



# COUNCIL MEETING

## TUESDAY, 15 SEPTEMBER 2020

# MINUTES

## UNCONFIRMED

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

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# **COUNCIL MEETING**

## **TUESDAY, 15 SEPTEMBER 2020**

# **MINUTES**

## **UNCONFIRMED**

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

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

The Mayor, Cr Marg Attley OAM, opened the meeting at 5.02pm.

### **2. PRESENT**

Cr Marg Attley, *Tolmie Ward*  
Cr Peter Olver, *Mansfield Ward*  
Cr Paul Volkering, *Mansfield Ward*  
Cr Harry Westendorp, *Jamieson Ward*  
Cr Paul Sladdin, *Bonnie Doon Ward*

#### **In attendance:**

Chief Executive Officer:	Kaylene Conrick
General Manager Infrastructure & Planning:	Kirsten Alexander
General Manager Community & Corporate Services (Interim):	Jenny McMahon
Manager Planning & Environment:	Ben McKay
Manager Business & Performance:	Mandy Kynnersley
Senior Coordinator	
Community & Economic Development:	Kirsten Lingard
Senior Coordinator Field Services:	Mark Osborne
Manager Operations & Capital Works:	Kristian Burchat
Coordinator Governance & Risk:	Michelle Kain

### **3. APOLOGIES**

Nil.

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

Cr Attley read the statement and called 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:

*“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

Cr Volkering declared a conflict of interest in respect of item 13.2.2.

Ms Conrick, CEO declared a conflict of interest in respect of item 19.2.

## 7. CONFIRMATION OF MINUTES

**Councillors Sladdin/Volkering:**

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

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

**be confirmed as an accurate record.**

**Carried**

## 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
  - Lorraine Bruce
  - Andrew Field
  - 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
  - Ken Skinner
  - Simone Reeves (Applicant)
  - Judy Dixon (Applicant)

## 9. NOTICES OF MOTION

Nil.



## 10. MAYOR'S REPORT

**Councillors Sladdin/Westendorp:**

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

**Carried**

## 11. REPORTS FROM COUNCIL APPOINTED REPRESENTATIVES

**Councillors Olver/Volkering:**

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

**Carried**

## 12. PUBLIC QUESTION TIME

### Question

**Name: Dave Bennett**

*Please inform us why the Mansfield rubbish tip was closed while no other rubbish tips in Victoria were shutdown under the same covid guidelines. This is a service that is funded in part by us rate payers but we will not see a reduction in our rates for our lost service.*

### Council Response

Visiting the Mansfield Resource Recovery Centre to dispose of household waste was not considered a valid reason to leave home under the Governments Stage 3 COVID restrictions. The Mansfield Resource Recovery Centre has remained open to essential commercial and trade customers and residents without a kerbside collection service. This is also in line with other neighbouring Councils who, acting on the advice provided by the State Government, introduced restrictions to their Resource Recovery Centre operations.

Further to the Government Restrictions, Council also has an obligation to protect staff from exposure to customers visiting the facility from Stage 4 restricted areas or outside of the Municipality to avoid any potential for transmission of corona virus. Therefore, the decision was made to restrict access to the facility, limiting potential for staff exposure to the virus from visitors in the more heavily restricted areas.

With the relaxation of restrictions announced by the Victorian Government today, the Mansfield Resource Recovery Centre will be open to the general public as of 12noon Friday 18 September.



## 13. OFFICER REPORTS

### 13.1 DEPARTMENTAL REPORTS

Councillors Westendorp/Volkering:

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

Carried

### 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

*Mrs Lorraine Bruce, Mr Andrew Field and Ms Jane Macey made a representation in relation to this item.*

Councillors Sladdin/Volkering:

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.



**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.**

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 Liquefied 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).

**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.



**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.**

- (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).

**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.





**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.**

**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.

**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.



**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.**

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.

**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 spilt 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.

**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.**

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 professionals, as outline 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).

**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.**

*An amendment was put to include the following as a third dot point under Endorsed Plans:*

**Councillors Westendorp/Sladdin:**

- 3. Prior to the commencement of any works, a plan demonstrating the design of the acoustic fence must be submitted to, and approved by, the Responsible Authority. The plan must:
  - (a) demonstrate how it will mitigate noise to adjoining properties on the western boundary**
  - (b) provide the acoustic treatment to the fencing for the outdoor eating area****

**Carried**

*The substantive motion then became:*

**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.**
- 3. Prior to the commencement of any works, a plan demonstrating the design of the acoustic fence must be submitted to, and approved by, the Responsible Authority. The plan must:
  - (a) demonstrate how it will mitigate noise to adjoining properties on the western boundary**
  - (b) provide the acoustic treatment to the fencing for the outdoor eating area****

**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.**

**Service Station**

4. Offensive odours must not be discharged beyond the boundaries of the premises.
5. Displaced petrol fumes must be collected with a vapour recovery system.
6. 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.
7. 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.
10. 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).

