 1 Departmental reports

#### **Recommendation:**

**THAT Council receive and note the departmental reports for the period 19 August to 4 August 2020.**

**13.2 INFRASTRUCTURE AND PLANNING DIRECTORATE****13.2.1 Application for Planning Permit No. P046/20: Use and Development of Land for a Service Station; Display of Business Identification Signage; and Creation of Access to a Road Zone Category 1: 25-27 Malcolm Street, Mansfield**

**File Number:** DA5081 – P046/20  
**Responsible Officer:** Manager Planning and Environment, Ben McKay

<b>Recommendation</b>	Issue a Notice of Decision to grant a permit in relation to the Use and Development of a Service Station, Business Identification Signage and creation of access in a Road Zone 1
<b>Applicant</b>	Peter Spargo – Spargo Group
<b>Title/Covenant/S173 Agreement</b>	Lot 2 PS821308S, 173 Agreement Instrument AR357818J dated 16/08/2018 which relates to the Statement of Environmental Audit
<b>Date Application received</b>	27 March 2020
<b>Current statutory days</b>	67
<b>Zoning</b>	Commercial 1 Zone and Road Zone Category 1
<b>Overlays</b>	N/A
<b>Site area</b>	4053 sqm
<b>Number of outstanding Objections</b>	Six (6)

**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 application for a planning permit for the use and development of a service station, development of a convenience store, display business identification signage and the creation of access in a Road Zone 1 at 25-27 Malcolm Street, Mansfield.

The application is being referred to Council as six objections have been received in relation to the proposed development. Furthermore, the value of the proposed development exceeds \$1 million dollars. The estimated cost of the development for which the permit pertains is \$2.2 million dollars.

### **13.2.1 Application for Planning Permit No. P046/20: Use and Development of Land for a Service Station; Display of Business Identification Signage; and Creation of Access to a Road Zone Category 1: 25-27 Malcolm Street, Mansfield cont.**

#### **Background**

The subject site is currently vacant and was formerly used as a service station. The site is in a prominent position located at the corner of Malcolm and Chenery Streets, Mansfield.

The land is located within the commercial zone and adjoins land zoned residential, however the land located east/north east is zoned Mixed Use where the land is operated by Martin's Garage. The land is not affected by any overlays.

#### **Statutory Requirements**

The proposal is generally consistent with the Planning Policy Framework including Local Planning Policy. In particular the proposal satisfies in summary:

- Clause 11.02-1S Supply of urban land where the objective is to ensure a sufficient supply of land is available for commercial and other community uses. Strategies include that planning should consider opportunities for the consolidation, redevelopment and intensification of existing urban areas.
- Clause 17.01-1S Diversified economy where the objective is to strengthen and diversity the economy, with a strategy relevant to the application that is to support rural economies to grow and diversify.
- Clause 21.07-1 Commercial, retail and industry development identifies that one of the key issues is to reinforce Mansfield as the main centre for retail and commercial opportunities.

It is considered the proposal will contribute towards the purpose of the Commercial 1 Zone which is to create a vibrant mixed use commercial centre for retail, office, business, entertainment and community uses. Clause 52.29 Land Adjacent to a Road Zone Category 1 triggers a planning permit as the site is creating access. The proposal also requires that the application must be referred to VicRoads under Section 55 of the *Planning and Environment Act 1987*. The applicant has submitted a Traffic Impact Assessment Report (TIAR) and this report has been submitted to VicRoads for review. Consequently, VicRoads has provided consent to the proposal subject to conditions.

The proposal was also referred to other referral authorities in accordance with the Mansfield Planning Scheme, whereby all provided consent subject to permit conditions.

#### **Community Engagement**

The amendment application was advertised by way of notices to ten owners or occupiers of properties within the area for a period of 14 days commencing on 5 June 2020. Six (6) submissions all objecting were received in response to advertising.

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



**13.2.1 Application for Planning Permit No. P046/20: Use and Development of Land for a Service Station; Display of Business Identification Signage; and Creation of Access to a Road Zone Category 1: 25-27 Malcolm Street, Mansfield cont.**

<b>Issues</b>	<b>Officer's Response</b>
Traffic concerns	Traffic movements have been considered by the Traffic Impact Assessment Report (TIAR). As a result VicRoads required amendments to the Functional Layout Plan and it will be a requirement that these measures are undertaken by the Developer.
Increased traffic volumes and safety	The proposal has been sited on the corner of two main roads which will attract passing vehicles. It is not considered likely that the proposal would increase traffic volumes in the area, rather cater for vehicles driving past the site. Due to the size and location of the site, it would be expected that light vehicles would only utilise the site. Access ways and driveways will be required to be undertaken in accordance with Engineering requirements and are considered to be appropriately designed in regard to safety and visibility.
Appropriate crossovers and access	The proposed crossover and access arrangements have been assessed by engineering and also VicRoads to be appropriate for the proposed usage of the site and traffic movements in the area. The TIAR provided with the application identified that both access points to the site are expected to operate with negligible queues or delays to through traffic. Fuel tanker access to the site has been assessed and is considered that they can be appropriately accommodated.
Pedestrian safety and amenity	The proposed access points to the site have been designed with consideration of pedestrian safety and amenity. Vehicle points will be required to be clearly designated, constructed as narrowly as practicable and highly visible from both directions of the street to ensure safe and efficient pedestrian movements across these areas. The additional landscaping and maintenance of the site is considered that it will further enhance the public realm, particularly where the site is currently vacant at the moment.
Vehicle parking	Given the nature of the proposal, it is expected that the majority of the vehicles would park next to bowsers. Most cars parked will be parked for short durations and the applicant has indicated that there will be no more than two employees at the site at any one time. The provision of 18 onsite car spaces including the disabled car parking meet the Planning Scheme requirements pursuant to Clause 52.06 Car Parking.
Operating hours	The proposal is considered appropriate to trade 24/7 given its site location adjoining main roads and within the commercial zone. Apart from the 3 metre setback from the western boundary, the proposed acoustic wall and landscaping along this interface is considered that it will respect the amenity of the adjoining residential development. Furthermore the adjoining small outdoor terrace adjacent to the store will require permit conditions that only allow this to be available during day time hours.



**13.2.1 Application for Planning Permit No. P046/20: Use and Development of Land for a Service Station; Display of Business Identification Signage; and Creation of Access to a Road Zone Category 1: 25-27 Malcolm Street, Mansfield cont.**

<b>Issues</b>	<b>Officer's Response</b>
Convenience store	<p>The applicant has advised that the proposed shop will operate as a convenience store, selling pre-packaged food, drinks, vehicle accessories and other convenience product which is a defined use as part of a service station operation as identified in the Mansfield Planning Scheme.</p>
Amenity concerns, noise, western boundary interface, lighting	<p>The subject site and adjoining sites are currently exposed to noise from traffic along Malcolm and Chenery Street, both where Chenery Street and part of Malcolm Street are Road Zone Category 1 being a major road.</p> <p>Noise impacts from the service station will predominantly be generated by vehicle movements into, throughout and exiting the site.</p> <p>A 1.8 metre timber acoustic fence will be constructed along the entire western boundary of the site that has an interface with the residential properties. The fence is an acoustically treated solid timber fence which is designed to block noise emissions and provide acoustic privacy to the dwellings. In addition a concrete panel wall span the height and length of the shop building which will further provide screening from adjoining properties. This wall to be constructed on the subject site, will be three metres inside the acoustic timber fence with an additional timber fence being constructed around the service yard and terrace area further mitigating sound emissions from the site to adjoining residences.</p> <p>The shop building and canopies will be located a minimum of three metres off the western boundary, and with an orientation facing outwards towards the street frontages, which will ensure that noise from the building will predominately travel in this direction.</p> <p>The plant and equipment such as the air conditioning for the shop will be contained in a baffled container on the northern elevation, which is undertaken in accordance with the legislative requirements.</p> <p>In response to the western boundary interface with the dwelling located at 13/35 Malcolm Street, the shop building will be setback approximately 7.5m from the wall of the dwelling which includes 3 metres within the subject site. It not considered that the shop building will have any adverse impacts on solar access or overshadowing of this property due to the sufficient setbacks.</p> <p>However, to further protect the surrounding residents a condition will be imposed making it explicitly clear that the proposed development is not to impact the surrounding amenity through noise, light or odour emissions. Any complaints received regarding these issues would subsequently be a compliance matter and the imposition of a condition will provide Council the power to require the operator/landowner to implement changes to minimise impacts.</p>





**13.2.1 Application for Planning Permit No. P046/20: Use and Development of Land for a Service Station; Display of Business Identification Signage; and Creation of Access to a Road Zone Category 1: 25-27 Malcolm Street, Mansfield cont.**

<b>Issues</b>	<b>Officer's Response</b>
Landscaping and street tree removal	The proposal includes the removal of one street tree, however additional landscaping will be undertaken including around the perimeter of the site to provide additional buffer to the residential land adjoining it. The landscaping buffer along the western boundary will be approximately 3 metres in width where the applicant has indicated it will contain a mixture of vegetation including medium sized trees. The landscaping plans will form part of the permit conditions.
Illumination	The proposed signage throughout is considered appropriate within the Commercial zone, and generally expected for a service station of this scale and location. Permit conditions will ensure that there will be no amenity impacts to residential properties. The addition of landscaping around the perimeter, including the acoustic fencing will assist in reducing any perceived amenity impacts.
Delivery, loading and waste management	Permit conditions will ensure that deliveries including loading will only be allowed to be undertaken in designated areas of the site. There will also be a restriction on the hours that this can be undertaken. The applicant has advised that all waste produced at the site will be disposed of appropriately in large, lockable bins. Recycling and rubbish bin storage will be located in the service yard which is to be fenced and locked. Waste collection is to occur on a regular basis. Furthermore, waste management will also be required to be undertaken in accordance with permit conditions.
Site works and construction	The applicant has advised that the existing vegetation at the subject site will be removed prior to development. The site will be graded and filled prior to development which will change the ground level and require the construction of a retaining wall along the northern boundary. Construction will be required to be undertaken in accordance a construction management plan and in accordance with permit conditions which will be required to mitigate hours of construction, dust and any other amenity issues associated with the construction.
Contamination	The site has previously been used as a petrol station. In accordance with the Environmental Protection Authority (EPA) requirements, following removal of the underground tankers many years ago, monitoring equipment was placed in several locations within proximity to the site. To date the monitoring has not identified any contamination to adjoining properties.



**13.2.1 Application for Planning Permit No. P046/20: Use and Development of Land for a Service Station; Display of Business Identification Signage; and Creation of Access to a Road Zone Category 1: 25-27 Malcolm Street, Mansfield cont.**

<b>Issues</b>	<b>Officer's Response</b>
<p><b>Site Context</b> Land is zoned Commercial but the Mansfield Township Framework Plan identifies it as general residential.</p> <p>The proposal is located away from the main township core retail area and located in a residential precinct where commercial development is not anticipated.</p>	<p>The Framework plan and zoning is an anomaly where the structure plan should be updated. However it is considered that the zoning would take precedence over the structure plan. There is also land across the road which forms part of Arnolds Motors that is mixed use zone. Irrespective of the commercial zone, a service station is a permitted use with approval in the General Residential Zone. The subject site has a main frontage to a Road Zone Category 1 being Chenery Street, where Malcolm Street provides an important east west link south of the main town centre. Both these roads are declared B-Double routes. It is considered that the service station is of a modest size and given the retail building only provides for convenience goods, it is unlikely to attract large volumes of people at any one time.</p> <p>It is acknowledged that the built form is different from that of a residential setting, however a use or development such as this will look different, no matter how well designed the buildings and landscaping are to be undertaken.</p>

**Officer's Comments**

Whilst there were a number of objections raised in relation to the proposal, it is also noted that the subject site was originally a service station and the land is zoned for commercial purposes in which the service station is a permitted use. The Commercial 1 Zone does however require consideration of amenity impacts where adjoining land is zoned General Residential. Permit conditions will ensure that the proposed development does not impact the surrounding amenity through noise, light or odour emissions. The applicant has tried to minimize impacts to the adjoining properties by the design and inclusion of a 1.8 metre acoustic fence that has an interface with the residential properties, including a concrete wall panel wall and landscaping buffer.

The proposal is generally consistent with the objectives and decision guidelines for the applicable zone under the Mansfield Planning Scheme.

**Attachment**

- 1 Elevations and Site Plan



**13.2.1 Application for Planning Permit No. P046/20: Use and Development of Land for a Service Station; Display of Business Identification Signage; and Creation of Access to a Road Zone Category 1: 25-27 Malcolm Street, Mansfield cont.**

**Recommendation:**

THAT Council, having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* and under the provisions of the Mansfield Planning Scheme, issue a Notice of Decision to Grant a Planning Permit for the Use and development of land for a services station, development of a convenience store, display of business identification signage and access to a Road Zone Category 1 in respect of the land described as Lots 1 and 2 on PS821308S and addressed as 25-27 Malcolm Street, Mansfield in accordance with the endorsed plans, subject to the following conditions:

**Endorsed Plans**

1. The use and development must be in accordance with the endorsed plans forming part of this permit and must not be altered without the prior written consent of the Responsible Authority.
2. The external materials of the buildings including the roof must be constructed in materials of muted colours. No materials having a highly reflective surface shall be used. For the purposes of this condition “highly reflective” shall include unpainted aluminium, zinc or similar materials.

**Service Station**

3. Offensive odours must not be discharged beyond the boundaries of the premises.
4. Displaced petrol fumes must be collected with a vapour recovery system.
5. Sediment traps or similar, must be installed to prevent the transportation of sediment, litter, wastes, oil, grease or detergents from vehicles to the stormwater system.
6. Stormwater contaminated with waste oil, grease, chemicals leachate or sediments must not be discharged beyond the boundary of the premises and must be collected and disposed of by an EPA approved contractor or sent to sewer under a Trade Waste Agreement.
8. All industrial waste generated during construction must be managed in accordance with EPA’s Industrial Waste Guidelines 2009.
9. Construction and post-construction activities must be in accordance with EPA Publication 275 Construction Techniques for Sediment Pollution Control 1991 or as amended.
11. All infrastructure or the storage and handling of Liquified Petroleum (LP) Gas should be designed, constructed and operated in accordance with AS/NZS 1595:2008 The Storage and Handling of LP Gas (Standards Association of Australia).



**13.2.1 Application for Planning Permit No. P046/20: Use and Development of Land for a Service Station; Display of Business Identification Signage; and Creation of Access to a Road Zone Category 1: 25-27 Malcolm Street, Mansfield cont.**

**Site Environmental Management Plan**

**12. Before the commencement of works, a Site Environmental Management Plan for the entire site must be approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be developed in accordance with EPA Victoria Publication 275 Construction techniques for sediment pollution control.**

**Engineering**

**13. Access to the property must be via locations approved by the Responsible Authority.**

**14. Crossings must be constructed to be in accordance with standard drawing SD250 of the Infrastructure Design Manual (refer [www.designmanual.com.au](http://www.designmanual.com.au)) to the satisfaction of the Responsible Authority. Suitable edge barrier and delineation must be provided over the culverts.**

**15. Any damage to Council managed assets such as roads and stormwater infrastructure, must be repaired at the cost of the developer to the satisfaction of the Responsible Authority.**

**16. All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).**

**17. The proposed site fill must be undertaken in accordance with the Infrastructure Design Manual (IDM) Clause 15 and the particular requirements of Clause 15.3.**

**(a) All work must be undertaken in accordance with AS 3798-2007 Guidelines on Earthworks for Commercial and Residential Developments.**

**(b) The depth of the lot filling is to be denoted on the construction plans.**

**(c) The site is to be graded to drain to the south and/or east frontages, with grated drainage interceptor strips along the proposed access driveways to prevent flows overtopping the footpath.**

**(d) The fill is to be compacted in accordance with the requirements of VicRoads Specification Table 201.131 Compaction Requirements Scale C, with geotechnical test results to be submitted to Council.**

**(e) The imported fill is to be proved to be not contaminated.**

**(f) All reasonable precautions are to be taken to prevent mud, debris and dust from leaving the site during and after construction.**

**18. The proposed retaining wall along the west and north boundaries is to be designed by a qualified CPEng Structural Engineer on the National Engineers Register (NER).**

**13.2.1 Application for Planning Permit No. P046/20: Use and Development of Land for a Service Station; Display of Business Identification Signage; and Creation of Access to a Road Zone Category 1: 25-27 Malcolm Street, Mansfield cont.**

**Drainage**

19. Prior to the commencement of any works, an engineered stormwater management plan must be submitted. The Plan must provide design plans for all buildings and pavements, including computations to manage the 20% and 1% AEP must be submitted to and approved by the Responsible Authority, demonstrating onsite internal stormwater to the predevelopment runoff equivalent before discharge to the legal point of discharge.

**Asset Protection and Safety**

20. Any damage to Council managed assets such as trees, roads and stormwater infrastructure must be repaired at the cost of the developer to the satisfaction of the Responsible Authority.

**Landscape Plans**

21. Before the development starts a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale and a copy provided. The plans must show:
- (a) A detailed planning schedule of all proposed trees, shrubs and groundcovers, including botanical names, common names, pot sizes, sizes at maturity and quantities of each plan.
  - (b) The plant schedule should reference the Revegetation Guide for the Goulburn Broken Catchment as published by the Goulburn Broken Catchment Management Authority.
  - (c) The proposed design features such as paths, paving, lawn and finished surfaces.
  - (d) Medium-sized shrubs/trees along the
  - (e) Means of watering the landscaped areas.

The landscaping in accordance with the approved plan and schedule must be completed before the building is occupied or the use commences and thereafter maintained to the satisfaction of the Responsible Authority.

**Amenity**

24. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
- a) transport of materials, goods or commodities to or from the land; or
  - b) appearance of any building, works or materials; or
  - c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; or
  - d) presence of vermin.



**13.2.1 Application for Planning Permit No. P046/20: Use and Development of Land for a Service Station; Display of Business Identification Signage; and Creation of Access to a Road Zone Category 1: 25-27 Malcolm Street, Mansfield cont.**

**Loading and unloading**

25. Loading and delivery activities must only be undertaken between the hours of 7am – 8pm Monday to Friday inclusive and 9am – 7pm Saturday and Sunday inclusive.
26. Loading and unloading of vehicles and delivery of goods and merchandise and the like to and from the premises must be carried out within the land as it is shown on the endorsed plan and be conducted as to cause minimum interference with other vehicular traffic. The loading bay shall be kept unobstructed when not in use.

