



Mansfield Shire

# Council Meeting

Tuesday 18 April 2023 5:00 pm  
ZOOM

Notice and Agenda of meeting livestreamed via the  
[Mansfield Shire Council website](#)  
Commencing at 5pm

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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.

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## **Councillors**

Cr James Tehan (Mayor)  
Cr Steve Rabie (Deputy Mayor)  
Cr Mark Holcombe  
Cr Paul Sladdin  
Cr Rohan Webb

## **Officers**

Kirsten Alexander, Chief Executive Officer  
Melissa Crane, General Manager Infrastructure and Planning  
Nola Bales, Acting General Manager Community and Corporate Services

## Order of Business

### 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 2020*, a Councillor must declare any Conflicts of Interest pursuant to sections 126 and 127 Act in any items on this Agenda.

Council officers or contractors who have provided advice in relation to any items listed on this Agenda must declare a Conflict of 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 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 The Chief Executive Officer will provide a status update to the Council for each Department.**

**13.2-13.3 Officer reports are presented to the Council, where required.**

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

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

A Council position is adopted on the matters considered.

Detailed reports prepared by officers from the Community and Corporate Services Directorate will also be considered by the Council:

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

A Council position is adopted on the matters considered.

## **14. Council resolutions report**

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

## **15. Advisory and Special Committee reports**

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

## **16. 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.

## **17. 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.

## **18. Presentation of confidential reports**

## **19. Reopen meeting to members of the public**

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

## **20. Close of meeting**

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

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# Agenda

## 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 Holcombe
- Councillor Rabie
- Councillor Sladdin
- Councillor Webb

Councillors will respond 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 Steve Rabie 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 Holcombe
- Councillor Rabie
- Councillor Sladdin
- Councillor Webb

## 7. Confirmation of minutes

### Recommendation

THAT the Minutes of the Mansfield Shire Council meetings held on 21 March 2023 and 4 April 2023 be confirmed as an accurate record.

## 8. Representations

## 9. Notices of motion

## 10. Mayor's report

Mayor James Tehan will present the monthly Mayor's report to the Council as follows:

*I hope everyone had a good Easter and enjoyed the school holidays. It's been a big March in Mansfield Shire, with a fantastic month of events filling the calendar, including the inaugural Pottery Festival, Stock Dog Spectacular, Readers and Writers Festival, Highline, and the Merrijig Rodeo.*

*At Council the annual budget process is well under way, with 102 community responses received through the early budget engagement. We look forward to sharing the proposed budget in response to the community feedback, which will be up for public review in May, in preparation for adoption by Council in late June.*

*We held an additional council meeting on 4 April for award of a tender for construction of the Mansfield Heritage Museum. The contract has been awarded to Hennessy Constructions Pty Ltd for \$1,477,559.90 (ex GST), and we will see the Stage 1 building works for the museum get underway later in 2023 (after winter). With the rich history on display from Mansfield Historical Society and the opportunities this facility will present to the community in the future to learn about our local palaeontology (Fish Fossils) and Taungurung cultural heritage, we're really excited to see these works commence. Community fundraising for the project has been significant, with around \$101,000 raised from local business and community contributions, including Mansfield & District Community Bank and MCHAC (Mansfield Cultural Heritage and Arts Committee).*

*Contracts have also been awarded for recycling and waste services to Cleanaway as the primary provider. The contracts include collection of household recycling and waste from kerbside bins, emptying of public bins and sorting of recycling. From July 2024, green waste bins will also be introduced in the urban areas of Mansfield Shire.*

*We have installed five new defibrillators in five facilities around Mansfield to assist the community with any cardiac emergencies. The machines have been installed at the following locations:*

- *Mansfield Sporting Complex - exterior wall facing oval*
- *Mansfield Secondary College Dual Court Stadium - exterior wall facing school*
- *Mansfield Resource Recovery Centre - exterior wall facing drop off zone*
- *Mansfield Field Services Depot – tearoom external wall*
- *Mansfield Botanical Park toilet block - exterior between the entrance between male and female toilets*

*It's been great to see our resheeting program recently completed, with 108.8 kms in total of unsealed gravel roads upgraded over the past two years across Mansfield Shire. This includes 14 kms of resheeting work completed by Council's Field Services team in addition to their regular road maintenance grading program.*