**Site Environmental Management Plan**

11. 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**

12. Access to the property must be via locations approved by the Responsible Authority.
13. 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.
14. 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.
15. All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).



**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.**

16. 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.
17. 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).

**Drainage**

18. 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**

19. 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**

20. 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.

**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) 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**

21. 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.

**Loading and unloading**

22. 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.
23. 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**

24. 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**

25. 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.
26. The small outdoor terrace adjacent to the store is only allowed to be available to patrons 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.**

**Storage of garbage and materials for recycling**

27. 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**

28. 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.
29. 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)**

30. 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.

**Reticulated services**

31. 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**

32. 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**

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

**EPA**

34. 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.
35. Any equipment or operations that have the potential to make noise must have noise barriers such as screens erected around them.

**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.**

36. All equipment must be kept in good repair and attended promptly to loose or rattling covers, worn bearings and broken equipment.
37. All ventilation and extractor fans must be noise efficient or fitted with silencers, and all ducts should be lined with sound-absorbent materials.
38. A secondary containment system must be provided for liquids which if spilt are likely to cause pollution or pose an environmental hazard, in accordance with EPA Publication 347 Bunding Guidelines 1992 or as amended.
39. The permit holder must ensure that litter, originating from the premises is not present beyond the boundaries of the premises.
40. Prior to the commencement of use, vapour recovery must be installed to ensure vapours are recovered and prevented from escaping to the atmosphere.
41. 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.
42. 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).

**VicRoads Condition**

43. 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
44. 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**

45. The location and dimensions of the signs shown on the endorsed plans must not be altered without the written consent 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.**

46. 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.
47. All signs must be constructed and maintained to a safe and tidy standard to the satisfaction of the Responsible Authority.
48. All signs must not contain any intermittent illumination or moving parts to the satisfaction of the Responsible Authority.
49. All lighting must not emit light onto sensitive land beyond the site.

**Signage Expiry Date**

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

**Time for starting and completion**

51. 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.



**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.**

**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)

**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 experiences 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.

Carried

## 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

6.10pm – Cr Volkering, having declared a conflict of interest, left the meeting.

Mr Ken Skinner, Ms Simone Reeves and Ms Judy Dixon made representation in relation to this item.

#### Councillors Sladdin/Oliver:

**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.**
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.**

### **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.**

- 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.**
- 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.**

### **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.**

- 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).**

#### **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.**

### **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.**

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.

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.





**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.**

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.
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.

**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.**

**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*.

**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).

### **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**

- 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.**
  - 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.**

### **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.**

- 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.
- 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.**

### **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.**

#### **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.**

#### **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.

### **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 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.

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.



**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.**

**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.

**Carried**

6.34pm – Cr Volkering returned to the meeting.



## 13.2 INFRASTRUCTURE AND PLANNING DIRECTORATE CONT.

### 13.2.3 Amendment to Highton Manor Development Plan

Councillors Olver/Sladdin:

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.

Carried

### 13.2.4 Draft Commercial and Industrial Land Use Strategy

Councillors Westendorp/Sladdin:

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.

Carried

### 13.2.5 Statutory Planning Services Review

Councillors Volkering/Sladdin:

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

Carried

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

Councillors Volkering/Westendorp:

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.

Carried





### 13.3 COMMUNITY AND CORPORATE SERVICES DIRECTORATE

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

Councillors Westendorp/Olver:

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.

Carried

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

Councillors Sladdin/Volkering:

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.

Carried

#### 13.3.3 Digital Transformation Strategy 2020-2024

Councillors Volkering/Olver:

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.

Carried



### **13.3 COMMUNITY AND CORPORATE SERVICES DIRECTORATE CONT.**

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

**Councillors Westendorp/Sladdin:**

**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.**

**Carried**

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

**Councillors Volkering/Sladdin:**

**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.**

**Carried**

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

**Councillors Westendorp/Volkering:**

**THAT Council:**

- 1. appoint Ms Moh Lee 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.**

**Carried**



**14. ASSEMBLIES OF COUNCILLORS**

**Councillors Volkering/Olver:**

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

**Carried**

**15. COUNCIL RESOLUTIONS REGISTER**

**Councillors Volkering/Westendorp:**

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

**Carried**

**16. ADVISORY AND SPECIAL COMMITTEE REPORTS**

Nil.

**17. AUTHORISATION OF SEALING OF DOCUMENTS**

Nil.