**Lighting**

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

**Sound emissions**

28. No sound shall be emitted from any device or from any source or activity that may become a nuisance to the occupiers of adjoining or nearby properties to the satisfaction of the Responsible Authority.
29. The small outdoor terrace adjacent to the store is only allowed to be available to patrons during day time hours.

**Storage of garbage and materials for recycling**

30. Provision must be made on the land for the storage and collection of garbage and materials for recycling. This area must be graded and drained and screened from public view to the satisfaction of the responsible authority.

**Landscaping**

31. Before the use/occupation of the development starts or by such later date as is approved by the responsible authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority.
32. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the responsible authority, including that any dead, diseased or damaged plants are to be replaced.

**Replacement of street tree(s)**

33. The street tree(s) to be removed must be replaced with an advanced tree(s) (minimum of two metres high at time of planting), of a species and in a location to the satisfaction of the responsible authority.



**13.2.1 Application for Planning Permit No. P046/20: Use and Development of Land for a Service Station; Display of Business Identification Signage; and Creation of Access to a Road Zone Category 1: 25-27 Malcolm Street, Mansfield cont.**

**Reticulated services**

34. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, gas and telecommunication services in accordance with the authorities' requirements and relevant legislation at the time.

**Sediment control**

35. All construction and ongoing activities must be in accordance with the sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA 1991).

**Environmental Audit**

36. The use and development at all times must be undertaken in accordance with the conditions of the Section 173 Agreement registered on title.

**EPA**

37. There must be no emissions of noise and/or vibrations from the premises which are detrimental to either of the following:
- (a) The environment in the area around the premises; and/or
  - (b) The wellbeing of persons and/or their property in the area around the premises.
38. Any equipment or operations that have the potential to make noise must have noise barriers such as screens erected around them.
39. All equipment must be kept in good repair and attended promptly to loose or rattling covers, worn bearings and broken equipment.
40. All ventilation and extractor fans must be noise efficient or fitted with silencers, and all ducts should be lined with sound-absorbent materials.
41. A secondary containment system must be provided for liquids which if spilled are likely to cause pollution or pose an environmental hazard, in accordance with EPA Publication 347 Bunding Guidelines 1992 or as amended.
42. The permit holder must ensure that litter, originating from the premises is not present beyond the boundaries of the premises.
43. Prior to the commencement of use, vapour recovery must be installed to ensure vapours are recovered and prevented from escaping to the atmosphere.
44. All tanks must be decommissioned by a suitably qualified professional, as outlined in EPA Publication 888.4 Underground Petroleum Storage Systems (UPSSs) 2015 or as amended and the Australian Standards referenced therein.
45. Petroleum storage tanks must be designed, installed and operated in accordance with the Guidelines on the Design, Installation and Management Requirements for Underground Petroleum Storage Systems (UPSS) (EPA Publication No 888.4, August 2015).



**13.2.1 Application for Planning Permit No. P046/20: Use and Development of Land for a Service Station; Display of Business Identification Signage; and Creation of Access to a Road Zone Category 1: 25-27 Malcolm Street, Mansfield cont.**

**VicRoads Condition**

46. Prior to development coming into use amended plans must be submitted to and approved by the Head, Transport for Victoria. When approved by the Head, Transport for Victoria, the plans must be endorsed by the Responsible Authority and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the plans date stamped 18/08/2020 and annotated V185030-01 but modified to show:
- The proposed internal configuration to reduce the conflict points within the development.
  - Detail any alterations or inclusion to line marking, signage, services, vegetation, parking, accesses (including the removal of all redundant access gates) etc
47. Any mitigating works identified by the detailed design drawings must be carried out at no cost to the satisfaction of the Head, Transport for Victoria prior to the development coming into use.

**Signage**

48. The location and dimensions of the signs shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
49. No hoardings, flashing lights, flags, bunting or any other advertising devices can be erected or displayed on the subject land without the prior written approval of the Responsible Authority.
50. All signs must be constructed and maintained to a safe and tidy standard to the satisfaction of the Responsible Authority.
51. All signs must not contain any intermittent illumination or moving parts to the satisfaction of the Responsible Authority.
52. All lighting must not emit light onto sensitive land beyond the site.

**Signage Expiry Date**

53. The permit will expire fifteen years from the date of issue.





**13.2.1 Application for Planning Permit No. P046/20: Use and Development of Land for a Service Station; Display of Business Identification Signage; and Creation of Access to a Road Zone Category 1: 25-27 Malcolm Street, Mansfield cont.**

**Time for starting and completion**

- 54. This permit will expire if one of the following circumstances applies:**
- a) The development is not commenced within two years of the date of this permit.**
  - b) The development is not completed within four years of the date of this permit.**
  - c) The use is not commenced within two years of the development being completed.**
  - d) If commenced within two years, the use is then discontinued for a period of two years.**

**In accordance with Section 69 of the *Planning and Environment Act 1987*, the Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within six months afterwards.**

**Planning Notes**

**Environmental Health**

- 1. The proposed development hereby permitted shall accord with the requirements of the Building Act 1993, Building Regulations 2006, the Public Health - Wellbeing Act 2008 and all other relevant Acts and Regulations.**

**Goulburn Valley Water**

- 2. The applicant will be required to enter into a Trade Waste Consent Agreement with the Goulburn Valley Region Water Corporation in regards to the proposed development. The owner/occupier will be required to submit a completed Trade Waste Application, and install the required pre-treatment facility to the satisfaction of Goulburn Valley Water's Trade Waste Section, before approval to discharge waste from the development into the Corporations sewer is granted.**

**Engineering**

- 3. Prior to commencement of any building and works, an application must be made to obtain a Legal Point of Stormwater Discharge.**
- 4. A 'Works within Road Reserve' permit application including plans is to be submitted to, and approved by Council prior to the commencement of any works.**

**VicRoads**

- 5. Separate consent for works within the road reserve and the specifications of these works may be required under the Road Management Act. If you have any enquires regarding this process, please contact [nriw.ntheastern@roads.vic.gov.au](mailto:nriw.ntheastern@roads.vic.gov.au)**



**13.2.1 Application for Planning Permit No. P046/20: Use and Development of Land for a Service Station; Display of Business Identification Signage; and Creation of Access to a Road Zone Category 1: 25-27 Malcolm Street, Mansfield cont.**

**EPA**

**6. The Design, Installation and Management Requirements for Underground petroleum Storage Systems (UPSS) provides owners and operators of UPSSs with guidance of new and existing UPSS. This guideline is advisory in nature, however the technical details in this guideline are suggested measures for meeting the requirements of the Environment Protection Act 1970.**

**Section 6.1 sets out the minimum performance levels for UPSS and details advice on design, installation and management of new and existing UPSS and highlights the duty of the owner/operator to:**

- Ensure UPSS removal or decommissioning is carried out in accordance with the guidance**
- Manage any contamination which may remain following removal or decommissioning of UPSS**
- Ensure that an assessment of the environmental condition of the site is conducted by a competent and experienced environmental assessor when removing or decommissioning a UPSS**
- Maintain records associated with the UPSS removal, decommissioning for five years after the life of the tank.**

**The applicant should use this guideline to ensure installation, management and decommissioning of UPSS does not harm people, property or the environment in accordance with the Environment Protection Act 1970.**

**EPA also highlights the requirement to categorise and manage soil in accordance with EPA Publication IWRG621, Soil Hazard Categorisation and Management 2009, or as amended.**

**13.2 INFRASTRUCTURE AND PLANNING DIRECTORATE CONT.****13.2.2 Use and Development of Land as an Education Centre - Training Facility - Accommodation - Camping and Recreation Facility: 3 Lot Subdivision - 128 Ogilvies Road, Mansfield**

**File Number:** DA7289  
**Responsible Officer:** Manager Planning and Environment , Ben McKay

<b>Recommendation</b>	Grant Notice of Decision to Grant a Planning Permit for: <ul style="list-style-type: none"> <li>▪ Education centre, training facility, accommodation, camping and recreation facility and associated development;</li> <li>▪ 3 lot subdivision.</li> </ul>
<b>Applicant</b>	Mansfield Autism Statewide Services
<b>Title/Covenant/S173 Agreement</b>	128 Ogilvies Road, Mansfield (Lot 1, PS 122904) No 173 Agreement or covenant
<b>Date Application received</b>	13 May 2020
<b>Current statutory days</b>	14
<b>Zoning</b>	Part Rural Living Zone 1 (northern section), part Farming Zone (southern section)
<b>Overlays</b>	N/A
<b>Site area</b>	37.19 hectares
<b>Number of outstanding Objections</b>	Two private submissions

**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 to formally consider an application for planning permit made for the use and development of a relocated Mansfield Autism Statewide Services (MASS) facility, comprising:

- Education centre, training facility, accommodation, camping and recreation facility and associated development;
- 3 lot subdivision.

On 19 May 2020, Council waived fees for the application due to the community and economic significance of the proposal.

### **13.2.2 Use and Development of Land as an Education Centre - Training Facility - Accommodation - Camping and Recreation Facility: 3 Lot Subdivision - 128 Ogilvies Road, Mansfield cont.**

#### **Background**

A relocation of the present MASS facility is proposed to accommodate a projected expansion of the uses and physical space requirements of the present site. The present site is no longer large enough or adequate to enable MASS services to be successfully delivered and expanded in the future. This proposal would be constructed in stages over at least 10 years, with a total construction budget of approximately \$23 million. The proposal comprises:

- **Education centre, training facility, accommodation, camping and recreation facility.**
  - The education component of the proposal includes autism specific learning facility, comprising dedicated learning spaces, some multi-use common areas, student meals and amenity areas, staff amenity area and an animal nursery / therapy for clients.
  - The training facility comprises a conference building that may be used for MASS or external users.
  - Accommodation would comprise full time and tern based student accommodation and short term staff accommodation.
  - Camping use is intended for respite for families living with autism, to be conducted only in cabins on a short term basis. This temporary accommodation will only be in semi-permanent, relocatable cabins, not in tents or caravans.
  - Recreation facilities would comprise a pool and covered multi-use sporting facility.
- **The subdivision of the land with the following uses and developments located on each lot:**
  - Lot 1, 10 hectares, northeastern section fronting Ogilvies Road, zoned Rural Living 1:
    - Accommodation (student and staff)
    - Recreation facilities
  - Lot 2, 17.19 hectares, northwestern section fronting Ogilvies Road, zoned Rural Living 1:
    - Education centre, comprising an autism specific learning facility (with dedicated learning spaces, some multi-use common areas, student meals and amenity areas, staff amenity area and an animal nursery / therapy for clients) and two school buildings (each with four classrooms or pods, with additional pods able to be added when student numbers increase) located towards the front or northern end;
    - Short term accommodation for staff and carers, established in the existing dwelling onsite at the front or northern end.
    - Administration building, established behind the most eastern school building at the front or northern end of the site.
  - Lot 3, 10 hectares, southern section, zoned Farming:
    - Training facility, camping and recreation facility
      - Training facility;
      - Camping in cabins for temporary accommodation.

Car parking and roadworks are proposed for proposed development on each proposed lot.

### **13.2.2 Use and Development of Land as an Education Centre - Training Facility - Accommodation - Camping and Recreation Facility: 3 Lot Subdivision - 128 Ogilvies Road, Mansfield cont.**

#### **Statutory Requirements**

The application has been made and will be considered in accordance with the Mansfield Planning Scheme. The application has included public notification and referrals to service agencies, with submissions now being considered under this report.

Both the applicable Rural Living and Farming Zones require a planning permit for the use and development of the proposal and for subdivision. While proposed Lot 3 that would be wholly within the Farming Zone at the southern end of the land is only proposed to be 10 hectares (which is below the minimum lot size for the zone of 40 hectares), Clause 64.03 provided for lower lot sizes to be considered to enable land under two different zones to be subdivided to create new lots to be wholly included within the one zone.

The proposal is consistent with and meets the following relevant areas of the Mansfield Planning Scheme:

- State and Local Planning Policy Frameworks, in particular:
  - Clause 15.01-3S, Subdivision design
  - Clause 17.04, Tourism
  - Clause 19.02-2S, Education facilities
  - Clause 21.03, Settlement and housing
  - Clause 21.07, Economic development
  - Clause 21.09, Mansfield township: No specific indication is given for the subject land in the Mansfield Township Framework Plan.

In summary, the proposal promotes and facilitate a significant educational and tourism development in the Mansfield township in a convenient location that does not compromise future settlement and housing opportunities.

- Zone purposes and decision guidelines under the Rural Living and Framing Zones.
- Decision guidelines for application and subdivision proposals under Clauses 61.01 and 61.02.

#### **Council Plan**

This project is consistent with the Council Plan. The purpose of the Council Plan is to:

- Provide a forward-looking plan detailing Council's strategic directions and objectives for the current term of the Council.

Subsequently, this project sits within the Council Plan 2017-2021 at the following Strategic Objectives:

3.2: We support our communities in meeting their own needs.

Specifically actioned through:

“Support the Mansfield Autism Statewide Services’ “Operation Gamechanger” development project”.



### 13.2.2 Use and Development of Land as an Education Centre - Training Facility - Accommodation - Camping and Recreation Facility: 3 Lot Subdivision - 128 Ogilvies Road, Mansfield cont.

#### Community Engagement

Formal advertising of the application was given on 14/5/20 by giving notice to 6 neighbours and placing a notice on the land. Two submissions were received, outlining the following concerns.

#### ***Access and roads:***

Objected to any access off Crosbys Lane reserve for normal or emergency access, most of which is now in private ownership.

#### Officer's response:

It is considered that access and road concerns and requirements may be satisfactorily met. The applicant confirmed that no access of any nature is proposed off the (former) Crosbys Lane reserve and that in addition to direct access onto Ogilvies Road for proposed Lots 1 and 2, Lot 3 to the south is to be accessed off Ogilvies Road via an internal road between Lots 1 and 2. In accordance with the submitted Bushfire Assessment Report, emergency access is being provided internally to link onto Ogilvies Road in the north-western section of the subject land.

Council's Engineering Department has required 6 conditions for approval, including permanent and emergency access for all lots being off Ogilvies Road, access and internal roads meeting standards required under Council's *Infrastructure Design Manual*, car parking to be provided in accordance with Clause 52.06 of the Mansfield Planning Scheme, construction of the camping reserve area prior to its use and drainage to be pre-treated, discharged to a legal point of discharge and not to flow onto any adjoining property.

#### ***Fencing:***

Concerns with rural fencing separating the MASS property from adjoining land to the west with this existing fencing suitable for stock but not for the proposed use. Potential trespass of MASS users onto this adjoining land with existing fencing, with level of supervision also questioned. Query what standard of fencing Council requires. In responding to objector concerns, the applicants responded by noting that *fencing allows property operations on both properties to be separately and securely conducted without impact on the adjoining property*, also commenting that *no upgrading of this existing fencing is required or proposed*.

#### Officer's response:

It is considered that existing fencing is adequate to satisfactorily continue with existing and proposed uses of land and adjoining land to the west. Council does not have any specified standard or requirement for rural fencing. No additional fencing requirements should be included in a planning permit. Potential trespass cannot be substantiated and is not a relevant consideration as part of this application.

### **13.2.2 Use and Development of Land as an Education Centre - Training Facility - Accommodation - Camping and Recreation Facility: 3 Lot Subdivision - 128 Ogilvies Road, Mansfield cont.**

#### ***Bushfire risk:***

Concerns with potential bushfire risk, seeking bushfire management plans and details of emergency exit route. Difficulty is defending fire outbreaks from south and west. Later submission queried why internal fire breaks are not shown on the site plan and noted that planting along the watercourse will add fire prone foliage.

#### **Officer's response:**

It is considered that bushfire risk and requirements may be satisfactorily met. It is noted that the land has the lowest BAL rating of 12.5 and is not subject to a Bushfire Management Overlay that applies to higher bushfire risk areas. The subject land lies east of the land where owners have raised concern for fire travelling from a southerly or westerly direction.

In response to initial submitter concerns regarding potential bushfire risk, a comprehensive Bushfire Assessment Report (24/8/2020) was prepared outlining risk issues and making recommendations for 11 planning conditions to guide the future use and development on the land. These conditions include the preparation of a staged Bushfire Management Plan, all habitable buildings being located no less than 35m from any property boundary, provision of defendable space from property boundaries and habitable buildings, the preparation of a Bushfire Emergency Management Plan, the provision of a secondary emergency site access within the site, detailed site access requirements and the provision of static water supply. CFA agreed to this assessment, recommending that all 11 conditions be included in a planning permit.

A subsequent submitter letter has queried why internal fire breaks are not shown on the site plan and noted that planting along the watercourse will add fire prone foliage. The Bushfire Assessment Report does not recommend either of these actions but rather preparation of a Bushfire Management Plan and Bushfire Emergency Management Plan and the provision of defendable space. These further conditional requirements will provide detailed site requirements for bushfire risk reduction

#### ***Effluent disposal:***

Further details and clarification sought regarding proposed effluent disposal and details.

#### **Officer's response:**

It is considered that proposed effluent disposal design and systems for the proposal are satisfactorily met. A detailed land capability assessment (LCA) report was prepared to support the application, then revised to further address submitter concerns. The report outlined separate effluent disposal systems and disposal for proposed use and development on each of the proposed three lots to meet EPA standards and agency requirements.

Both Goulburn Murray Water (GMW) and Council's Environmental Health Department have consented to the proposal, subject to conditions. These conditions include a GMW requirement that an EPA Works Approval be obtained prior to the development and a Council requirement for an Emergency Management Plan.

### **13.2.2 Use and Development of Land as an Education Centre - Training Facility - Accommodation - Camping and Recreation Facility: 3 Lot Subdivision - 128 Ogilvies Road, Mansfield cont.**

#### **Layout:**

Location of cabins/conference building / caravan park close to mutual boundary questioned, with later query on locating proposed development at the southern end of the land further north.

#### Officer's response:

Submitters have raised the location of buildings and facilities being too close to mutual boundary on the western side of the land subject to this application and the possibility of them being moved further north. This location has been assessed under the Bushfire Emergency Management Plan, with a finding that a minimum of 35 setback from the western boundary is adequate. Land to the west in this location is rural land, which may be further protected with the provision of landscaping for the proposal. It is noted that the nearest dwelling to any building associated with the proposed development is 300 metres, providing adequate amenity separation and protection.

No relocation of proposed facilities on proposed Lot 3 is considered necessary. Each lot has been designed to allow facilities within it to be located within its own setting, allowing the whole facility on all lots to be conducted as an integrated development but providing choice in setting and for development to blend within the landscape.