*Approximately 125,720 tonnes of gravel material has been placed and compacted, with reshaping of the road surface completed to provide better drainage, smoother travel and less wear and tear on vehicles.*

*And lastly, we're very excited to see visuals of the Library renovation works, with regular progress updates shared on social media by our enthusiastic Library team. If you aren't already, be sure to follow Mansfield Library Victoria for regular updates on the refurbishment. We're looking forward to sharing the new space with the community, which shouldn't be too far away now.*

*Cr James Tehan  
Mayor*

### **Recommendation**

THAT COUNCIL receive the Mayor's report for the period 22 March 2023 to 6 April 2023.



## 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	<ul style="list-style-type: none"> <li>▶ Mayor Cr James Tehan</li> <li>▶ Cr Steve Rabie</li> <li>▶ Cr Mark Holcombe</li> </ul>
Mansfield Shire CEO Employment Matters Committee	<ul style="list-style-type: none"> <li>▶ Mayor Cr James Tehan</li> <li>▶ Cr Steve Rabie</li> <li>▶ Cr Mark Holcombe</li> </ul>
Goulburn Murray Climate Alliance (GMCA)	<ul style="list-style-type: none"> <li>▶ Cr Rohan Webb</li> </ul>
Hume Regional Local Government Network (HRLGN)	<ul style="list-style-type: none"> <li>▶ Mayor Cr James Tehan</li> </ul>
Mansfield Shire Council Audit and Risk Committee	<ul style="list-style-type: none"> <li>▶ Mayor Cr James Tehan</li> <li>▶ Cr Mark Holcombe</li> </ul>
Municipal Association of Victoria (MAV)	<ul style="list-style-type: none"> <li>▶ Mayor Cr James Tehan</li> <li>▶ Substitute - Deputy Mayor</li> <li>▶ Cr Steve Rabie</li> </ul>
Rural Councils Victoria (RCV)	<ul style="list-style-type: none"> <li>▶ Mayor Cr James Tehan</li> <li>▶ Cr Paul Sladdin</li> </ul>

### 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. Chief Executive Officer's report

File Number: E103

Responsible Officer: Chief Executive Officer, Kirsten Alexander

#### Introduction

The Chief Executive Officer's report allows a short briefing to be provided to the Council on the current operations, tasks and projects undertaken within each department over the past month.

The Chief Executive Officer report will provide information relation to:

- ▶ Customer Service
- ▶ Governance
- ▶ Capital Works
- ▶ New Initiatives
- ▶ Building Services
- ▶ Regulatory Services
- ▶ Revenue Services
- ▶ Community Health and Wellbeing
- ▶ Visitor Services (VIC and Library)
- ▶ Communications

#### Recommendation

THAT COUNCIL receive and note the Chief Executive Officer's report for the period 22 March 2023 to 11 April 2023.

#### Support Attachments

1. CEO Report – March 2023 [13.1.1 - 39 pages]

## 13.2. Infrastructure and Planning Directorate

### 13.2.1. Howqua Public Boat Ramp

<b>File Number</b>	E3951	<b>Responsible Officer</b>	Infrastructure & Planning Directorate Support, Brad Bennetts
<b>Purpose</b>			

To provide Council with the results of site investigation and community engagement undertaken in relation to the proposed new public boat ramp at Howqua and seek Council endorsement of the proposed location for the boat ramp.

#### Executive Summary

Council has been investigating options to construct a new public boat ramp near Howqua Inlet in collaboration with Goulburn-Murray Water (GMW) and Better Boating Victoria. There is currently no public boat ramp available for use to access Lake Eildon between the existing boat ramps located at Goughs Bay and Jamieson.

Two rounds of community engagement have been undertaken in 2022 and 2023 to identify any potential concerns and the feasibility of addressing these concerns for several alternative boat ramp locations on the eastern side of Lake Eildon, in the vicinity of Howqua Inlet.

Following consultation, a high-level ramp is proposed to be designed and constructed approximately 400m east of the Howqua Inlet residential area, accessible from Mansfield-Woods Point Road.