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

**Councillors Volkering/Sladdin:**

**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**

**Carried**

**6.57PM – SUSPENSION OF STANDING ORDERS**

**Councillors Sladdin/Olver:**

**THAT Council suspend standing orders to allow Councillors and Officers a short break.**

**Carried**



## 7.03PM – RESUMPTION OF STANDING ORDERS

Councillors Westendorp/Sladdin:

THAT Council resume standing orders.

Carried

## 19. PRESENTATION OF CONFIDENTIAL REPORTS

### 19.1 **Confidential:** Award Contract – Provision of Labour Hire Services for the Operation of the Mansfield Swimming Pool

Councillors Volkering/Olver:

THAT Council:

1. Award the contract for the provision of labour Hire Services to MomentumOne Shared Service Pty Ltd for a period of one year commencing 16 September 2020 with 2 X two year options to extend (1+2+2) at Council's discretion.
2. Given the social and wellbeing benefits of operating the service confirms its commitment to operating Mansfield Swimming Pool for the summer 2020-2021 season in line with State Government COVID directives and industry guidelines, noting the likely increase in cost in delivering this service;
3. Make this resolution (Part 1 and 2 above) public by including it within the public minutes of the Council meeting.

Carried

### 19.2 **Confidential:** Contract Award – Panel for Provision of Arboriculture Services

Councillors Westendorp/Olver:

THAT Council:

1. Award a Schedule of Rates contract to Advanced Tree Care, High Country Tree Services and Arboressence for the rates as tendered, for the purpose of forming a panel for the Provision of Arboriculture Services for a 3 year period, with the option of 2 x 1 year extensions at the end of the 3 year term.
2. Make this resolution (Part 1 above) public by including it within the public minutes of the Council meeting.

Carried



**19. PRESENTATION OF CONFIDENTIAL REPORTS CONT.**

**19.3 Confidential: Contract Award – Panel for Supply of Quarry Products**

Councillors Sladdin/Westendorp:

THAT Council:

1. Award a Schedule of Rates contract to Lima South Quarry Pty Ltd, West Paps Quarry and Norville Nominees Pty Ltd (Euroa Quarries) for the rates as tendered, for the purpose of forming a panel for the Supply of Quarry Products for 1 year with the option of 2 x 1 year extensions at the end of the one year term.
2. Make this resolution (Part 1 above) public by including it within the public minutes of the Council meeting.

Carried

**19.4 Confidential: Contract Award - Bulk Fuel Supply**

Councillors Volkering/Sladdin:

THAT Council:

1. award a contract to Caltex Australia Pty Ltd for the supply of bulk fuel to the Mansfield Shire Depot under the terms of the Procurement Australia Contract 2003-0107-1 Bulk Fuel, for the remaining panel contract period until April 2021, with an option to extend for a further 12 months.
2. make this resolution (Part 1 above) public by including it within the public minutes of the Council meeting.

Carried

**19.5 Confidential: Contract Award - Reseal Preparation Works**

Councillors Volkering/Sladdin:

THAT Council:

1. award a Schedule of Rates contract for the 2020-21 Reseal Preparation Program to Country Wide Asphalt & Civil for the rates as tendered, and based on the amended scope of works.
2. make this resolution (Part 1 above) public by including it within the public minutes of the Council meeting.

Carried



19. PRESENTATION OF CONFIDENTIAL REPORTS CONT.

19.6 **Confidential:** Barwite Road Contract Resolution

19.7 **Confidential:** Contract Award - Extension and Reconstruction of View Street, Mansfield

Councillors Sladdin/Olver:

THAT Council:

1. Award a contract to Alpine Civil for the lump sum amount of \$1,589,194.94 ex GST for the construction of sealed road pavement and drainage infrastructure, as specified in the tender documents; in View St, Mansfield, the new carpark and bus turnaround at the eastern end of View Street, and the roundabout to be constructed at the intersection of View Street and Highett Street;
2. Approve a design contingency amount of \$158,919.49 ex GST to cover the variation of the pavement thickness recommended by the engineering design review.
3. Approve a construction contingency amount of \$174,811.44 ex GST.
4. Make this resolution (Part 1, 2 and 3 above) public by including it within the public minutes of the Council meeting.

Carried



**19. PRESENTATION OF CONFIDENTIAL REPORTS CONT.**

**19.8 Strictly Confidential: Chief Executive Officer Six Month Performance Review Report 2020/21**

*7.31pm Chief Executive Officer, Ms Kaylene Conrick, left the meeting.*

*7.32pm Chief Executive Officer, Ms Kaylene Conrick, returned to the meeting*

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

**Councillors Westendorp/Volkering:**

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

**Carried**

**21. CLOSE OF MEETING**

There being no further business the meeting concluded at 7.33pm

CONFIRMED this **twentieth** day of **October 2020**

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**Mayor**