#### **Zoning:**

Noted that land subject to application is under two zones. Proposal may be suited to a more commercial type zone, with density of development out of character for the area and Farming Zone.

#### Officer's response:

The existing zoning of the land, in two different zones, is considered satisfactory. The proposed subdivision will directly align lot and zone boundaries, with proposed Lots 1 and 2 being within the Rural Living Zone and proposed Lot 3 within the Farming Zone. The proposal will not reduce the ability to undertake rural and agricultural activities on the subject land or any adjoining land.

Although one submission suggests that the proposal may be suited to a more commercial type zone, proposals of this nature can occur in rural areas and are not considered to be out of character for a semi-rural area zoned Farming Zone. The proposal may be legally considered on its merits under both applicable zones. The Farming Zone has a specific purpose *to ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture*. The proposal has been designed to meet the purposes and decision guidelines of both applicable zones, is considered suitable in terms of location, servicing and amenity issues and will not affect agricultural potential of the subject land or any adjoining or nearby land.

Both applicants and submitters have been provided with the opportunity to respond and further comment throughout the application process.

Referrals were made for the application. Referral responses in relation to key bushfire risk and effluent disposal issues were:





### **13.2.2 Use and Development of Land as an Education Centre - Training Facility - Accommodation - Camping and Recreation Facility: 3 Lot Subdivision - 128 Ogilvies Road, Mansfield cont.**

#### CFA:

The CFA response (28/8/2020) consented to the application, noting:

- No objection.
- Recommend Bushfire Conditions 1 to 11 under Bushfire Planning Assessment, prepared by Bushfire Planning (KH Planning Services), Version 1.0, Dated 24th August 2020 be included in any planning permit issued for this development. Satisfied that these recommended conditions address Clause 13.02-1S of the Mansfield Planning Scheme.

#### GMW:

An initial objection (23/6/2020) was received, primarily based on load volumes and calculation in the land capability assessment.

A second submission (4/9/2020) consented to the application, noting:

- The proposal is unconventional due to the reliance on large balancing tanks to store untreated wastewater prior to treatment and disposal. The LCA contains no details about whether this method is EPA approved.
- Given that a minimum daily flow of up to 10,800 L could be produced by the camp and conference centre alone on lot 3, it seems likely that an EPA Works Approval is required (an EPA Works Approval is triggered when wastewater production exceeds 5,000L/day in accordance with the EPA Code of Practice – Onsite Wastewater Management).
- If the proposal proceeds, use of the facility would need to be strictly controlled with Council-enforced and monitored conditions in order to maintain sustainable onsite wastewater management. It is unknown whether this arrangement would meet the requirements of the EPA.
- No objection to this planning permit subject to two conditions, including a requirement to obtain an EPA Works Approval prior to the commencement of works.

#### **Officer's Comments**

Given the scale of use and development proposed in the application, the applicants have requested a longer timeline to complete the development, extending the usual four year period to complete a development from four years to ten years. This request is considered reasonable to allow a proposal of this size and scope to be completed and is recommended.

No native vegetation is proposed to be removed as part of the proposal, therefore does not require inclusion in any planning approval. At this stage, no signage is proposed.

### **13.2.2 Use and Development of Land as an Education Centre - Training Facility - Accommodation - Camping and Recreation Facility: 3 Lot Subdivision - 128 Ogilvies Road, Mansfield cont.**

The proposal is for a large education oriented facility that will benefit the autistic community throughout Victoria and provide education and tourism benefits to the Mansfield community. The subject land is considered to be an ideal location and landscape setting for the proposed facility, providing a range of development locations and minimising amenity issues associated with adjoining land.

Issues that have been raised in submissions have been satisfactorily assessed and resolved as far as possible. Technical assessments of land capability / effluent disposal and bushfire risk will provide high level guidance for future construction, land use and monitoring of the overall proposal.

The proposal meets the strategic directions and controls / applicable zones under the Mansfield Planning Scheme. Approval is recommended, through an indication of issuing a Notice of Decision to Grant a Planning Permit, subject to a range of appropriate conditions.

#### **Attachments**

- 1 Site plan (subject to amendment under condition 1)
- 2 Subdivision plan (for endorsement)

#### **Recommendation:**

**That Council: having considered all the matters required under Section 60 of the Planning and Environment Act 1987 and under the provisions of the Mansfield Planning Scheme issue a Notice of Decision to Grant a Planning Permit for the Use and development of land as an education centre - training facility - accommodation - camping and recreation facility - 3 lot subdivision - 128 Ogilvies Road Mansfield in accordance with the endorsed plans, subject to the following conditions:**

- 1. Prior to the commencement of the use and / or development allowed under this permit, plans must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must indicate:**
  - (a) A detailed site plan generally reflecting site plan MP01A (proposed masterplan, building footprints) but modified to indicate the location of all buildings and associated works, including site features and distances from boundaries, to comply with (b) and (c) following.**
  - (b) Compliance with the recommendations of the report Bushfire Planning Assessment, Bushfire Planning, 24 August 2020.**
  - (c) Compliance with the recommendations of the report Land Capability Assessment for on-site wastewater management, 128 Ogilvies Road, Mansfield, Paul Williams, August 2020.**
  - (d) Elevations and details of the proposed dwelling and associated works, including dimensions, heights and proposed materials / colours.**



**13.2.2 Use and Development of Land as an Education Centre - Training Facility - Accommodation - Camping and Recreation Facility: 3 Lot Subdivision - 128 Ogilvies Road, Mansfield cont.**

2. The use and development allowed under this permit must be sited and constructed in accordance with the endorsed plan/s and must not be altered without the written consent of the responsible authority.

**Building materials and landscaping**

3. The external materials of the building/s allowed under this permit, including the roof, must be constructed of materials that are of muted colours and tones to enhance the aesthetic amenity of the site and area. No materials having a highly reflective surface must be used, including unpainted aluminium, zinc or similar materials.
4. Prior to the commencement of the development allowed under this permit, a landscaping plan must be prepared by a qualified and / or experienced person and submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and comply with the recommendations of the report Bushfire Planning Assessment, Bushfire Planning, 24 August 2020. The plan must show:
  - (a) Landscaping species to be established on all three lots to complement the lots and landscape and to soften views to and from neighbouring properties.
  - (b) The species of proposed trees, shrubs or other landscaping to be established under (a) above.
5. The area set aside for landscaping must be planted and established in accordance with the endorsed plan/s within nine (9) months of the completion of the development allowed under this permit. This area must then be maintained to the satisfaction of the responsible authority and must not be used for any other purpose except with the prior written approval of the responsible authority.

**Environmental Health**

6. Sufficient and appropriately placed ablution facilities must be located throughout the site to generally satisfy demand and accommodation and be broadly related to places and areas routinely frequented by those visiting or staying on the site to the satisfaction of the Responsible Authority.
7. Any existing wastewater system(s) must be reviewed and reported on or be improved to the satisfaction of Council. A template form for providing a septic system report to the satisfaction of Council is available and will need to show the current system is capable of satisfactory ongoing performance.
8. For new wastewater systems, they are to be installed in accordance with prior approval and endorsed for use by the issue of a 'Permit to Use' or similar consent of the authority prior to the occupation of that new component of the development.



**13.2.2 Use and Development of Land as an Education Centre - Training Facility - Accommodation - Camping and Recreation Facility: 3 Lot Subdivision - 128 Ogilvies Road, Mansfield cont.**

- 9. Prior to commencement of any further development of buildings or facilities generating increased wastewater, the applicant must provide evidence to Council of either having obtained an EPA Works Approval or a Permit to Install septic systems in accordance with the Environment Protection Act 1970.**
- 10. Where Council is the approving authority, the septic permit application(s) for further development must fully detail the design work in relation to associated occupancy levels, peak daily flows, expected BOD levels, grease trap and similar pre-treatment systems in advance of the main septic system, the septic system size and design basis for the treatment, load balancing, pump wells and alarms, effluent dispersal pods, and the ongoing management, protection, maintenance and reporting proposals.**
- 11. The development and any expansion must be operated in accordance with the provision of all other legislation administered by Council including the Food Act 1984, the Public Health and Wellbeing Act 2008 particularly in relation to any Food Premises activity, Prescribed Accommodation or Aquatic facility and the quality of water used for human consumption must be 'fit for purpose'. Any water supply or facility not so designed must be clearly and permanently signed and provided with a pictorial representation to indicate on approach that the water is not suitable for human consumption.**
- 12. All current and any future development must be operated and expanded as the development progresses so as to not cause any nuisance by way of noise, odour, unsanitary storage of waste or garbage, artificial light emission beyond the site or the like.**
- 13. The proposed temporary accommodation that is envisaged in the application and described as "in the form of semi-permanent, relocatable cabins, and not in tents or caravans" is to be further detailed and endorsed as permissible under current legislation and all applicable standards and requirements met.**
- 14. All animal keeping must be in accordance with applicable standards and Codes of Practice and permitted number in accordance with Councils Local laws.**
- 15. An Emergency Management Plan satisfying the requirements of Council must be prepared, lodged and be assessed as satisfactory and approved by the Responsible Authority. It must specifically address the operation of the proposed fire safety, water and dam safety and any other likely hazards and be broadly consistent with that required for Caravan Parks registered under the provisions of the Residential Tenancies Act . The Emergency Management Plan is to be reviewed and updated on a regular basis not exceeding every 3 years (in line with the requirements applicable to a Caravan Park).**

### **13.2.2 Use and Development of Land as an Education Centre - Training Facility - Accommodation - Camping and Recreation Facility: 3 Lot Subdivision - 128 Ogilvies Road, Mansfield cont.**

#### **Property Access Requirements**

- 16. Access to the proposed subdivision must be at the existing access location off Ogilvies Road as cited in Section 5.1 of the submission. An emergency access is to be created on the west side of the lot as noted on the Bushfire Planning Assessment. No additional crossings are permitted to be constructed unless approved by the Responsible Authority.**
- 17. The access to the proposed subdivision is to be upgraded in accordance with Standard Drawing SD 255 (Rural Ver 26/02/2020) including sealing as nominated in the Infrastructure Design Manual (IDM) - refer [www.designmanual.com.au](http://www.designmanual.com.au), to a standard to match the internal road configuration and must be approved by the Responsible Authority prior to construction commencing.**
- 18. A 'Road Reserve Permit Application' including plans, showing all works is to be submitted and approved by Council prior to the commencement of any works.**
- 19. Appropriate entry/exit signage is required.**

#### **Internal Common Road Infrastructure to Lots 1, 2 and 3**

- 20. The internal road access must be designed in accordance with the Infrastructure Design Manual (IDM) - refer [www.designmanual.com.au](http://www.designmanual.com.au), consistent with Table 2 (IDM: p64) in consultation with the Responsible Authority.**
- 21. The 'road geometry, pavement and seal' must be designed by a suitably qualified registered civil or geotechnical engineer, to the satisfaction of the Responsible Authority in accordance with the Infrastructure Design Manual (IDM) - refer [www.designmanual.com.au](http://www.designmanual.com.au).**
- 22. Before any works associated with the subdivision commences, detailed construction plans must be prepared to the satisfaction of the Responsible Authority. All works constructed or carried out must be in accordance with those plans to the satisfaction of the Responsible Authority.**
- 23. The future internal road access for the proposed subdivision must be of an engineered sealed construction with dimensions adequate to accommodate emergency vehicles and be sufficient to meet CFA access requirements.**
- 24. Car parking spaces must be provided in accordance with Mansfield Shire Council Planning Scheme Clause 52.06-5, where no fewer than 3.5 carparks per 100m<sup>2</sup> usable floor area for offices and 2.5 carparks for each student on site for the development on each lot including not less than one (1) space for the disabled for each building cluster carpark in accordance with AS/NZS 2890.6:2009, Table B1 p.18 to the satisfaction of the Responsible Authority.**



**13.2.2 Use and Development of Land as an Education Centre - Training Facility - Accommodation - Camping and Recreation Facility: 3 Lot Subdivision - 128 Ogilvies Road, Mansfield cont.**

25. Before the occupation of the development, areas shown on the endorsed plans set aside for car parking, access lanes and delivery loading zones must be:
- Constructed in accordance with AS 2890.1-1993 & AS/NZS 2890.6 – 2009;
  - Properly formed to such levels that they can be used in accordance with the plans;
  - Surfaced with class A crushed rock or equivalent compacted pavement material and preferably sealed;
  - Drained.
  - Sign posted; or
  - Line-marked to indicate car parking spaces and access lanes in accordance with Council's standards and completed to the satisfaction of the Responsible Authority.

26. Engineering design and drainage plans in accordance with the Infrastructure Design Manual V5.3 2019, including the pavement design for the carparks and disabled carparks are to be submitted for approval to the Responsible Authority prior to construction.

**Pedestrian**

27. Prior to the occupation and use of the site a pedestrian access and movement plan is to be provided and approved showing pathways, access to carparks and recreational facilities across the campus complex to demonstrate the separation and safety of pedestrians from internal traffic movements.

**Camping Reserve Area**

28. Before any works associated with the construction of the camping reserve area commences, detailed construction plans for access roads, drainage, water points and sullage must be prepared to the requirements of the Victorian Regulations and to the satisfaction of the Responsible Authority. All works constructed or carried out must be in accordance with those plans to the satisfaction of the Responsible Authority.

**Drainage**

29. All stormwater from the proposed development is to be contained to the pre-development runoff equivalent with a suitably designed drainage retention system incorporating Water Sensitive Urban Design (WSUD) principles.
30. Submitted drainage plans and computations showing the management of the 5yr and 100yr AEP flow pathways must be approved by the Responsible Authority prior to the commencement of any works.
31. Application must be made to Council to obtain a Legal Point of Stormwater Discharge, prior to commencement of any buildings or civil works.



**13.2.2 Use and Development of Land as an Education Centre - Training Facility - Accommodation - Camping and Recreation Facility: 3 Lot Subdivision - 128 Ogilvies Road, Mansfield cont.**

- 32. No concentrated stormwater other than natural watercourses may drain or be discharged from the land to adjoining properties.**
- 33. Interrupted overland flow from this development must not be allowed to impact on the adjacent lots.**
- 34. Prior to Certification of the subdivision, a stormwater management plan must be submitted to and approved by the Responsible Authority demonstrating onsite stormwater treatment and retention.**
- 35. Prior to the issue of statement of compliance, the approved stormwater management plan must be implemented onsite in accordance with plans and specifications and to the satisfaction of the Responsible Authority.**

**Asset Protection**

- 36. Any damage to Council assets such as roads and stormwater infrastructure, must be repaired at the cost of the developer to the satisfaction of the Responsible Authority.**
- 37. All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).**
- 38. A construction management plan (CMP) is to be submitted and approved by Council prior to the commencement of any building or civil works. The CMP will contain at minimum:
  - a. Protection of significant native vegetation during the construction of internal roads and carparks, reticulated services and other infrastructure.**
  - b. Prevention of adverse environmental impacts on existing waterways including through run-off and siltation.**
  - c. Procedures to ensure access by construction vehicles during the construction does not impact the amenity of the surrounding area.****

**Goulburn Valley Water**

- 39. The applicant must enter into an agreement for the provision of reticulated water to the development and subdivision. Reticulated water must be provided at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation.**
- 40. The plan of subdivision lodged for certification is to be referred to the Goulburn Valley Region Water Corporation pursuant to Section 8(1) of the *Subdivision Act 1988*.**



**13.2.2 Use and Development of Land as an Education Centre - Training Facility - Accommodation - Camping and Recreation Facility: 3 Lot Subdivision - 128 Ogilvies Road, Mansfield cont.**

**Goulburn Murray Water**

41. The applicant must obtain an EPA Works Approval in accordance with the Environment Protection Act 1970, prior to the commencement of works.
42. All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).

**CFA**

43. Prior to the commencement of any stage of building and works, unless otherwise agreed by the responsible authority, a bushfire management plan must be submitted to and approved by the responsible authority. The bushfire management plan must demonstrate how bushfire-related conditions of this permit have been applied to the stage of buildings and works. The bushfire management plan for any stage of work must integrate with previously approved bushfire management plans to form a single bushfire management plan.
44. Prior to the commencement of any stage of building and works, unless otherwise agreed by the responsible authority, a bushfire emergency management plan (BEMP) must be submitted to and approved by the responsible authority. The BEMP must demonstrate how bushfire-related conditions of this permit have been applied to the stage of buildings and works. The BEMP for any stage of work must integrate with previously approved BEMPs to form a single BEMP.
45. All habitable buildings must be located no less than 35m from any property boundary.
46. Defendable space vegetation management applies to the following parts of the site:
  - 100m or to the property boundary / edge of southern waterway, whichever is lesser, around each development precinct or habitable building within a development precinct.
  - 50m or to the property boundary, whichever is lesser, along the central vehicle access road.
47. The defendable space required by this planning permit and shown on the bushfire management plan must be implemented and maintained as follows:
  - Grass must be short cropped and maintained during the declared fire danger period.