Better Boating Victoria are currently in the process of engaging a consultant to undertake the detailed design work for the ramp.

#### Key Issues

#### Background

The proposal for a new public boat ramp originated in a 2015 community petition to Council and GMW with approximately 500 signatories. The petition proposed a communal ramp be built in a central location in the Howqua Inlet area. Work initially commenced on a ramp at Barnetts Road, Howqua Inlet, before being paused in early 2016 to enable community consultation to be undertaken with property owners along Barnetts Road and the adjacent Lake Drive.

A subsequent detailed proposal for a ramp was produced in 2019 by the Howqua & Macs Cove Sub-committee of the Jamieson Community Group. This proposal was for a low-level ramp operating between Lake Eildon's 60% Supply Level and 38% Supply Level, located approximately 300m north-west of Barnetts Road. This proposal led to the inclusion of Howqua Inlet in the Victorian Recreational Boating Strategy 2021-2030 as a future boat ramp site.

GMW initiated an investigation and concept design project for an enhanced Howqua Inlet ramp in 2022 using grant funding from the Victorian Government's Better Boating Fund 2021-22. This proposal was similar to the 2019 community group proposal, with a ramp operating from Full Supply Level (FSL) to 38% proposed to be located at the end of Barnetts Road.

The GMW business case confirmed the need for multiple access points to Lake Eildon to meet recreational boating demand and highlighted the lack of public ramps between Jamieson and Goughs Bay. It cited current issues in that area with boats launching from the lakebed and into the river, including:

- ▶ Environmental damage, erosion, sedimentation, degrading water quality.
- ▶ Damage to trailers, vehicles and boats including vehicles becoming bogged.
- ▶ Restricted to 4WD access only.
- ▶ Public personal risk.

As the proposed site is on GWM freehold land, a Land Use Activity Agreement was not considered to be required. A desktop assessment indicated that a Cultural Heritage Management Plan was required for the project and recommended undertaking a Cultural Heritage Due Diligence at the commencement of the project to better identify the options available.

Due to resourcing issues, GMW invited Council to assist by managing the project through the conceptual design and community engagement phase in a back-to-back arrangement for delivery against the grant funding objectives. A Project Control Group (PCG) was formed with Better Boating Victoria and GMW representatives and Council officers.

### **Site Selection and Community Engagement**

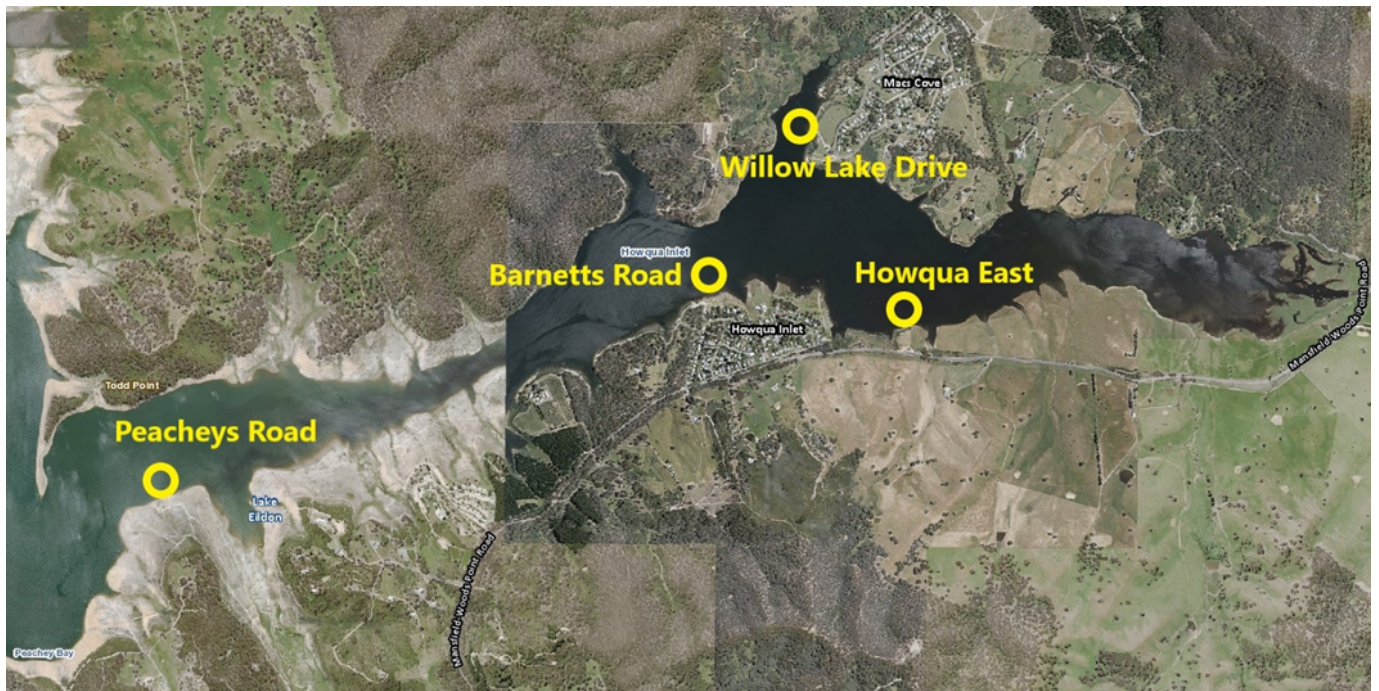
Council undertook community engagement in June and July 2022 to assess community sentiment in relation to the proposed ramp at Barnetts Road and identify concerns that would need to be addressed in the ramp design. The engagement received 166 online survey responses and several phone calls and written submissions. It found strong support for a public boat ramp, with 131 respondents indicating they were happy with the proposal, but also significant concern about increased activity and disturbance close to nearby residents' homes – concerns that could not be addressed through design. 27 respondents indicated they were unhappy with the proposal.