### **13.2.2 Use and Development of Land as an Education Centre - Training Facility - Accommodation - Camping and Recreation Facility: 3 Lot Subdivision - 128 Ogilvies Road, Mansfield cont.**

- **All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.**
  - **Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.**
  - **Plants greater than 10 centimetres in height must not be placed within 3 metres of a window or glass feature of the building.**
  - **Shrubs must not be located under the canopy of trees.**
  - **Individual and clumps of shrubs must not exceed 5 sq. metres in area and must be separated by at least 5 metres.**
  - **Trees must not overhang or touch any elements of the building.**
  - **The canopy of trees must be separated by at least 5 metres.**
  - **There must be a clearance of at least 2 metres between the lowest tree branches and ground level.**
  
- 48. A bushfire emergency management plan (BEMP) must be prepared to the satisfaction of the responsible authority following consultation with the relevant fire authority and must include:**
  - **Closure of the site on code red and extreme bushfire weather days for occupants not resident on the site.**
  - **Evacuation of the site at pre-determined trigger points.**
  - **Sheltering in place on the site at pre-determine trigger points.**
  - **Tailored arrangements for occupants who cannot physically be evacuated due to their unique needs.**
  - **Measures to quality assure the creation of areas of BAL:Low in proximity to both development precincts.**
  - **Implementation and on-going management of bushfire mitigation measures, including bushfire safety systems.**
  - **Establishing the roles and responsibilities of managers and staff on the site, including a committee structure for managing and monitoring the BEMP's implementation.**
  - **Arrangements for staff training and the timing and logistics for regular drills.**
  - **Staged response plans specifying triggers and actions to be followed during the fire danger period and before, during and after a bushfire event.**
  
- The BEMP must be independently quality assured every three years, to the satisfaction of the responsible authority. This must:**
  - **Assess whether the development and its various components are compliant with the planning permit conditions relating to bushfire risk reduction and safety.**
  - **Assess whether the areas of BAL:Low are established and maintained in the correct condition.**
  - **Assess whether the BEMP is being implemented and is effecting for its purpose.**

### **13.2.2 Use and Development of Land as an Education Centre - Training Facility - Accommodation - Camping and Recreation Facility: 3 Lot Subdivision - 128 Ogilvies Road, Mansfield cont.**

**49. If the land is subdivided, before the statement of compliance is issued under the Subdivision Act 1988 the owner must enter into an agreement with the responsible authority under Section 173 of the Planning and Environment Act 1987. The agreement must provide for:**

- **A single legal entity to manage the whole site / facility.**
- **The bushfire mitigation measures included on this permit, including those relating to emergency management, construction standards, defensible space, water supply and access, must be implemented and maintained to the satisfaction of the responsible authority on a continuing basis.**

**The land-owner must pay the reasonable costs of the preparation, execution and registration of the Section 173 Agreement.**

**50. Vehicle access must be designed, constructed and maintained as follows:**

- **All-weather construction.**
- **A load limit of at least 15 tonnes.**
- **Provide a minimum trafficable width of 3.5 metres.**
- **Be clear of encroachments for at least 0.5 metres on each side and at least 4 metres vertically.**
- **Curves must have a minimum inner radius of 10 metres.**
- **The average grade must be no more than 1 in 7 (14.4%) (8.1°) with a maximum grade of no more than 1 in 5 (20%) (11.3°) for no more than 50 metres.**
- **Dips must have no more than a 1 in 8 (12.5 per cent) (7.1 degrees) entry and exit angle.**
- **A turning area for fire fighting vehicles must be provided close to the building by one of the following:**
  - **A turning circle with a minimum radius of eight metres.**
  - **A driveway encircling the dwelling.**
  - **The provision of other vehicle turning heads – such as a T or Y head – which meet the specification of Austroad Design for an 8.8 metre service vehicle.**
- **Passing bays must be provided at least every 200 metres. Passing bays must be a minimum of 20 metres long with a minimum trafficable width of 6 metres.**
- **Emergency site access must be provided and maintained to the northern part of Ogilvies Road to the satisfaction of the responsible authority. Arrangements for the management of this emergency site access must be included into the bushfire emergency management plan.**

**51. Emergency site access must be provided and maintained to the northern part of Ogilvies Road to the satisfaction of the responsible authority. Arrangements for the management of this emergency site access must be included into the bushfire emergency management plan.**

**13.2.2 Use and Development of Land as an Education Centre - Training Facility - Accommodation - Camping and Recreation Facility: 3 Lot Subdivision - 128 Ogilvies Road, Mansfield cont.**

**52. A static water supply for fire fighting purposes must be provided as follows:**

- At least 40,000 litres, with at least 10,000 litres located in the southern development precinct of the site and 30,000 litres in the northern development precinct, unless otherwise agreed to by the responsible authority.
- The volume and location of static water supplies must be to the satisfaction of the relevant fire authority.
- The volume, location and maintenance of static water supplies must be included into the bushfire emergency management plan.

**Static water supplies must be provided and maintained as follows:**

- The water supply must be in an above ground water tank constructed of concrete or metal.
- All fixed above ground water pipes and fittings required for fire fighting purposes are to be made of corrosive resistant metal.
- Include a separate outlet for occupant use.

**The static water supply must also comply with the following:**

- Be readily identifiable from the building or have appropriate identification signage to the satisfaction of relevant fire authority (CFA).
- Be located within 60 metres of the outer edge of the approved building.
- The outlet/s of the water tank must be within 4m of the accessway and be unobstructed.
- Incorporate a ball or gate valve (British Standard Pipe (BSP) 65mm) and coupling (64 mm CFA 3 thread per inch male fitting).
- Any pipework and fittings must be a minimum of 65 mm (excluding the CFA coupling).

**53. The bushfire attack level is BAL 12.5.**

**54. The bushfire mitigation measures, including those relating to construction standards, defendable space, water supply, access and bushfire emergency management, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by the permit has been completed.**

**AusNet**

**55. Enter in an agreement with AusNet Electricity Services Pty Ltd for supply of electricity to each lot on the endorsed plan.**

**56. Enter into an agreement with AusNet Electricity Services Pty Ltd for the rearrangement of the existing electricity supply system.**



**13.2.2 Use and Development of Land as an Education Centre - Training Facility - Accommodation - Camping and Recreation Facility: 3 Lot Subdivision - 128 Ogilvies Road, Mansfield cont.**

57. Enter into an agreement with Ausnet Electricity Services Pty Ltd for rearrangement of the points of supply to any existing installations affected by any private power line which would cross a boundary created by the subdivision, or by such means as may be agreed by AusNet Electricity Services Pty Ltd.
58. Provide easements satisfactory to AusNet Electricity Services Pty Ltd for the purpose of "Power Line" in the favour of "AusNet Electricity Services Pty Ltd" pursuant to Section 88 of the Electricity Industry Act 2000, where easements have not been otherwise provided, for all existing Ausnet Electricity Services Pty Ltd electric power lines and for any new power lines required to service the lots on the endorsed plan and/or abutting land.
59. Obtain for the use of Ausnet Electricity Services Pty Ltd any other easements required to service the lots.
60. Adjust the position of any existing AusNet Electricity Services Pty Ltd easement to accord with the position of the electricity lines(s) as determined by survey.

**Expiry**

61. This permit will expire if one of the following circumstances applies:
  - The use and development are not commenced within (2) years of the date of this permit.
  - The development is not completed within ten (10) years of the date of this permit.

In accordance with Section 69 of the *Planning and Environment Act 1987*, the responsible authority may extend the periods referred to if a request is made in writing before the permit expires, or within six months afterwards.

**Planning notes**

**Engineering**

- Further details regarding CFA access requirements can be found at [http://www.cfa.vic.gov.au/fm\\_files/attachments/plan\\_and\\_prepare/BMO/CF A-BMO-Access-Aug-14.pdf](http://www.cfa.vic.gov.au/fm_files/attachments/plan_and_prepare/BMO/CF A-BMO-Access-Aug-14.pdf)
- Approval from the Goulburn Broken Catchment Management Authority must be attained prior to works occurring on waterways.

## 13.2 INFRASTRUCTURE AND PLANNING DIRECTORATE CONT.

### 13.2.3 Amendment to Highton Manor Development Plan

**File Number:** DA4787/3

**Responsible Officer:** Manager Planning and Environment, Ben McKay

#### Disclosure of Conflicts of Interest

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

#### Introduction

To seek a Council resolution to amend the *Highton Manor, 140 Highton Lane, Mansfield Development Plan*.

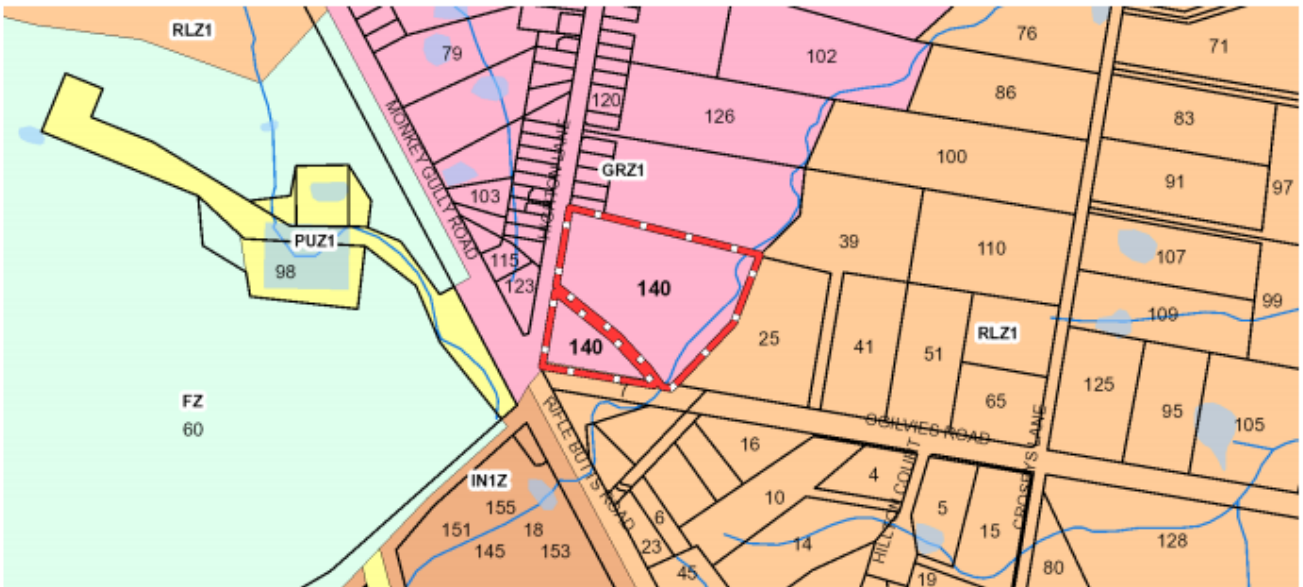


Figure 1: Zoning Map of subject land

### 13.2.3 Amendment to Highton Manor Development Plan cont.

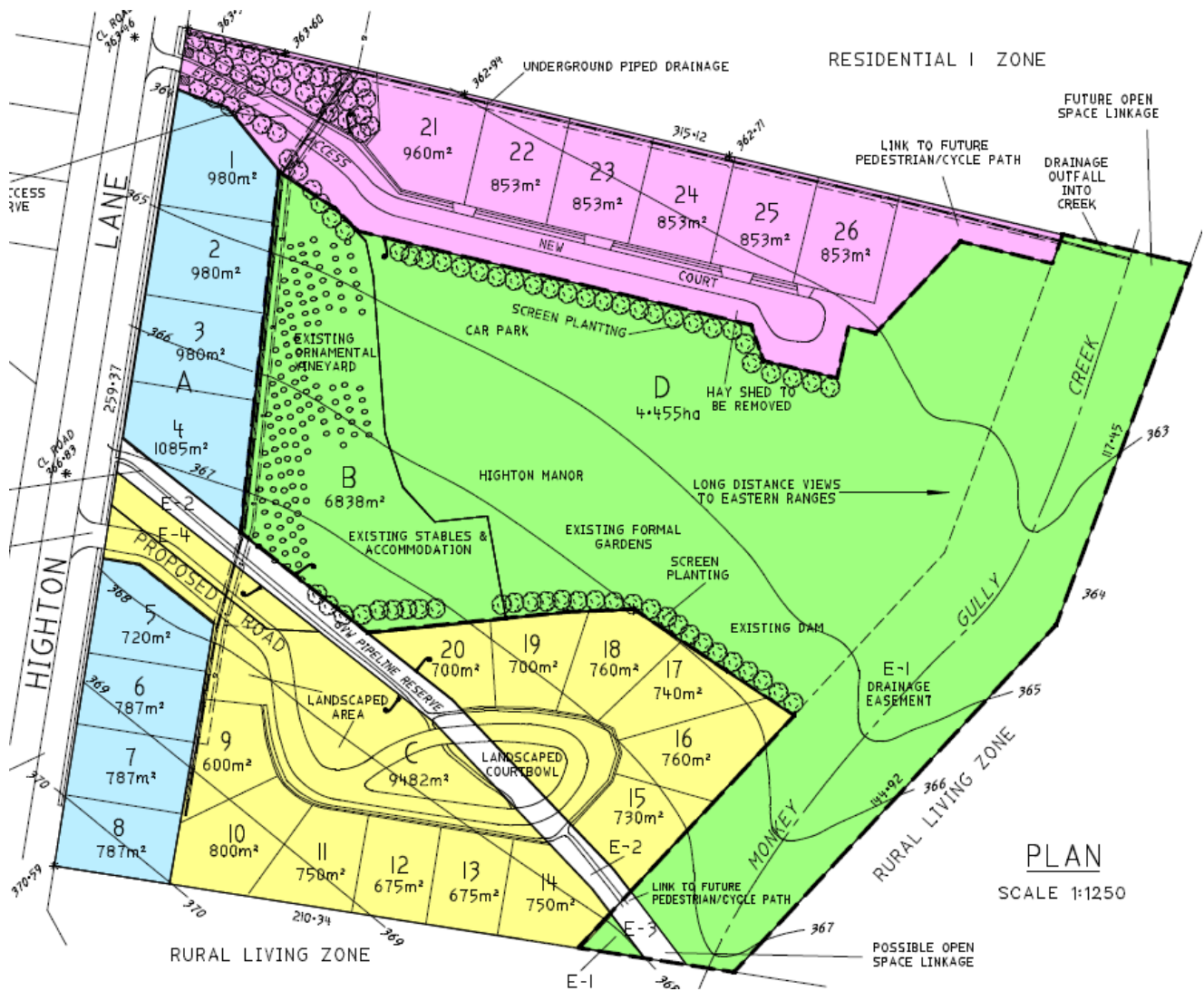


Figure 2: Highton Manor Development Plan Layout

### Background

Under the Mansfield Planning Scheme, the land subject to the development plan is zoned General Residential 1, with the Development Plan Overlay 1 (General Residential Zone and Mixed Use Zone) also applying to the land. The DPO was applied to the land under Amendment C1, Pt 1 in March 2006 to provide co-ordinated residential layout and design guidance for the overall Highton Manor precinct. The DPO requires that a development plan be prepared and approved prior to any planning permit being issued for any use, subdivision or any other development on the land.

Mansfield Shire Council approved the *Highton Manor, Highton Lane, Mansfield Development Plan* on 23 September 2008 (the ‘development plan’) to guide the future design and framework for future development and subdivision for the Highton Manor precinct. This approved plan is not typical of a development plan in that it includes detailed design guidelines for subdivision, buildings and works.

### **13.2.3 Amendment to Highton Manor Development Plan cont.**

A Section 173 Agreement also applies to the same land as the development plan, the intention of the agreement being to give effect to the Development Plan. The agreement effectively applies the intent of the development plan, including detailed design outcomes for land and buildings that normally could not be controlled under the zone or development plan.

#### **Statutory Requirements**

Development plans outline the broad directions for future land use, development, subdivision and servicing of an area rather than specific detail and conditions that would typically be included in planning applications and permits. Planning permits cannot be issued for any use or development of land affected by an approved development plan unless a proposal 'is generally in accordance' with the approved plan. Any planning application that 'is generally in accordance' with an approved plan is exempt from notification (advertising) and appeal rights.

Approved development plans may be amended by Council and can include sunset clauses for expiry. While there is no prescribed statutory process for the approval or amendment of development plans, it is standard practice to notify potentially affected landowners and seek comment from relevant service agencies.

#### **Council Plan**

The proposed amended development plan generally complies with and implements the Mansfield Shire Council Plan 2017-2021, in particular Strategic Direction Two, Financial Sustainability, and Strategic Direction Four, Enhanced Liveability.

#### **Financial**

There are no financial risks or costs associated with the proposal to amend the development plan. Proposed amendments have been prepared in-house at no cost.

#### **Social**

Proposed changes to the development plan will enhance social benefits to the general community, while protecting the social fabric and context of the main Highton Manor precinct.

#### **Environmental**

Proposed changes to the development plan will protect the general environment and it is considered that they will not compromise the historic or environmental integrity of the main Highton Manor precinct.

### **13.2.3 Amendment to Highton Manor Development Plan cont.**

#### **Economic**

Proposed changes to the development plan will enhance economic development on land proposed for removal from the plan.

#### **Risk Management**

There are no financial or policy risks associated with the proposal to amend the development plan.

#### **Community Engagement**

Notice of the proposed amendments to the development plan was given to all potentially affected landowners including the owners of all land/lots proposed to be removed from the plan and all owners of land on the opposite (western) side of Highton Lane. The proposal was also publicly advertised in the Mansfield Courier. No submissions were received from any person or landowner to which notice was given.

Referral of the proposed amendments to the development plan was not given to Goulburn Valley Water (GVW), as the supplier of reticulated water and sewerage, as GVW has already consented to the current subdivision and is able to supply services to the present lot configuration.

Council's Operations and Capital Works Department has consented to the proposed changes, noting that local road access and drainage may be effectively provided to all land within the current development plan boundary.

#### **Officer's Comments**

The need for amendment to the development plan has been recognised by both the owner of Highton Manor and Council officers, with a view to simplifying the plan, reducing the applicability of the plan to only apply to the core Highton Manor area, and reducing the burden on lots adjoining Highton Manor where the development plan is no longer required or imposes excessive requirements. It is recommended that the extent of the plan be reduced to only apply to the key Highton Manor area, maintaining design outcomes and protecting the integrity of this core area but allowing conventional residential subdivision and development to take place on the periphery of this core area.

The original development plan was to provide development that was sympathetic with Highton Manor, including new buildings/dwellings that would not mimic the existing buildings, but intended that they would relate to the Highton Manor and its stables, in shape, proportion and materials. The services also required a central MATV (master antenna television) and satellite system which was to be installed within the region of the stables.



### 13.2.3 Amendment to Highton Manor Development Plan cont.

However, the requirements of the plan are now seen as being problematic as it may be difficult to source the type of materials and build to specifications similar to the Highton Manor, including the requirement for all lots to build the same type of fencing. It is also noted that this original development plan was instigated or driven by the owner/developer and they now no longer wish to pursue this. It is also not uncommon for development plans to be varied or amended and it is noted that development plans do not normally control the built form or design and development guidelines.

The Highton Manor is not within the Heritage Overlay. It is understood from reviewing documentation associated with the heritage amendment that thirty two potential sites were identified in the survey. A Council resolution on 17 February 2015 was passed to only include in the amendment '*places which are public or where landowners wished to have their properties included in the Heritage Overlay*'. Twelve (12) landowners subsequently requested that their properties be excluded. Council Officers believe that Highton Manor may have been one of those properties that was originally identified within Stage 1 however was never included in the amendment.

The Development Plan layout proposed will still provide a lot that is over 5 hectares in size for the Highton Manor residence, stables and accommodation. This will ensure that there is a large buffer area to allow Highton Manor to be the focal point and avoid the future development of the residential lots detracting from the site.