Alternative location options were subsequently investigated and developed. Instead of a single ramp, two smaller ramps were proposed – a low-to-mid-level ramp and a high-level ramp – together serving the same lake levels as the 2022 proposal. Two location options for each were presented in a second community engagement from January to March 2023.

The options presented were:

- ▶ A low-to-mid-level ramp at Barnetts Road, Howqua Inlet
- ▶ A low-to-mid-level ramp at Peacheys Road, Howqua Inlet
- ▶ A high-level ramp at Willow Lake Drive, Macs Cove
- ▶ A high-level ramp on Mansfield-Woods Point Road, approximately 400m east of Howqua Inlet's main residential area, referred to as "Howqua East"

GMW data indicates that lake levels are expected to make the low-to-mid-level ramp operational approximately 50% of the time, and the high-level ramp operational an additional 30% of the time.



*Aerial image of Howqua Inlet and Macs Cove showing the four options*

The revised Barnetts Road proposal was now a shorter ramp, with increased distance between the ramp and nearby houses.

The 2023 engagement received 131 online survey responses as well as direct submissions. It again indicated strong sentiment and various competing preferences among respondents. While 3 of the 4 proposals were generally supported, various concerns were identified in relation to each location.

For the low-to-mid-level ramp, although neither option was clearly preferred, the Peachey's Road option was more positively viewed than the revised Barnetts Road option.

For the high-level ramp, the "Howqua East" option was preferred by a clear majority, and the community sentiment towards this option was generally positive. There were conflicting views and ambivalent sentiment towards the alternative Willow Lake Drive option.

Concerns expressed in relation to the "Howqua East" location focused on wildlife, issues resulting from boat users exceeding the 5-knot speed limit, traffic and safety on Mansfield-Woods Point Road, the use of the area for canoeing and swimming and management of potential impacts on an adjacent commercial grazing property.

A full report on the 2023 engagement is attached, including response data, individual comments and Council Officer analysis and conclusions. It recommends proceeding with the "Howqua East" option with consideration for addressing the concerns that were raised in relation to it as part of the detailed design process.

It recommends further consideration of issues raised in relation to the Peachey's Road option (at a later stage).

### **Future Project Delivery**

During the engagement, the Project Control Group (PCG) members agreed to postpone work on the low-to-mid-level ramp because the currently high lake levels were expected to prevent construction for the foreseeable future. Accordingly, no recommendation to Council relating to

the low-to-mid-level ramp is included in this report. Council endorsement is sought to proceed with the “Howqua East” location as the preferred location for a high-level ramp.