The following changes are proposed to the existing development plan, previously approved in 2008:

#### *Plan:*

- Removal of the two plans forming part of the current plan (*Highton Manor Development Key Plan* (pg 21) and *Highton Manor Development Plan* (pg 28)), replacing these plans with a new plan (*Highton Manor Development Plan*).
- Reduction of area to which the plan applies to now only be applied to the core Highton Manor precinct, including stables / accommodation and vineyard.
- Deletion of the 'new dam' proposal in the northeastern section of the Highton Manor precinct to which the amended plan is proposed to apply.

#### *Report:*

- Outline a current legal description of the land to which the development plan applies.
- Remove Section 7, *Building guidelines for new building on other titles, including extensions*.
- Remove the two diagrams at the end of Section 7, *Typical dwelling with mezzanine floor* and *Typical dual occupancy dwelling*.
- Remove Section 5.9, *Further subdivision*.

The proposed amended development plan, incorporating the proposed changes outlined above and subject to the recommendation of this report, has been separately distributed to Council.

### 13.2.3 Amendment to Highton Manor Development Plan cont.

Once the development plan has been amended and reduced in area, officers will initiate an amendment to the Section 173 agreement applying to the land with relevant landowner/s, making the same consequential changes to those proposed to be made to the development plan. Main changes would be reduction of the area of applicability and removal of unnecessary design guidelines that should not apply to land outside the core Highton Manor lot. These changes will remove unnecessary design controls over private lots that already exist, allowing unrestricted residential development on them.

Once the development plan is amended and its coverage is reduced, the application of the DPO outside this reduced plan area is redundant and should be removed. The reduction of the DPO may be undertaken as part of any future planning scheme amendment to correct anomalies, or could be amended as part of any future review of the planning scheme.

Another alternative overlay to apply to the reduced development plan area is the potential application of the Heritage Overlay, an overlay that could readily provide planning control for siting, development and design. An existing heritage assessment for Highton Manor would most likely form adequate justification for the application of the Heritage Overlay. The use of the Heritage Overlay could substitute for the current cumbersome and lengthy combination of development plan and Section 173 Agreement and should be further investigated.

#### Attachments

- 1 Existing *Highton Manor, Highton Lane, Mansfield Development Plan, 2008*
- 2 Proposed amended *Highton Manor, Highton Lane, Mansfield Development Plan map*

#### **Recommendation:**

##### **THAT Council:**

- 1. Approve the amended Highton Manor, Highton Lane, Mansfield Development Plan, as attached to this report.**
- 2. Authorise an assessment between Council officers and landowners to amend the Section 173 agreement applying to the area to reflect the amended content and area of the development plan.**
- 3. Investigate options for an applicable overlay to apply to the land, including amendment to Development Plan Overlay 1 boundaries and application of the Heritage Overlay to the amended development plan area.**



## 13.2 INFRASTRUCTURE AND PLANNING DIRECTORATE CONT.

### 13.2.4 Draft Commercial and Industrial Land Use Strategy

**File Number:** E6255  
**Responsible Officer:** Manager Planning and Environment, Ben McKay

#### Disclosure of Conflicts of Interest

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

#### Introduction

The purpose of this report is to provide Council with the draft Commercial and Industrial Land Use Strategy (Attachment 1) and to recommend that consultation with the community over the Strategy proceeds after the Election Period.

#### Background

In August 2018, Mansfield Shire Council (MSC) received a grant of \$80,000 from the Victorian Planning Authority (VPA) from their *Streamlining for Growth* funding program for a Mansfield West Precinct Structure Plan (MWPSP). In June 2019 MSC was successful in its request for a change of scope, to direct the approved the grant funding towards preparation of a Commercial and Industrial Land Use Strategy.

The Commercial and Industrial Land Use Strategy will deliver economic and employment opportunities by providing a strategic platform on which to base Council's future direction in respect to the zoning and management of industrial and commercial land.

In September 2019 Charter Keck Cramer were engaged to develop the strategy in accordance with the following milestones and deliverables:

- Milestone 1 - Deliverable: Issues and Options Analysis
- Milestone 2 - Deliverable: Draft Commercial and Industrial Land Use Strategy
- Milestone 3 - Deliverable: Public consultation on draft Strategy
- Milestone 4 - Deliverable: Final Report Preparation, Presentation and Endorsement

### 13.2.4 Draft Commercial and Industrial Land Use Strategy cont.

#### Statutory Requirements

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

#### Council Plan

This project is consistent with the Council Plan. The purpose of the Council Plan is to: *Provide a forward-looking plan detailing Council's strategic directions and objectives for the current term of the Council.*

This project sits within the Council Plan 2017-2021 and is consistent with Strategic Objective 4.4: *We have strong policy and decision making frameworks in place to protect and enhance the unique character of our Shire for future generations.*

This includes actions to: *"Progressively undertake the further strategic work outlined in the Local Planning Policy Framework of Mansfield Planning Scheme".*

#### Community Engagement

Following development of the Background Issues and Options paper, community consultation was undertaken. Through Council's Engagement platform 56 people viewed the page, with 17 people downloading the document and three submissions received. The feedback has been considered in developing the Draft Strategy and is summarised in Attachment 2.

#### Officer's Comments

Mansfield has experienced a shortfall of vacant and serviced Industrial zoned land. With regard to the population growth expected during the next 20 years, the delivery of serviced industrial land is critical.

Currently there is little industrial land available and given this, existing businesses that may have outgrown their current facilities are making do and not relocating. This is causing a bottleneck for businesses which may be looking to take the next steps in their business development; be that growth to larger premises, start-up, or moving to premises rather than operating from home sheds or farms. The Mansfield Business Profile, supported by anecdotal evidence, strongly suggests there are many such businesses that may take up the opportunity to move to vacated existing industrial business premises should the opportunity present.

An Industrial Land Development Strategy presents Council within an opportunity to understand how to meet the future needs of industry, to help drive economic growth across the Shire.

The Strategy investigated the key influences that will continue to impact on the performance of Mansfield's economy and the utilisation of the Shire's commercial, industrial and retail floor space. These influences were population growth and migration, economic growth, the visitor economy and climate change, socio-economic change and the physical expansion of the Mansfield Township and urbanisation.

### 13.2.4 Draft Commercial and Industrial Land Use Strategy cont.

Following the investigation of key influences a series of strategic objectives were developed to guide the development of the strategy:

- Strengthen and grow the capacity of the Shire to service the commercial, retail and industrial needs of its growing population by providing clear land use directions for current and future commercial and industrial uses.
- Create investment certainty by detailing enduring land use directions for commercial and industrial land.
- Support the growth of service-based industries within the Shire by encouraging the development of appropriate office and service facilities.
- Support the diversification and growth of the Shire's industries and trades by supporting the development of a new and contemporary industrial/commercial precinct.
- Support the rejuvenation and strengthening of the Shire's key commercial areas including the Mansfield Town Centre and the Mount Buller Road large format and trades precinct by providing clear land use directions and planning certainty.
- Support the capacity of the Shire to attract new industries via the establishment of a new and accessible commercial and industrial precinct.
- Reduce the potential for land use conflict by minimising the incidence of incompatible land uses and by ensuring buffering between growing residential uses and established industrial areas.

With this in mind, the strategy highlights a series of strategic objectives for each of the Shire's existing major commercial precincts that create the context and justification for associated land use actions. In so doing, the work responds to the role of each precinct, its current range of uses, land use zoning and regulation, and key challenges and opportunities.

The Strategy provides a range of directions and recommendations for the future use and growth of the Shire's retail, commercial and industrial precincts in response to the changing dynamics confronting the Shire and its role in the broader economy of regional Victoria.

The Strategy sets out land use actions and directions to secure the long term sustainable commercial and industrial growth and provides a proactive response to the Shire's current and emerging economic conditions, its land supply context and enduring planning framework. A summary of the Strategy's main recommendations are as follows:

- *The Strategy* directs commercial activity to main road locations along High and Highbury Street as the Shire's core and leading commercial areas. In turn, it also proposes to limit commercial uses along residential streets including Curie, Erril, Nolan and Ailsa streets.

### 13.2.4 Draft Commercial and Industrial Land Use Strategy cont.

- To support the Shire's growing service needs, *the Strategy* encourages the development of a "Services Hub" along the western section of High Street. A future facility should include private and public office space, co-working space and consulting space. The development of service space along the western section of High Street will help activate this area and further integrate the western section of High Street with the Mansfield Town Centre.
- *The Strategy* continues to support large format big box retailing uses within the Mount Buller Road precinct. Equally, the *Strategy* affirms the role of the Mansfield Town Centre as the Shire's primary retailing and large format food retailing (supermarket) precinct.
- *The Strategy* recommends the implementation of buffer treatments at the residential interface of the Mount Buller Road and Dead Horse Lane commercial precincts.
- *The Strategy* recommends the development of a new contemporary industrial commercial precinct at 175 Dead Horse Lane and 141 Lakins Road.
- The Strategy recommends the rezoning of the former Saw Mill site into a residential zone and the rezoning of land in Bonnie Doon that is not suited to commercial uses for residential purposes.
- The Strategy supports a future rezoning of the Bonnie Doon Hotel into a commercial land use zone to support its long term development and to create investment certainty.

It is recommended that Council endorse the draft Commercial and Industrial Land Use Strategy for public exhibition and feedback after the Election Period.

#### Attachments

- 1 Draft Commercial and Industrial land Use Strategy
- 2 Submissions Review

#### **Recommendation:**

**THAT Council endorse the draft Commercial and Industrial land Use Strategy for public exhibition and feedback after the Election Period, from 26 October 2020 – 1 December 2020.**

## 13.2 INFRASTRUCTURE AND PLANNING DIRECTORATE CONT.

### 13.2.5 Statutory Planning Services Review

**File Number:** E6358  
**Responsible Officer:** General Manager Infrastructure and Planning,  
Kirsten Alexander

#### 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 present Council with the outcomes of the Statutory Planning Services Review.

#### Background

The nature of local government service delivery has changed over recent decades, moving towards a broader range of objectives and responsibilities contributing to the social, economic, environmental, and cultural wellbeing of communities. The widening responsibility of local government has coincided with a period of increasing community expectation and devolution of various government functions from state and federal government to the local level. The overall effect is that councils must provide a greater range of services while endeavouring to meet higher standards.

In addition to these challenges, local governments in Victoria have a statutory obligation to comply with the Local Government (Best Value Principles) Act 1999 to ensure service provision meets quality and cost standards, is responsive to community needs, and achieves continuous improvement.

Held annually, the Local Government Community Satisfaction Survey surveys 400 households from the Shire of Mansfield to determine Councils' overall performance with:

- Benchmarking against state-wide and council group results
- Community consultation and engagement
- Advocacy and lobbying on behalf of the community
- Customer service, local infrastructure, facilities; and
- Overall Council direction

In the most recent survey Mansfield Shire Council's overall performance declined from the previous year. This scoring places the services performance at its lowest point since 2012 and below the state-wide measured performance within the Small Rural group of councils (as defined by the Department of Environment, Land, Water and Planning).

### 13.2.5 Statutory Planning Services Review cont.

Given increasing service delivery and funding pressures, overarching statutory obligations, and decline in community satisfaction with Council performance, Mansfield Shire has embarked on a formal, organisation-wide review to ensure Council is delivering services that are relevant to the community and are financially sustainable in the long term. This process involves a systematic review of every service administered by Council, including statutory and non-statutory services, and internally and externally focused services.

The 2019 Community Satisfaction Survey result revealed that service area for planning and building permits experienced significant declines in community satisfaction from 2018. A ten-point drop on planning and building permits (index score of 36) makes it Council's lowest rated service area. Council's performance on this measure is significantly lower than the average ratings for councils state-wide and for the Small Rural group of councils (index scores of 52 and 48 respectively).

Council is committed to delivering services to the quality expected by the community, while adhering to its organisational and statutory obligations, therefore Grosvenor Performance Group were engaged in February 2020 to undertake a review of the processes and procedures of the Statutory Planning Unit (SPU) to identify where improvements could be made to address the decline in community satisfaction.

#### Statutory Requirements

The Planning Unit is responsible for undertaking the role and duty of the Responsible Authority under the rules and regulations of the *Planning and Environment Act 1987*, the *Subdivision Act 1988* and associated legislation.

The Planning and Environment Regulations 2015 set out requirements of the Responsible Authority in carrying out its duty including:

- processing of permits
- certificates of compliance
- compensation
- enforcement and legal proceedings

The report highlighted that the unit had fallen short of legislative requirements in prior years, with respect to the time taken to arrive at planning application outcomes; these should be within 60 statutory days.

Although observations were made in the report with respect to the use of Requests for Information (RFIs), it should be noted that the unit is however compliant with these legislative requirements, and also that the median number of processing days has improved in the last two financial years from 83 days in 2017/18, to 63 days in 2018/19 and 52 days in 2019/20.

#### Council Plan

The purpose of the Council Plan is to: *Provide a forward-looking plan detailing Council's strategic directions and objectives for the current term of the Council.*



### **13.2.5 Statutory Planning Services Review cont.**

This project is consistent with the Council Plan 2017-2021 and sits under Strategic Objective 2.1: *Council has a strategic, long term financial plan to secure its ongoing financial sustainability.*

Specifically actioned through: *“Complete service reviews across all departments in response to the findings of the Long Term Financial Plan”.*

#### **Financial**

It is highlighted within the review that the planning unit has lower resources than benchmarked councils, which may impact the unit’s ability to process planning permit applications. These impacts may include limited capacity to process applications on time, internal pressure and/or limited capacity to identify and implement processing improvements.

To help better resource the unit, additional resources through the State Government funded Working for Victoria (WFV) program are currently being sought with the aim to add an additional statutory planner and administration assistant in the short term to help with the current volume of planning applications and assist the team with implementation of the actions recommended in the report. These resources will not have a budgetary impact, and will allow the recommended changes to be implemented and then assessed.

#### **Social**

There is no social impact associated with this proposal, however the social, economic, environmental, and cultural wellbeing of communities can be impacted by planning outcomes.

#### **Environmental**

There is no environmental impact associated with this report.

#### **Economic**

There is no economic impact associated with this report.

#### **Risk Management**

The review has identified areas of risk, particularly with respect to reputational risk, and provided recommendations to mitigate these risks.

#### **Community Engagement**

As part of the review process both internal and external stakeholder consultations were undertaken. Internally, one-on-one consultations were held with members of the statutory planning services team. Externally one-on-one consultations were held with four consultants, a community survey with 32 individual responses was completed, and an independently facilitated public forum held with members of the Mansfield Shire community. The stakeholder consultation and public forum formed an important and integral part of the findings and guided the recommendations contained in the review.

### 13.2.5 Statutory Planning Services Review cont.

#### Officer's Comments

The Statutory Planning Services Review has provided some valuable insights from the stakeholder consultations and benchmarking undertaken relative to similar sized councils; relative to other municipalities the unit has:

- A low level of resources per application given the moderate statutory planning budget and a high number of applications.
- A high rate of refusals and withdrawals (with the inclusion of Section 55 refusals).
- A moderately high rate of applications with further information or referrals required.
- Significantly higher gross days to determination time.
- Achieved an improvement over time in the median processing time and percentage of applications completed within 60 processing days.
- A high number of approved dwellings and subdivision lots for its population.
- A high proportion of similar applications including change of land use.
- Average or below average information regarding planning permit applications on Council's website.

Relative to similar councils, it should be noted that the unit is processing a high number of planning applications. In addition, the median processing time and percentage of applications completed within 60 processing days continues to improve. On the other hand, a significantly higher gross days to determination time, which includes referrals and RFIs, was identified as a key contributor to low community satisfaction within the Mansfield Shire.

The following findings were made regarding the efficiency and effectiveness of the unit:

1. The SPU does not have an agreed and shared purpose and is currently lacking a focus on strategic planning.
2. The previous structure of SPU (Unit has been restructured in June 2020) did not support operational requirements due to the span of control expected of the Development Services Manager and lack of clear role accountability within the SPU team.
3. Issues with the capacity of the Development Services Manager (see comment previously about Unit structure) had downstream impacts on the SPU team including ability to adequately delegate tasks, develop the team, performance manage and perform both statutory planning and strategic planning responsibilities.
4. The current team culture within the SPU features silos, poor behaviours, lack of respect and support.
5. Planning application and communication processes are not clearly defined, nor do they meet operational requirements regarding stakeholder satisfaction, quality and timeliness.

### 13.2.5 Statutory Planning Services Review cont.

6. Systems are largely manual, and one person is responsible for managing the database for applications. The VicSmart system enables streamlined applications, particularly for sub-divisions with the SPEAR system.
7. Stakeholder engagement is haphazard, communication is infrequent, and customer service is inconsistent.

Overall the review of the processes and procedures found that there were areas of opportunity for the efficient and effective delivery of statutory planning services. Key areas of opportunity include the level of customer service, the lack of a clearly defined and agreed application process and the time taken to arrive at planning application outcomes.

Other areas for improvement included the need for a clear purpose within the unit, a healthy team culture and consistent communication with applicants regarding the requirements for and progress of their planning applications. The review found that the recent restructure was a positive change and would enable improvements to both the capacity and capability of staff within the SPU.

The report provided 27 recommendations that it suggested would help to improve the effectiveness and efficiency of the delivery of statutory planning services in Mansfield Shire. To further assist with the implementation of the recommendations a roadmap has been developed to provide a proposed timeline and priority for the proposed actions to support the practical and successful implementation of improvements.

The report and the recommendations have been accepted by the team. To monitor and track the implementation of the recommendations it is proposed that an annual report will be provided to Council to provide an update on the performance of the unit against the recommendations of the review.

#### Attachments

- 1 Statutory Planning Services Review Final report

#### **Recommendation:**

**THAT Council receive and note the Statutory Planning Services Review and associated road map of recommendations.**

## 13.2 INFRASTRUCTURE AND PLANNING DIRECTORATE CONT.

### 13.2.6 Variation to Community Joint Use Agreement with the Minister for Education and Mansfield Secondary College for the Multi-Purpose Playing Field

**File Number:** E2283/2  
**Responsible Officer:** General Manager Infrastructure and Planning,  
Kirsten Alexander

#### 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 to Council a variation to the current Community Joint Use Agreement (JUA) between the Minister for Education, Mansfield Secondary College and Mansfield Shire Council for the additional playing fields and associated facilities for multi-use sport located to the north east of the Mansfield Secondary College.

The variation includes works required to be completed in conjunction with the construction of the Dual Court Stadium. Primarily the variation includes works required for the construction of a bus turn around area and car park accessed from View Street. The works also include the installation of new light towers around the playing fields and the construction of a gravel carpark and access driveway from Bellview Court.