Following the 2022 community engagement results, work on the site investigation and conceptual design was suspended pending review of the alternative ramp location. Following Council consideration of the preferred location, this work will be completed and will include:

- ▶ Basic concept designs to inform the detailed design.
- ▶ Investigation into expected costings.
- ▶ Cultural heritage due diligence at the site.

These will enable a detailed design of the ramp to be completed in 2023. Council will continue to participate in the PCG, advocating for a solution aligned with the interests of community members and undertaking further consultation as required through the detailed design process to address the issues raised by stakeholders.

<b>Recommendation</b>
<p>THAT COUNCIL:</p> <ol style="list-style-type: none"> <li>1. Notes the community engagement outcomes.</li> <li>2. Endorses the adoption of the “Howqua East” (parcel number 2\TP880936) location on Mansfield-Woods Point Road as the preferred location for a new public boat ramp, to operate between Lake Eildon’s Full Supply Level and 79% Supply Level.</li> <li>3. Notes that the detailed design of the new boat ramp will progress based on the above preferred location and will include further stakeholder consultation.</li> </ol>
<b>Support Attachments</b>
<ol style="list-style-type: none"> <li>1. Community Engagement Report [13.2.1.1 - 27 pages]</li> </ol>

## Considerations and Implications of Recommendation

### Sustainability Implications

The design of the boat ramp will give due consideration to the environmental conditions of the area and will respond appropriately to any constraints.

### Community Engagement

Community Engagement has been undertaken in accordance with the Council Community Engagement Policy. Details of the engagement can be found in Attachment 1.

### Collaboration

Not Applicable

### Financial Impact

Is not in the Budget but an external grant has been obtained by GMW. Council has received full funding to deliver the investigation and concept design project on behalf of GMW. Council will continue to be involved in the PCG through the detailed design phase.

The boat ramp will be located on GMW land, and maintenance of the ramp will be covered by the existing Licence agreement with GMW, with funding available for maintenance and upgrade of boating infrastructure through Better Boating Victoria.

### **Legal and Risk Implications**

**Environmental Risk:** It is expected that Indigenous artifacts are located in the environment around the proposed ramp location, and there is a risk that these would be disturbed in construction of the ramp. These risks are planned to be mitigated through the Cultural Heritage Due Diligence and Cultural Heritage Management Plan process.

**Reputation Risk:** The proposal for a boat ramp at Howqua Inlet has been contentious, and Council has considered reputational risk in planning and undertaking extensive community engagement for the project. Consideration of the impacts on various stakeholders will be further considered as part of detailed design, however reputational risks are considered to have been substantially mitigated by thorough community engagement.

**Social Risk:** Several respondents to Council's community engagement raised concerns of increased anti-social behaviour in proximity to residents' homes. A site separated from Howqua Inlet's main residential area has been recommended in response to these concerns.

### **Regional, State and National Plans and Policies**

Is in accordance with the Victorian Recreational Boating Strategy 2021 – 2030.

### **Innovation and Continuous Improvement**

Not Applicable

### **Alignment to Council Plan**

Theme 1: Connected and Healthy Community Strategic Objective 2: Activities that promote connection and fitness of our people and visitors

Strategy 2.2 Create an environment where community and clubs can recreate, socialise and contribute to the health and wellbeing of the community

Strategy 2.3 Enhance the social and economic value of tourism to Mansfield.

Theme 2: Vibrant Liveability Strategic Objective 3 Future focused: Intelligent land use and infrastructure

Strategy 3.1 Protect natural vistas and farmlets

Theme 2: Vibrant Liveability Strategic Objective 5 Prosperous: Industries, businesses and workforces of the future

Strategy 5.1 Create conditions that enable local businesses

Theme 3: A Trusted, Effective and Efficient Council Strategic Objective 6: Council possesses in-house and outsourced capability to meet community expectations

Strategy 6.1 Use and gain knowledge of our community to make good decisions

Theme 3: A Trusted, Effective and Efficient Council Strategic Objective 8 A consultative Council that represents and empowers its community

Strategy 8.1 Increase community trust in Council to make informed decisions with "no surprises"

### **Governance - Disclosure of Conflicts of Interest**

The author of this report and officers providing advice in relation to this report do not have a conflict of interest to declare in this matter, in accordance with the Local Government Act 2020.