The hours of use in the JUA have also been updated to coincide with the hours as per the agreement for the Dual Court Stadium.

#### Background

The parties as mentioned above, entered into the original JUA for the additional playing fields on 10 January 2014. Due to the construction of the Dual Court Stadium a variation is required to include the works required to improve the car parking and bus turn around area. These works will be carried out on land included in the existing JUA.

The construction of the Dual Court Stadium will create a sporting precinct, including the additional playing fields and associated facilities, for use by the school and the broader community.

The total scope of works associated with the JUA includes the upgrade and development of playing fields for multi-use sports, including:

- Installation of an irrigation system.
- Construction of a permanent soccer field including:
  - contour levelling;
  - installing perimeter and radial drainage;
  - installing an irrigation system;
  - top dressing and sodding of grass playing surface;
  - line marking;
  - installation of goals.



**13.2.6 Variation to Community Joint Use Agreement with the Minister for Education and Mansfield Secondary College for the Multi-Purpose Playing Field cont.**

- Refurbishment of existing toilet block and new extension to include a universal access toilet.
- Construction of a 5 bay shed incorporating storage and changing facilities and installation of water tanks.
- Construction of a gravel car park with access driveway via Bellview Court and construction of access paths including the installation of pedestrian solar security lighting.
- Upgrade and extension of a car park and access driveway via View Street.
- Construction of Carpark and Bus Turnaround.
- Installation of Light Towers (8-10).

This variation will enable the incorporation of the carpark and bus turnaround area, for which a construction contract is proposed to be awarded in conjunction with road upgrade works in View Street.

The hours of use are also proposed to be updated as part of this variation, consistent with the hours for the Dual Court Stadium. The proposed hours of use will be as follows:

<b>School Hours – Clauses 1 and 55</b>	Monday to Friday 8.00am to 3.45pm
<b>Community Partner’s Hours – Clauses 1 and 56</b>	Monday to Friday 7.00am to 8am and 3.45pm to 10.00pm Saturday and Sunday 7.00am to 10.00pm
<b>Facility Operating Hours – Clauses 1 and 56</b>	Monday to Friday, Saturday and Sunday: 7.00am to 10.00pm unless the Planning Scheme or Planning Permit authorises other hours
<b>Community Hiring Party – Clauses 1 and 58</b>	Community Partner
<b>Permitted Use – Clauses 1 and 22.2</b>	The playing, performing or conducting of, recreation and sporting activities that normally would be played, performed or conducted in Victoria at a Facility which by law is capable of being played, performed or conducted at the Facility.

**Statutory Requirements**

The variation to the JUA is required to enable the construction of the works required for the construction of a bus turn around area and car park accessed from View Street. There are no other statutory requirements associated with this report.

### **13.2.6 Variation to Community Joint Use Agreement with the Minister for Education and Mansfield Secondary College for the Multi-Purpose Playing Field cont.**

#### **Council Plan**

The proposal is consistent with the following Council Plan objectives:

- Strategic Objective 4.1: *We have long term strategies and capital works programs in place to respond to changing community needs.*
- Strategic Objective 4.3 *Our community proactively manages its health and wellbeing.*

#### **Financial**

The total cost of the car park and bus turn around area is included in the 2020-21 Capital Works Budget, with an estimated cost of \$1.4m.

The licence agreement has a fee attached of \$1.00 per annum which is payable on demand.

#### **Social**

The following social benefits have been identified:

- A growing Mansfield Shire population is fuelling the growth in membership and demand for sports facilities.
- Sport facilities have a positive impact on health and fitness, fun/enjoyment and social interaction.
- The multi-use facility will allow for an increase in club membership, the development of new sporting clubs and programs, as well as an increase in number of regional sports tournaments.
- Works to improve the associated car-parking, school bus turn-around, View Street and the View Street and Highett Street intersection will allow for better traffic flow, will minimise traffic congestion, and improve the safety of pedestrians, stadium users, residents and students in the area.

#### **Environmental**

There are no environmental considerations with respect to this proposal.

#### **Economic**

The following economic benefits have been identified:

- Construction and professional jobs will be generated during the construction period and are likely to be held by residents of the Mansfield Region.
- The development of the new facilities will have an impact on ongoing operational employment, with the additional jobs mainly concentrated in locations in Mansfield. This includes management and upkeep of the facilities, as well as spending in Mansfield by users and spectators.



### **13.2.6 Variation to Community Joint Use Agreement with the Minister for Education and Mansfield Secondary College for the Multi-Purpose Playing Field cont.**

#### **Risk Management**

A formal legal document is necessary to minimise the risk and create certainty for the parties.

#### **Community Engagement**

The lack of adequate sporting facilities, including the need for a dual court stadium in Mansfield is highlighted in Council's strategic documents, including the 2006 Recreation and Leisure Strategy, the subsequent 2014-2019 Sport and Recreation Strategy and the specific Sports Facility Strategy and Feasibility Study for the new Dual Court Stadium. Each of these documents are the outcomes of extensive community engagement.

#### **Officer's Comments**

The Variation to the Community Joint Use Agreement for the additional playing fields and associated facilities for multi-use sport is required to be signed by all parties prior to the award of a tender for construction of the car park and bus turn around area. The deed of variation contained in Attachment 1 is recommended for Council's adoption and authorisation of the Chief Executive Officer to execute the agreement.

#### **Attachments**

- 1 Mansfield Secondary College Deed of Variation
- 2 Existing JUA for Outdoor Sporting Facility 2.pdf

#### **Recommendation:**

**THAT Council authorise the Chief Executive Officer to sign and affix Council's common seal for the Variation to the Community Joint Use Agreement between the Minister for Education, The Mansfield Secondary College Council and the Mansfield Shire Council for the multi-purpose playing field.**

## 13.3 COMMUNITY AND CORPORATE SERVICES DIRECTORATE

### 13.3.1 Governance and Management Checklist 2019-20

**File Number:** E2901

**Responsible Officer:** Co-ordinator Governance and Risk, Michelle Kain

#### 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* (the 1989 Act).

#### Introduction

This report presents with the Governance and Management Checklist 2019-20 and seeks Council authorisation for Mayoral certification.

#### Background

The Governance and Management Checklist is part of the Local Government Performance Reporting Framework and requires Council to report on compliance with a variety of 24 different governance matters (ie, policies, strategies and frameworks that should be in place).

The checklist is published within Council's Annual Report and through the Know Your Council website managed by Local Government Victoria.

#### Statutory Requirements

Section 131 of the *Local Government Act 1989*, which is still in operation, stipulates the contents of a council annual report including:

- 131(2)(a) – a report of operations
- 131(3)(a)(ii) – council assessment against the prescribed governance and management checklist in the report of operations

Section 12 and Schedule 1 of the Local Government (Planning and Reporting) Regulations 2014 prescribes the format of the governance and management checklist, which includes certification by the CEO and the Mayor that the information presents fairly the status of Council's governance and management arrangements.

#### Council Plan

Strategic Direction Five - Responsible Leadership.

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

#### Financial

There are no financial implications in relation to this matter.





### 13.3.1 Governance and Management Checklist 2019-20 cont.

#### Social

There are no social implications in relation to this matter.

#### Environmental

There is no environmental impact.

#### Economic

There is no economic impact.

#### Risk Management

There is no risks inherent in this matter.

#### Community Engagement

The Governance and Management Checklist forms part of Council's Annual Report which will be available to the community on Council's website. Notice of the meeting at which the Annual Report will be considered is also advertised locally.

#### Officer's Comments

There are 24 indicators in the checklist, of which three have not yet been met as implementation is not due until a future date.

1. Community Engagement Policy/Strategy
  - The review of the Community Engagement Policy/Strategy is required by the *Local Government Act 2020* to be endorsed by Council by March 2021.
2. Community Engagement Guidelines
  - The review of the Community Engagement Guidelines is required by the *Local Government Act 2020* to be endorsed by Council by March 2021.
3. Asset Management Plans
  - The *Local Government Act 2020* requires Asset Management Plans to be implemented by June 2022.

#### Attachment

- 1 Governance and Management Checklist 2019-20

#### **Recommendation:**

#### **THAT Council:**

- 1. receive and note the Governance and Management Checklist 2019-20.**
- 2. authorise the Mayor and Chief Executive Officer to sign the Governance and Management Checklist 2019-20 for the purpose of the 2019-20 Annual Report.**

## 13.3 COMMUNITY AND CORPORATE SERVICES DIRECTORATE CONT.

### 13.3.2 Mansfield Performing Arts Centre Strategic Development Report

**File Number:** E6249  
**Responsible Officer:** Senior Co-ordinator Community and Economic Development, Kirsten Lingard

#### 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 Council with the Mansfield Performing Arts Centre (MPAC) Strategic Development Plan and summarises the findings and recommendations outlined in the Plan and their implications for Council and the broader community.

#### Background

MPAC was officially opened on 16 August 2002 as a shared use facility developed in partnership between Mansfield Secondary College and the then Delatite Shire Council, and managed in accordance with a Joint Use Agreement (JUA) developed in 1999.

The JUA stipulates the facility is to be governed by a Management Committee comprising two members of School Council plus the Principal who is to act as Chair and holds a casting vote, two persons appointed by Council and up to two other non-voting members, ie, a Committee of up to seven, with a Quorum of the 4 voting members.

The JUA provides the Secondary College with priority use during school hours, 30 evenings per annum and 2 days on each 5 weekends per annum. Council (community use) has the right to use and occupy MPAC after 4.30pm on school days and all day on days that are not school days.

The Committee is responsible for operating MPAC including preparing business plans, asset maintenance and employment of staff and engagement of contractors. Any deficit in the operations of the MPAC, according to the JUA is to be met by the Secondary College.

The Management Committee established The Mansfield PAC Inc as an incorporated association registered in 2003 and guided by Rules of Association included as an Attachment to this report.

For some time the governance arrangements for the MPAC have fallen short of good practice. The Management Committee has not met regularly with changes in staff over the years in both organisations (Council and Secondary College) contributing to a lack of understanding about the original governance structure inadvertently leading to breaches in complying with the JUA and Incorporated Associations Rules of Association.

### 13.3.2 Mansfield Performing Arts Centre Strategic Development Report cont.

Currently, membership of the Committee comprises Tim Hall, School College Principal and Vicki Rutter on behalf of the Mansfield Secondary College with two Council officers (currently Council's Chief Executive Officer and Co-ordinator Community Development) attending on behalf of Council.

With the Management Committee operating with decreasing success over the years in August 2019 Council engaged Rob Gebert Arts Consultancy for a cost of \$27,290 (ex GST) to develop a Strategic Development Plan for the Mansfield Performing Arts Centre.

The development of a Plan was identified in Council's 2019-2020 budget and aimed to:

- Promote long term sustainability for the facility, and
- Maximise the capacity of Council and its partners to make informed decisions on future management.

The Plan was completed in February 2020 and is provided as an Attachment to this report.

The Plan's key findings include:

- MPAC is an important community facility which plays a key role in supporting the growth in community and cultural events in the Mansfield Shire.
- The level of usage of MPAC is comparable to other performing arts centers, however this usage is dominated by the extended periods in which MMuDS is "in residence" and precludes other usage of the venue.
- Use of the facility by other local groups and organisations is limited.
- There is no regular presentation of professional touring performances and this is unlikely to increase without improved levels of venue support.
- While current hire rates for MPAC are similar to other venues for community users, there is no commercial rate.
- The current management structure is in conflict with governance structures recommended by the Department of Education and Training and through the Local Government Act.
- The current management structure fails to provide adequate venue co-ordination and management.
- The Joint Use Agreement no longer reflects the current operations of MPAC and an amended JUA needs to be developed.

The vision, objectives and strategies included in the Plan were developed in consultation with key stakeholders as part of the community engagement process.

**Vision:**

*Mansfield Performing Arts Centre is a creative hub that strengthens our community through access to, participation in and engagement with a diverse range of community and cultural events.*

### 13.3.2 Mansfield Performing Arts Centre Strategic Development Report cont.

#### **Objectives and Strategies:**

- *Create opportunities for creative participation.*
  - Increase the diversity of users booking MPAC.
  - Increase the size and diversity of audiences attending events at MPAC.
  - Increase the usage of the venue for creative arts events.
  
- *Encourage high levels of community and civic usage.*
  - Increase the usage of the venue for community and civic events.
  - Enhance venue resources to support the delivery of community and civic events.
  
- *Support community connections.*
  - Support the community to build their capacity to create and deliver creative arts events.
  - Strengthen social connections within the Mansfield community.
  
- *Ensure a sustainable future through the provision of appropriate governance and infrastructure.*
  - Develop an appropriate management model for MPAC.
  - Secure the financial and professional staff resources required to achieve the objectives for MPAC.
  - Establish and maintain appropriate business systems including budget and financial reporting and business performance measures.
  - Maintain appropriate facilities maintenance programs that maintain the condition of the venue and meet statutory requirements.
  - Develop a multi-year capital works program.

In order to support these objectives, the Plan recommends the following:

1. Transfer responsibility for the management of MPAC to Mansfield Shire Council while continuing to strengthen the partnership between Mansfield Secondary College and Mansfield Shire Council.
2. Support the delivery of the Action Plan through the adoption of the Strategic Development Plan including the recommended resourcing.
3. Increase the level of usage, size and diversity of audiences through enhanced marketing, venue resources and operational efficiency.
4. Review staffing structure and resources including venue management and provision of technical services.
5. Establish and maintain appropriate business systems including budgets, financial reporting and business performance measures.
6. Adopt the Venue Hiring Rates 2020/2021 and review annually.
7. Adopt an approach to partnering in the presentation of creative events and programming where Mansfield Shire Council takes a level of box office risk.

### 13.3.2 Mansfield Performing Arts Centre Strategic Development Report cont.

8. Establish appropriate facilities maintenance programs that maintains the condition of the venue and meets statutory requirements.
9. The Capital Works Priorities should be adopted and funding allocations provided in future capital works budgets.
10. Work with the Victorian Government and Mansfield Secondary College to develop and adopt an amended Joint Use Agreement for the facility.

#### Statutory Requirements

Prior to construction commencing a Joint Use Agreement (JUA) was signed between the Minister for Education, the Mansfield Secondary College and the Delatite Shire Council on 23 August 1999. The agreement established a Management Committee and is for a total term of 45 years inclusive of further terms. The agreement expires in 2044 unless by mutual agreement.

The Management Committee established Mansfield PAC Inc as an incorporated association registered in 2003 and guided by Rules included as an Attachment to this report.

The Association Rules are in conflict with the JUA on a number of points including:

- There is no limit to the number of members.
- The Quorum for a general meeting is 5 voting members
- The Quorum for a normal committee meeting is any 4 members.
- Vice-president or another member allowed to Chair if President is absent.
- All members who have paid membership fees are entitled to vote.
- Committee of management consists of:
  - 2 members appointed by Mansfield Secondary College
  - 2 members appointed by Mansfield Shire
  - 1 members appointed by MMuDS
  - 1 member appointed by Arts Council of Mansfield
  - Mansfield Secondary College Principal
- All Office holders are elected positions

Mansfield Secondary College have expressed a clear desire to wind up the association due to the fact that the governance structure is in conflict with Department of Education policy.

#### Council Plan

- Strategic Objective 1 Participation and Partnerships
  - 1.3 Partnerships are strong between key service providers and authorities across the municipality.
- Strategic Objective 4 Enhanced Liveability
  - 4.2 We are a community that is passionate about arts, culture, heritage and the environment.

### 13.3.2 Mansfield Performing Arts Centre Strategic Development Report cont.

#### Financial

The Strategic Development Plan outlines a program of improvement activities and associated estimated costs. The Plan assumes that Council will carry the additional costs.

A budget to implement the strategies identified in the Strategic Development Plan has been developed and is summarized below.

	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
<b>Total estimated Revenue</b>	\$38,000	\$47,200	\$68,420	\$84,612	\$101,323
<b>Expenditure</b>					
• Staffing costs	\$44,736	\$46,078	\$55,670	\$65,178	\$83,917
• Theatre operations	\$11,000	\$15,170	\$16,465	\$18,026	\$19,592
• Venue costs	\$27,000	\$29,175	\$31,529	\$34,023	\$36,669
• Programming costs	0	0	\$18,600	\$31,000	\$43,250
• Building maintenance	\$20,000	\$21,000	\$22,050	\$23,153	\$24,310
<b>Total expenditure</b>	<b>\$102,736</b>	<b>\$111,423</b>	<b>\$144,014</b>	<b>\$171,379</b>	<b>\$207,739</b>
<b>Cost to Council</b>	<b>\$ 64,736</b>	<b>\$ 64,223</b>	<b>\$ 75,594</b>	<b>\$ 86,767</b>	<b>\$106,416</b>

The budget estimates venue rental in year 1 to be \$23,000. This figure is comparable to current income figures for the facility which currently sits at approximately \$20,000 per annum. Also included in the total revenue (i.e. year 1 of \$38,000) is the recovery of cleaning costs and technical labor, proposed in the fees and charges to charge on a recovery basis with bookings

The increase in revenue reflects both the adoption of the fees and charges and improved accessibility and promotion to hirers. This figure also illustrates the assumption that there will be no substantial change to revenue received annually from MMuDS but rather that an annual license agreement be negotiated with MMuDS outlining the organisation's annual use and hire fee.

Council has been providing a financial contribution towards insurance and minor building maintenance cost for some time. The governance directing Councils contribution to building maintenance is unclear and an area that needs to be investigated further.

The MPAC Committee currently operates an interest bearing account for the purpose of planning for future capital developments. The current balance of this account is approximately \$100,000.

PAC finances are managed through bank accounts held by the incorporated association with National Australia Bank. Current signatories to this account are Tim Hall and Janessa Burkhart on behalf of Mansfield Secondary College, and Chief Executive Officer, Kaylene Conrick (from August 2020), and Co-ordinator Community Development, Keira McDonagh, on behalf of Council.

### **13.3.2 Mansfield Performing Arts Centre Strategic Development Report cont.**

Given that the Plan was completed in February 2020, it does not address COVID-19 and the devastating impacts this has had on the arts and entertainment industry.

Prior to the current financial year, the facility has been maintained either at, or slightly above cost. Historically, shortfalls have been covered by drawing down on the capital expenditure account.

With the significant loss of income in 2020 it is expected that by 31 December 2020, the Incorporated Association's operating account will have a \$0 balance with \$10,515 in arrears still owing to the Mansfield Secondary College for utility cost reimbursements.

#### **Social**

MPAC is an important community facility that plays a key role in supporting the growth in community and cultural events in the Mansfield Shire.

Research shows that engaging in cultural and creative activities helps us develop a sense of belonging, forges social cohesion, stimulates curiosity and the ability to engage with different perspectives, and can have a range of beneficial effects on health, wellbeing and education outcomes.

When the facility was constructed a key driver for its development was the growing need by the local dramatic society Mansfield Musical and Dramatic Society (MMuDS) for a fit-for-purpose theatre facility. Highly engaged in the planning, fundraising and implementation stages of the development, MMuDS have a strong sense of ownership over the facility and to this day remain the primary user of the facility. As an organisation, MMuDS contributed \$30,000 toward construction costs and along with members of Mansfield Arts Council were instrumental in attracting further philanthropic contributions amounting to over \$200,000.

To have a performing arts venue of MPAC's calibre in a small rural community such as Mansfield is exceptional. It is a testament to the community's passion and support for the performing arts and their commitment to developing and sustaining opportunities for creative participation in the Mansfield Shire.

#### **Environmental**

Nil.

#### **Economic**

Delivery upon the MPAC Strategic Development Plan provides the opportunity to delivery economic benefits to the Mansfield Shire through:

- increasing opportunities for employment;
- improved visitor economy through added attractions, experiences and offering;
- continued population growth driven by improved liveability and cultural vibrancy.

### 13.3.2 Mansfield Performing Arts Centre Strategic Development Report cont.

#### Risk Management

The current governance structure to manage MPAC is failing to meet the responsibilities stipulated in the JUA and operations are financially unsustainable.

Without intervention, there is a risk of continued decline to the facility through aging infrastructure and compliance issues which could ultimately see the loss of this important community asset.

Full adoption the Strategic Development Plan however, will increase risk to Council by intensifying Council's responsibility for the facility and diminishing the model of shared responsibility established through the Committee of Management.

Mansfield Secondary College has expressed a strong desire to see an amendment to the Joint Use Agreement negotiated between the Victorian Government, School Council and Mansfield Shire Council in the near future.

Mansfield Shire Council and Mansfield Secondary College have recently negotiated and entered into a new JUA for the new multi-sports facility currently under construction on Department of Education land as a shared used facility.

Under the JUA for the multi-sports facility, Shire Council as the Community Partner will be issued a License from the Minister and the School Council to use the Facility on the terms and conditions of the agreement.

Council responsibilities under the agreement include:

- management of facility bookings during Community Partner hours.
- maintenance, repair, cleaning, and security of the Facility excluding spaces in which school has exclusive use.
- capital Works in relation to the Facility excluding spaces in which school has exclusive use.
- an agreed percentage of utility costs.

It is anticipated that a negotiated amendment to the current JUA for MPAC will increase Council's financial contribution and operational involvement.

#### Community Engagement

Community and stakeholder engagement was undertaken in accordance with the project's *Communication and Stakeholder Engagement Plan* and included the following activities:

- Facility audit
- 4x stakeholder meetings
- Strategic Planning Workshop
- Meetings with technical contractors



### 13.3.2 Mansfield Performing Arts Centre Strategic Development Report cont.

Stakeholders represented through the community engagement activities included:

- Mansfield Secondary College - School Council and staff members
- MMuDS
- Arts Mansfield (formerly Mansfield Arts Council)
- Local Dance schools
- Local schools
- Local sound and lighting technicians
- Mansfield Shire Council

#### Officer's Comments

The MPAC Strategic Development Plan provides a strong vision for the future of the Mansfield Performing Arts Centre as a valuable community asset. It also provides a clear pathway for achieving this vision through well-defined objectives and strategies supported by highly detailed financial and operational plans.

However, with Mansfield Secondary College indicating their intention to negotiate an amendment to the JUA, it would be premature for Council to adopt the Plan's recommendations, particularly as by doing so it will increase risk to Council by increasing Council's responsibility and financial contribution for the facility whilst diminishing the model of shared responsibility established through the JUA and Committee of Management.

To this end, it is recommended that Council should firstly formalise its responsibilities to the current JUA so that it may support the committee to review and implement the Plan and improve ongoing governance.

At the same time it is necessary that Council works with Mansfield Secondary College and the Department of Education to review and implement appropriate governance structures that will ensure lasting community benefit from this important community facility.

#### Attachments

- 1 Mansfield Performing Arts Centre Strategic Development Plan
- 2 Mansfield Performing Arts Centre Incorporated – Rules of Association



### 13.3.2 Mansfield Performing Arts Centre Strategic Development Report cont.

**Recommendation:**

**THAT Council:**

- 1. receive the Strategic Development Plan for the Mansfield Performing Arts Centre.**
- 2. formally appoint two persons to represent Council on the Mansfield Performing Arts Centre Committee of Management being Council's Chief Executive Officer, Ms Kaylene Conrick, and Community Development Officer, Keira McDonagh.**
- 3. request that the Mansfield Performing Arts Centre Committee of Management review the Strategic Development Plan and report back to Council on how the Committees plans to progress the implementation**
- 4. authorise the Chief Executive Officer to enter into discussions with the Department of Education and Mansfield Secondary College to amend the Joint Use Agreement.**

## 13.3 COMMUNITY AND CORPORATE SERVICES DIRECTORATE CONT.

### 13.3.3 Digital Transformation Strategy 2020-2024

**File Number:** E6446

**Responsible Officer:** Manager Business and Performance, 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 presents the Digital Transformation Strategy 2020-2024 to Council for endorsement.

#### Background

In 2017, during the development of the 2017-21 Council Plan, Council identified a need to modernise the digital profile of the organisation. Council's website needed urgent replacement before it collapsed, and as the community moved toward digital forms of communication in everyday life, Council identified a need to be able to connect in this space.

Digital transformation commenced in a piecemeal manner across the organisation, including the commencement of website redevelopment, Office365 platform roll out and a new asset management software program. However, in order to ensure cohesive and connective system replacement (or upgrade) a Digital Transformation Strategy (DTS) was required, and budgeted in 2019-20 at \$50k. A consultant was engaged in February 2020 and the project commenced in March 2020.

The consultant met with all areas of the organisation in workshops aimed at identifying the current state of Council's digital maturity, and the key improvements required. The Project Control Group then worked with the consultant to prioritise and refine the roadmap actions arising from the strategy.

#### Statutory Requirements

There are no statutory requirements in relation to this report.

The DTS recommends the development of an IT governance framework that will guide the development of policies and procedures in relation to digital asset management.

#### Council Plan

The Council Plan 2017-20 has a number of IT related actions incorporated, including:

- Develop and implement an Information Strategy with an immediate focus on improving the capabilities of our website as an interactive information portal for the community

### 13.3.3 Digital Transformation Strategy 2020-2024 cont.

- Identify opportunities for streamlining processes, data collection and in field connectivity using mobile technology to maximise service efficiency
- Actively seek shared service opportunities with other councils of a similar profile to reduce recurrent expenditure

The DTS seeks to address all three of these actions.

#### Financial

Council have spent on average \$285k per year (about 1.3% of operating revenue) on recurrent IT costs and \$103k per year on one off IT investments/upgrades over the last five years. In a study performed by Deloitte in 2018, it was found that average operational IT spend across all industries was 3.3%, with non-profits at 5.8%.

Due to a chronic underinvestment in IT, the current systems and processes have not kept up with modern capabilities and do not meet the needs of the organisation or its customers.

The strategic roadmap has been costed using estimates based on industry knowledge for the implementation, upgrade and ongoing maintenance of Council’s digital network.

The net effect of the estimated capital and operating requirements of the strategic roadmap are shown across the 5 years of the strategy period:

	2020/21	2021/22	2022/23	2023/24	2024/25
<b>Critical Must-Do Actions</b>					
Estimated Once-Off	\$70,000	\$275,000	\$185,000	\$175,000	
Estimated Additional Recurrent		\$256,000	\$395,500	\$518,000	\$508,000
<b>Discretionary Actions</b>					
Estimated Once-Off	\$30,000	\$40,000	\$100,000	\$115,000	\$10,000
Estimated Additional Recurrent		\$34,800	\$68,800	\$133,000	\$149,400

The above costs are in addition to the current level of recurrent expenditure. By 2024-25 this would place recurrent spend on IT at approximately \$800k, or 3% of operating income.

The DTS costings will be utilised to inform estimates for Council’s Long Term Financial Plan. Actual costs year to year will be subject to project business cases developed and approved by Council in the annual budget process each year.

### **13.3.3 Digital Transformation Strategy 2020-2024 cont.**

#### **Social**

The DTS includes a number of social outcomes including:

- Simple, user friendly access to Council and all its services through websites and other online platforms for those that prefer to interact with Council online
- Customer-centric systems with single view of customers - Council interactions and services will be connected to the same customer profile (currently a customer may have various profiles across a range of different systems for each service)
- Improved engagement platforms and tools to enable opportunities for the community to provide input to Council projects in an easy and user friendly way using online/digital methodology. Council's existing Have Your Say platform is an example of what has already been implemented in this space.

#### **Environmental**

Digital Transformation is anticipated to reduce the use of paper within Council.

#### **Economic**

There are no economic impacts.

#### **Risk Management**

The DTS has been developed with Council's risk management framework front of mind. The implementation of the strategy will commence with the development of an IT governance framework that will be linked to the risk management framework.

Key risks to be managed include IT security in relation to access and storage of data.

#### **Community Engagement**

There has been no community engagement in the development of the DTS.

#### **Officer's Comments**

As a high level summary, the Strategy suggests:

- Implementation of an information and communication technology governance framework to have global oversight of the digital framework, systems and processes, and ensure IT is considered in a consistent and cohesive manner across the organisation
- Improvements to the customer experience through the use of digital channels and technology enhancements
- Change to cloud based platforms and service providers, and a shift away from "boxes and wires" on site

### 13.3.3 Digital Transformation Strategy 2020-2024 cont.

Key outcomes of the Strategy are expected to be:

- Improved customer satisfaction with users of Council services
- Data driven decision making
- Improved efficiency of processes and services, which may free staff resources to focus on strategic issues rather than nuts and bolts
- Improved staff satisfaction as the day to day frustrations are minimised
- Shared services opportunities

One of the key opportunities arising from the Digital Transformation Strategy is for shared service collaboration with neighbouring councils.

There is potential around:

- Joint procurement for services and/or systems (including implementation costs)
- Centralised help desk function
- Centralised IT governance framework and steering committee
- Joint training opportunities
- Collaboration of system or process “champions” across organisations.

The Digital Transformation Strategy is a significant piece of strategic work that will intertwine with all other strategic work, and assist in driving the improvement of the organisation going forward.

Endorsement of the Strategy will allow it to be immediately embedded in the new Council Plan 2021-25. Governance frameworks and processes that do not require financial contribution will commence implementation immediately. Roadmap actions that require funding through the budget will commence planning in accordance with the estimated timeframes in the strategy. These will require business case development, prior to budget approval and then preparation of the appropriate procurement documentation depending of the level of procurement required (i.e. tender, quotes etc.).

Having an endorsed Strategy now will also place Mansfield well to capitalise on and possibly lead the shared service opportunities that are potentially available. To progress this idea it is intended that a joint management briefing be arranged with directors and CEO's from Mansfield's neighbouring Councils to present the Strategy and discuss possible opportunities for collaboration and shared service arrangements.

#### **Attachment**

- 1 Digital Transformation Strategy 2020-2024 – *Plan on a page*



### 13.3.3 Digital Transformation Strategy 2020-2024 cont.

**Recommendation:**

THAT Council endorse the Digital Transformation Strategy 2020-2024, presented as Attachment 1 to this report, specifically the:

- Vision Statement,
- Strategic Positioning,
- Strategic Pillars,
- Objectives, and
- Summary of Roadmap.



## 13.3 COMMUNITY AND CORPORATE SERVICES DIRECTORATE CONT.

### 13.3.4 Financial Report and Performance Statement 2019-20

**File Number:** E6966

**Responsible Officer:** Manager Business & Performance, 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

The annual Financial Report and the Performance Statement for the year ended 30 June 2020 are presented to Council for adoption.

#### Background

The Financial Report and the Performance Statement 2019-20 have been prepared by management and audited by audit service providers Johnsons MME and the Victorian Auditor General's Office (VAGO).

The documents 2019-20 must be signed by Councillors and VAGO.

#### Statutory Requirements

The Financial Report 2019-20 has been prepared in accordance with Australian Accounting Standards, and the Local Government Victoria model.

The Performance Statement 2019-20 is a requirement of the Local Government Performance Reporting Framework and has been prepared in accordance with the Local Government Victoria template workbook and also the model report.

The final, signed Financial Report and Performance Statement will become part of the Annual Report which must be submitted to the Minister for Local Government by 30 November 2020.

This deadline is typically 30 September, but the Minister for Local Government has extended the deadline this year, due to the extensions also granted for budget completion as a result of the pandemic. However given the timing complications arising from the impending Council elections on 24 October, the Financial Report and Performance Statement 2019-20 have been prepared to enable Council to work toward the usual 30 September deadline.

#### Council Plan

This report supports Strategic Direction 5.3 of the Council Plan 2017-21 that our organisation transparently reports on its performance through a comprehensive reporting and audit framework.





### **13.3.4 Financial Report and Performance Statement 2019-20 cont.**

#### **Financial**

The Financial Report outlines the financial result for the year ended 30 June 2020. There are no significant financial impacts in relation to the preparation of the report.

The Performance Statement outlines the results of a number of performance indicators, some of which are financial.

#### **Social**

The Performance Statement outlines the results of a number of performance indicators, some of which are social indicators.

#### **Environmental**

There are no significant environmental impacts in relation to this matter. Copies of the final signed report will be made available electronically, with a small number of printed copies available, reducing the environmental impact of paper.

#### **Economic**

There are no significant economic impacts in relation to this matter

#### **Risk Management**

There are no significant risks in relation to this matter.

#### **Community Engagement**

There has been no community engagement in relation to this matter.

The final signed Financial Report and Performance Statement 2019-20 will become part of the Annual Report 2019-20, which will be a publically available document.

The information contained within the Performance Statement will also be made publically available through the Know Your Council website by Local Government Victoria, usually in November.

#### **Officer's Comments**

The Financial Report and Performance Statement 2019-20 have been reviewed by the audit team from Johnsons MME and the Victorian Auditor General's Office, and received verbal clearance.

The Financial Report and Performance Statement were also presented to the Mansfield Shire Council Audit and Risk Committee, at the 31 August 2020 meeting, where the Committee resolved to recommend their adoption to Council.

### 13.3.4 Financial Report and Performance Statement 2019-20 cont.

The Financial Report 2019-20 shows the following key statistics:

- Surplus of \$3.6m for the year (decrease from budget of \$2.5m)
- Net asset revaluation increment of \$8.1m (buildings, land and land improvements)
- Net assets of \$202m including \$193m in property, infrastructure, plant and equipment
- Cash of \$14.3m including term deposits

A Waste Management Reserve has been recognised in the Financial Report for the first time in 2019-20. The Reserve, dictated by Council's Financial Strategy 2018, depicts the over or under recovery of waste service costs through the waste service charge levied to ratepayers in accordance with the *Local Government Act 1989*. Subsequent to the successful rate variation that allowed the transition of previous excess waste service charges into general rates, it is important to ensure Council publically provide transparent, audited information going forward to prove and support any over or under recovery of the cost to Council of collection and disposal of refuse.

The 2019-20 year resulted in an under recovery (ie costs to provide the service were higher than the amount of income recouped from ratepayers) of \$329k primarily due to once off costs incurred from the Resource Recovery Centre transitioning to an in-house operated service.

Reserves are not typically carried at a negative value, as they are traditionally utilised to "park" cash for future use. Audit have therefore recommended the reserve be removed. Management have not made this adjustment as it is considered critical to provide public record of the level of cost recovery in waste management to ensure transparency of Council's compliance with the *Local Government Act 1989*.

The Performance Statement indicators and their measures are set by Local Government Victoria each year. The 2019-20 statement discontinues three indicators, and these have been replaced with new measures from 2019-20 as described in the table below:

Retired measure	New measure	Change
Animal Management prosecutions	Animal management prosecutions	Now a measure of proportion (percentage) rather than a number
Average residential rate per residential property assessment	Average rate per property assessment	Now includes all assessment types across all differential categories, instead of just residential.
Asset renewal compared to depreciation	Asset renewal and upgrade compared to depreciation	Now includes asset upgrade expenditure as well as renewal.

#### Attachments

- 1 Financial Report 2019-20
- 2 Performance Statement 2019-20



### 13.3.4 Financial Report and Performance Statement 2019-20 cont.

**Recommendation:**

**That Council:**

- 1. adopt in principle the Financial Report and Performance Statement of Mansfield Shire Council for the year ended 30 June 2020; and**
- 2. authorise Mayor Cr Marg Attley and Deputy Mayor Cr Peter Olver to certify the Financial Report and Performance Statement of Mansfield Shire Council for the year ended 30 June 2020 as adopted in principle by Council, subject to any changes required by the Victorian Auditor General's Office.**



## 13.3 COMMUNITY AND CORPORATE SERVICES DIRECTORATE CONT.

### 13.3.5 Finance Report: 1 July 2020 to 31 August 2020

**File Number:** E39  
**Responsible Officer:** Manager Business and Performance, 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 provides information on Council's financial performance against the 2020-21 budget.

This report is for noting only with no decision is required.

#### Background

Council adopted the budget for the 2020-21 financial year at its meeting of 4 August 2020.

This report explains material variances between the year to date actual financial results and the Budget 2020-21. Favourable variances are reported as positive values, while unfavourable variances are shown as negative values.

#### Statutory Requirements

Section 138 of the *Local Government Act 1989*, requires a report comparing expenses and revenue to budget presented to the Council at least every three months (ie quarterly).

Section 97 of the *Local Government Act 2020* will replace the 1989 Act from 24 October 2020. The new legislation will require quarterly reporting as soon as practicable after the end of each financial quarter, and in addition, a statement by the CEO in the second quarterly report of the financial year as to whether a revised budget is or may be required.

#### Council Plan

Strategic Direction Five: Responsible leadership

#### Financial

There is no direct financial impact in relation to this report. The financial reports attached provide the opportunity for regular monitoring of Council's financial position to ensure compliance with budgets.

#### Social

Nil.

### 13.3.5 Finance Report: 1 July 2020 to 31 August 2020 cont.

#### Environmental

Nil.

#### Economic

Nil.

#### Risk Management

Regular financial reporting is part of Council's financial strategy to ensure budgets are complied with and the short to medium term financial sustainability of Council is maintained.

#### Community Engagement

The 2020-21 budget engagement process facilitated opportunities for community feedback on Council's budget. There has been no community engagement around the actual results against the budget.

#### Officer's Comments

#### *Dashboard*

Indicator	Result YTD	Budget YTD / Target	Favourable / Unfavourable	Variance
Operating surplus/(deficit)	15,713,049	13,939,742	F	1,773,307
Underlying surplus/(deficit)	14,857,702	13,611,202	F	1,246,500
Capital expenditure	25,436	13,494	F	11,942
Working capital ratio	9.64	1.00	F	8.64
Cash and financial assets	13,389,294	8,146,000	F	5,243,294

#### *Operating Finance Report*

#### Operating Income & Expenditure Actual against Budget

The year to date operating result is favourable (underspent) against the 2020-21 budget by \$1.2m (9%). Major variances are summarised below. Future forecasts will be adjusted for these and also for carried forward projects which are also outlined below.

#### Favourable Variances (underspend)

- \$254k Revenue Services – Supplementary valuations are higher than budgeted YTD.
- \$82k Family Services & Partnerships – \$32k unbudgeted grant income received for Community Activation & Social Isolation which has not yet been expended. Additional Integrated Family services income has been secured up until 1 October 2020, increasing income over budget \$9k YTD. Maternal & Child Health currently under budget \$17k due to vacant position not yet filled.



**13.3.5 Finance Report: 1 July 2020 to 31 August 2020 cont.**

- \$50k Executive Management – timing only in relation wages budget phasing (resulting from re-structure).
- \$71k Road Network Maintenance – wages \$56k under budget due to vacant positions and increased leave taken. Materials \$31k under budget (timing only) which is expected to increase over spring as the weather improves.
- \$82k Risk Management – Insurances came in under budget by \$86k.
- \$714k Working for Victoria – Timing only. Grant funding for this program has been received in advance. Various positions have not yet been filled. Any unspent funding will be returned upon acquittal.

Unfavourable Variances (overspend)

- \$56k Emergency Management Recovery – Timing only in relation to bushfire recovery grant funding. Additional funding has been budgeted, but not yet received. Bushfire recovery funds will be fully expended and require no contribution from Council.

**Capital Works Report**

Capital Income & Expenditure Actual against Budget

The net year to date capital works variance (net of capital income) is \$514k (163%) underspent compared to the 2020-21 year to date budget.

This year’s capital works program is currently predominately in the planning stages. Major variances in the capital works currently relate to income which was not budgeted as it was received last year. A change in accounting standards has resulted in this income being accounted for in the 2020-21 year. Capital income affected by this include, Fixing Country Roads, Ghadaba Edible & Medicinal Garden, and the Dual Court Stadium.

**Overall Position**

Operating Variance Favourable/(Unfavourable)	\$1,246,500
Capital Variance Favourable/(Unfavourable)	\$514,865
Total Variance Favourable/(Unfavourable)	\$1,761,365

**Working Capital Ratio**

The working capital ratio (WCR) compares current assets to current liabilities and is an indicator of Council’s capacity to meet its immediate debts when they fall due. A WCR of more than 1:1 (or 100%) is considered healthy.

WCR = 9.6:1 (960%)

The high working capital ratio is reflective of the full year rates income being raised in August and reported as a current asset (debtors). The first instalment of rates is due 30 September 2020.

**13.3.5 Finance Report: 1 July 2020 to 31 August 2020 cont.****Carry Forward Projects**

The following items have been identified as requiring carry forward to 2020-21 in accordance with Council's Carry Forward Projects Policy 2018.

**CAPITAL**

2019-20 total capital underspend -	\$4.6m
Total amount of capital carry forward -	\$3.1m
Percentage unspent funds carried forward -	67%

Carry over amount	Project	Rationale
<b>\$278,487</b>	Twin Steer Water Truck	Procured prior to year-end – delivery delayed.
<b>\$1,253,519 (net of income)</b>	Stages 3&4 Heavy Vehicle Bypass	Grant funded project
<b>\$139,250</b>	Barwite Road Reconstruction	Contracted project underway
<b>\$71,800</b>	Pavement patching program	Contract awarded
<b>\$932,367 (net of income)</b>	Dual court indoor sports stadium	Grant funded and contracted project underway
<b>\$128,666</b>	Mt Buller Rd footpath	Grant funded and contracted project underway
<b>\$50,000</b>	Footpath reconstruction program	Project underway, delayed by weather.
<b>\$80,000</b>	Kerb and channel reconstruction program	Project underway, delayed by weather.
<b>\$67,003</b>	Malcolm Street road reconstruction	Contract awarded
<b>\$63,146</b>	Alpine Ridge road reconstruction	Contract awarded

**OPERATING**

2019-20 total operating underspend -	\$0.4m
Total amount of operating carry forward -	\$0.6m
Percentage unspent funds carried forward -	171%

Carry over amount	Project	Rationale
<b>\$31,046</b>	Engage!	Grant funded program (3 yrs)
<b>\$37,622</b>	Age Friendly Communities program	Grant funded program
<b>\$14,000</b>	Official Visitor Guide production	Deferred due to COVID19 – commitment shared with Mt Buller
<b>\$58,152</b>	Maternal Child Health	Funding received in excess of budget that must be spent
<b>\$3,686</b>	Integrated family services – program development	Grant funded program
<b>\$7,409</b>	Integrated family services – flexible packages	Grant funding that must be spent or returned
<b>\$76,063</b>	High Street West drainage study	Contracted project commenced but incomplete

**13.3.5 Finance Report: 1 July 2020 to 31 August 2020 cont.**

Carry over amount	Project	Rationale
\$20,000	Tablet devices for integration with Assetic in the field	Required to facilitate roll out of the next module of the Assetic system which was delayed.
\$9,656	Flexible COVID funding	Unbudgeted grant income received in the prior year that must be spent.
\$33,373	Commercial and Industrial Land Use study	Grant funded project commenced but incomplete
\$56,198	Planning Strategy (Mansfield 2040)	Commenced but incomplete
\$40,000	Open Space Strategy	Commenced but incomplete
\$42,830	Statutory Planning service review	Commenced but incomplete
\$11,500	Scheme Amendment – town approaches study	Commenced but incomplete
\$15,000	Station Precinct – historical society shed	Grant funded project
\$30,260	Station Precinct – all abilities playground (design)	Grant funded project
\$24,889	Free from Violence program	Grant funded project
\$50,000	Community Vision and Community Engagement	As per Council resolution in February 2020, and related to the implementation of requirements under the new <i>Local Government Act 2020</i>
\$37,716	Digital Transformation Strategy	Contracted project incomplete at year end.

**Attachment**

- 1 August 2020 Year To Date Financial Report, comprising:
  - 1 Income and Expenditure Summary
  - 2 Operating Report – income and expenditure by business unit
  - 3 Capital Works Report – income and expenditure
  - 4 Balance Sheet
  - 5 Statement of Cash Flows

**Recommendation:****THAT Council:**

1. receive the Year to Date Finance Report for the period 1 July 2020 to 31 August 2020; and
2. endorse the carry forward projects from the 2019-20 budget to the 2020-21 budget.



## 13.3 COMMUNITY AND CORPORATE SERVICES DIRECTORATE CONT.

### 13.3.6 Appointment of an Independent Member to the Mansfield Shire Audit and Risk Committee

**File Number:** E34  
**Responsible Officer:** Mandy Kynnersley, Manager Business and Performance

#### Disclosure of Conflicts of Interest

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

#### Summary

This report provides Council with the outcome of its recent advertisement process calling for an independent committee member for Council's Audit and Risk Committee.

A Council decision is required to appoint or decline applications for independent members to the Audit and Risk Committee (ARC).

#### Background

The Charter of Council's ARC dictates that membership of the Committee should consist of:

- Two Councillors
- Three or four skill based representatives, being external independent persons who collectively have suitable expertise, knowledge and experience in financial management and risk, and experience in public sector management.

The Charter also states that the term of appointment for independent members is three years on a rolling cycle so as to facilitate at least one new appointment each year.

One of the incumbent independent member's, Ms Katie Lockey, term of appointment expires 13 November 2020, and the position will become vacant at that time. There are two other independent members, Mr Bruce Potgieter and Mr Peter Johnston, whose terms remain current. Council must choose to appoint a minimum of one or a maximum of two independent members.

Council initially advertised positions on Council's website from 1 July 2020, and in the Mansfield Courier on 1, 8, 15 and 23 July 2020. Applications closed 27 July 2020. From this process Council received seven applications. Ms Lockey did not re-apply.

The interview panel, consisting of the Audit and Risk Committee Chair, Mr Bruce Potgieter, Councillor Harry Westendorp, and Council's Manager Business and Performance Mandy Kynnersley selected three applicants to interview. A summary of the relevant items on each interviewee's curriculum vitae follows:

### **13.3.6 Appointment of an Independent Member to the Mansfield Shire Audit and Risk Committee cont.**

#### **Applicant 1**

- Over 30 years' experience in audit, compliance and risk management fields.
- Bachelor of Business (Accounting)

#### **Applicant 2**

- Current CEO and Director of a large retail business
- Current member of the Audit and Finance Committee of a not for profit organisation
- Masters of Business Administration

#### **Applicant 3**

- Over 20 years' experience in State and Local Government finance roles.
- Certified Practicing Accountant

Council has been provided with a copy of the three applications by separate cover.

Although Council's Charter does not specifically outline criteria by which applications for independent committee member positions can be assessed, the following type of criteria is often used:

- Level and breadth of senior business, management, finance and accounting and /or audit experience and qualifications;
- Level of familiarity in relation to local government operations, financial reporting and auditing requirements, risk management and corporate governance;
- Previous Audit and Risk Committee experience
- Capacity to undertake the role

#### **Statutory Requirements**

The ARC is established in accordance with the requirements of s53 of the *Local Government Act 2020*.

The Charter of the ARC is endorsed by Council and dictates that:

- Council shall call for nominations for the appointment of skill based representatives to the Committee
- Council shall make the appointment by resolution
- Members of the Committee shall be eligible for re-appointment for a further term or terms of three years each

#### **Council Plan**

Strategic objective five: Responsible leadership



### **13.3.6 Appointment of an Independent Member to the Mansfield Shire Audit and Risk Committee cont.**

#### **Financial**

Each independent ARC member receives a stipend of \$1,000 per meeting attended. There are typically four meetings scheduled per year. The 2020-21 budget allows for \$12,000 in stipend costs. There are no additional financial costs related to the recommended appointment.

#### **Social**

The appointment of independent members to the ARC allows for community participation in providing advice to Council on financial and risk matters.

Of the applicants interviewed, none reside within the Mansfield Shire.

#### **Environmental**

There are no environmental impacts in relation to this matter.

#### **Economic**

There are no significant economic impacts in relation to this matter

#### **Risk Management**

The ARC is a key control in Council's Risk Management Framework. The appointment of independent members with proven skills in risk management is essential to ensuring successful oversight of Council's operations.

#### **Community Engagement**

Advertisement for the available positions on the ARC was issued on Council's website from 1 July 2020 and in the local newspaper on 1, 8, 15 and 23 July 2020. Seven applications were received.

#### **Officer's Comments**

Council is required to appoint a minimum of one (maximum of two) independent members to the Committee prior to the November/December ARC meeting to ensure compliance with the Charter.

The position advertised in July 2020 received seven applications of which three progressed to interview as selected by the interview panel.

Following the interviews with the applicants the panel recommend Council appoint Ms MohLee Ng (Applicant 1) for a term of three years.

#### **Attachments**

Nil



**13.3.6 Appointment of an Independent Member to the Mansfield Shire Audit and Risk Committee cont.**

**Recommendation:**

**THAT Council:**

- 1. appoint Ms MohLee Ng as an independent member on the Audit and Risk Committee for a term of 3 years commencing 13 November 2020;**
- 2. write to all applicants to inform them of Council's decision and thank them for their applications; and**
- 3. thank Ms Katie Lockey for her service to the Audit and Risk Committee during her 12 months term.**

## 14. 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 August 2020	<p><b>Councillors' Briefing Session – via Zoom</b></p> <p><b>Councillors:</b></p> <ul style="list-style-type: none"> <li>• Cr Marg Attley</li> <li>• Cr Paul Volkering</li> <li>• Cr Peter Olver from 12 noon</li> <li>• Cr Paul Sladdin</li> <li>• Cr Harry Westendorp</li> </ul> <p><b>Apologies:</b></p> <p><b>External Attendees:</b></p> <p><b>Consultants:</b></p> <ul style="list-style-type: none"> <li>• Simon Micmacher, Charter Keck Cramer</li> <li>• David Hale, RMCG</li> <li>• Emily Hobbs, Phoebe Harrison and Patrick Fenshaw SGS Economics and Planning</li> </ul> <p><b>Officers:</b></p> <ul style="list-style-type: none"> <li>• Chief Executive Officer, Kaylene Conrick</li> <li>• GM Infrastructure and Planning, Kirsten Alexander</li> <li>• Finance Manager, Mandy Kynnersley</li> <li>• Community Development Team Leader, Kirsten Lingard</li> <li>• Community Development Officer – Volunteers, Arts and Culture, Keira McDonagh</li> <li>• Property Management Officer, Angela Cesarec</li> <li>• Governance and Risk Co-ordinator, Michelle Kain</li> <li>• Manager, Planning and Environment, Ben McKay</li> <li>• Corporate and Organisational Development Manager, Sharon Scott</li> </ul>	<p><b>Conflicts of Interest:</b> NIL</p> <p><b>Issues Discussed:</b></p> <ul style="list-style-type: none"> <li>• Mansfield Performing Arts Centre Business Plan</li> <li>• Lake Eildon Management Agreement Audit</li> <li>• Governance Rules</li> <li>• Commercial and Industrial Strategy</li> <li>• Planning Strategy – Mansfield 2040</li> <li>• Election page on website</li> <li>• Heavy Vehicle Bypass Project</li> <li>• Resource Recovery Centre – open by appointment only</li> <li>• Victorian Electoral Commission</li> <li>• LGV Mandatory Training</li> <li>• Questions at Council</li> <li>• Water leaks High Street, Mansfield</li> <li>• Botanic Park works</li> <li>• Outlying Community Infrastructure Projects Framework</li> <li>• Lakins Road subdivision</li> <li>• Cultural Heritage Management Plan update</li> </ul>

**14. ASSEMBLIES OF COUNCILLORS CONT.**

<b>DATE</b>	<b>TYPE OF ASSEMBLY</b>	<b>ISSUES DISCUSSED</b>
1 September 2020	<p><b>Councillors' Briefing Session – via Zoom</b></p> <p><b>Councillors:</b></p> <ul style="list-style-type: none"> <li>• Cr Marg Attley</li> <li>• Cr Paul Volkering</li> <li>• Cr Peter Olver from 12 noon</li> <li>• Cr Paul Sladdin</li> <li>• Cr Harry Westendorp</li> </ul> <p><b>Apologies:</b></p> <p><b>External Attendees:</b></p> <p><b>Consultants:</b></p> <ul style="list-style-type: none"> <li>• Grosvenor Performance Group reps, Brian Mendis and Ashleigh Fitzgerald</li> <li>• Corporate Strategic Systems representative, Phil Bourke</li> </ul> <p><b>Officers:</b></p> <ul style="list-style-type: none"> <li>• Chief Executive Officer, Kaylene Conrick</li> <li>• GM Infrastructure and Planning, Kirsten Alexander</li> <li>• Manager Business and Performance, Mandy Kynnersley</li> <li>• Senior Co-ordinator Community and Economic Development, Kirsten Lingard</li> <li>• Co-ordinator Governance and Risk, Michelle Kain</li> <li>• Manager Planning and Environment, Ben McKay</li> </ul>	<p><b>Conflicts of Interest:</b> NIL</p> <p><b>Issues Discussed:</b></p> <ul style="list-style-type: none"> <li>• Caretaker/Election Period conduct</li> <li>• Statutory Planning Service Review</li> <li>• Digital Transformation Strategy</li> <li>• COVID-19 Impacts on Mansfield Swimming Pool</li> <li>• Cliff Roadworks</li> <li>• Township Approaches Amendment</li> <li>• Public Amenities Cleaning Contract</li> <li>• Spraying in Built Up Areas</li> <li>• Seating outside Business During Stage 3 Restrictions</li> <li>• Upgrade, Mt. Buller Road</li> <li>• Bins Outside Chicken Shop</li> <li>• Malcolm Street Service Station Application</li> </ul>

**Recommendation:**

**THAT Council receive and note the Assembly of Councillors report for the period 18 August to 1 September 2020.**

**15. COUNCIL RESOLUTIONS REGISTER**

This report presents to Council a schedule of outstanding actions from Council meetings held from 20 August 2019 to 9 September 2020.

**Attachment**

1 Council Resolutions Register

**Recommendation:**

**THAT Council receive and note the Council Resolutions Register as at 9 September 2020**

**16. ADVISORY AND SPECIAL COMMITTEE REPORTS**

Nil.

## 17. AUTHORISATION OF SEALING OF DOCUMENTS

Nil.

## 18. CLOSURE OF MEETING TO MEMBERS OF THE PUBLIC

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

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

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

### **Recommendation:**

**THAT the meeting be closed to members of the public under Section 66(2)(a) of the *Local Government Act 2020* to consider confidential information, as defined by section 3(1) of the *Local Government Act 2020* as:**

- (a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released**

## 19. PRESENTATION OF CONFIDENTIAL REPORTS

The following confidential reports will be considered by the Council:

- 19.1 Award Contract – Provision of Labour Hire Services for the Operation of the Mansfield Swimming Pool**
- 19.2 Contract Award – Panel for Provision of Arboriculture Services**
- 19.3 Contract Award – Panel for Supply of Quarry Products**
- 19.4 Contract Award - Bulk Fuel Supply**
- 19.5 Contract Award - Reseal Preparation Works**
- 19.6 Barwite Road Contract Resolution**
- 19.7 Contract Award - Extension and Reconstruction of View Street, Mansfield**
- 19.8 Chief Executive Officer Six Month Performance Review Report 2020/21**



**20. REOPEN MEETING TO MEMBERS OF THE PUBLIC**

**Recommendation:**

**THAT Council reopen the meeting to members of the public.**

**21. CLOSE OF MEETING**