### 13.2.2. P238/22 - 390 Pollards Road, Mansfield - Delatite Winery

<b>File Number</b>	P238/22 DA7234	<b>Responsible Officer</b>	Coordinator Statutory Planning, Nicole Embling
<b>Purpose</b>			

The purpose of this report is to seek Council’s determination of application P238/22, lodged for the *use and development of land for Group Accommodation (14 Eco-Villas) and an associated Restaurant*.

This application is being referred to Council for determination as there are more than three (3) submissions objecting to the proposal and due to the estimated cost of the works being over \$5million.

<b>Executive Summary</b>	
<i>Application Details</i>	
<b>APPLICANT</b>	Mr Tony Yap, Alpine Lodge Group Pty Ltd C/O- Intro Architecture Pty Ltd
<b>PROPOSAL</b>	use and development of land for Group Accommodation (14 Eco-Villas) and an associated Restaurant
<b>APPLICATION LODGED</b>	6 December 2022
<b>NOTICE AND SUBMISSIONS</b>	The application was advertised to 15 adjoining and nearby owners and occupiers. A sign was placed on the property boundary, near the access. The application was advertised in the local newspaper, the Mansfield Courier for two weeks. Following the notice period, five (5) submissions were received objecting to the application.
<i>Property Details</i>	
<b>PROPERTY ADDRESS</b>	390 Pollards Road, Mansfield
<b>LAND DESCRIPTION</b>	Lot 1 on Plan of Subdivision 734878H
<b>RESTRICTIVE COVENANTS</b>	None registered on title
<b>LAND AREA</b>	71.67 hectares
<b>EXISTING USE</b>	Delatite Winery, including the vineyard, Cellar Door and Restaurant
<i>Planning Provisions</i>	
<b>ZONE</b>	Clause 35.07 Farming Zone
<b>OVERLAYS</b>	Clause 42.03 Significant Landscape Overlay – Schedule 1, Alpine Approach Significant Landscape Area (SLO1)



	Clause 42.01 Environmental Significance Overlay – Schedule 2 (ESO2) – not at proposed development site
<b>MUNICIPAL PLANNING STRATEGY</b>	Clause 02.03-2 – Environmental and landscape values Clause 02.03-4 – Natural resource management Clause 02.03-7 – Economic development
<b>PLANNING POLICY FRAMEWORK</b>	Clause 13.02-1S – Bushfire planning Clause 14.01-1S – Protection of agricultural land Clause 15.01-6S – Design for rural areas Clause 17.04-1S – Facilitating tourism Clause 17.04-1L – Facilitating tourism in Mansfield Shire
<b>PARTICULAR PROVISIONS</b>	N/A
<i>Permit Triggers</i>	
<b>FARMING ZONE</b>	Clause 35.07-1 – A permit is required for the use of land for Group Accommodation as a Section 2 use.  Clause 35.07-4 – A permit is required for buildings and works associated with a Section 2 use
<b>SIGNIFICANT LANDSCAPE OVERLAY</b>	Clause 42.03-2 – A permit is required to construct a building or construct or carry out works
<i>Other</i>	
<b>CULTURAL SENSITIVITY</b>	Yes, partially and not at the proposed development site.

The subject land is located on the southern side of Pollards Road, and at the intersection of Pollards Road and Stoneys Road. There are two sheds used for the manufacturing and processing of wine, a Cellar Door and associated offices, and a Restaurant. The land is occupied with vineyards, which supply produce for the making of wine onsite. The land has historically been used for viticulture and is trading as Delatite Winery.



Figure 1 – Aerial image of the subject land

The accommodation buildings and restaurant are proposed to be located on the east side of the central driveway, near the northern boundary with a setback of approximately 60-metres from Pollards Road. When approaching from Pollards Road the restaurant building would be visible first and will provide a reception office for guests to check-in. The accommodation buildings are proposed to be sited along the remainder of the internal driveway, towards the existing Cellar Door and Restaurant.

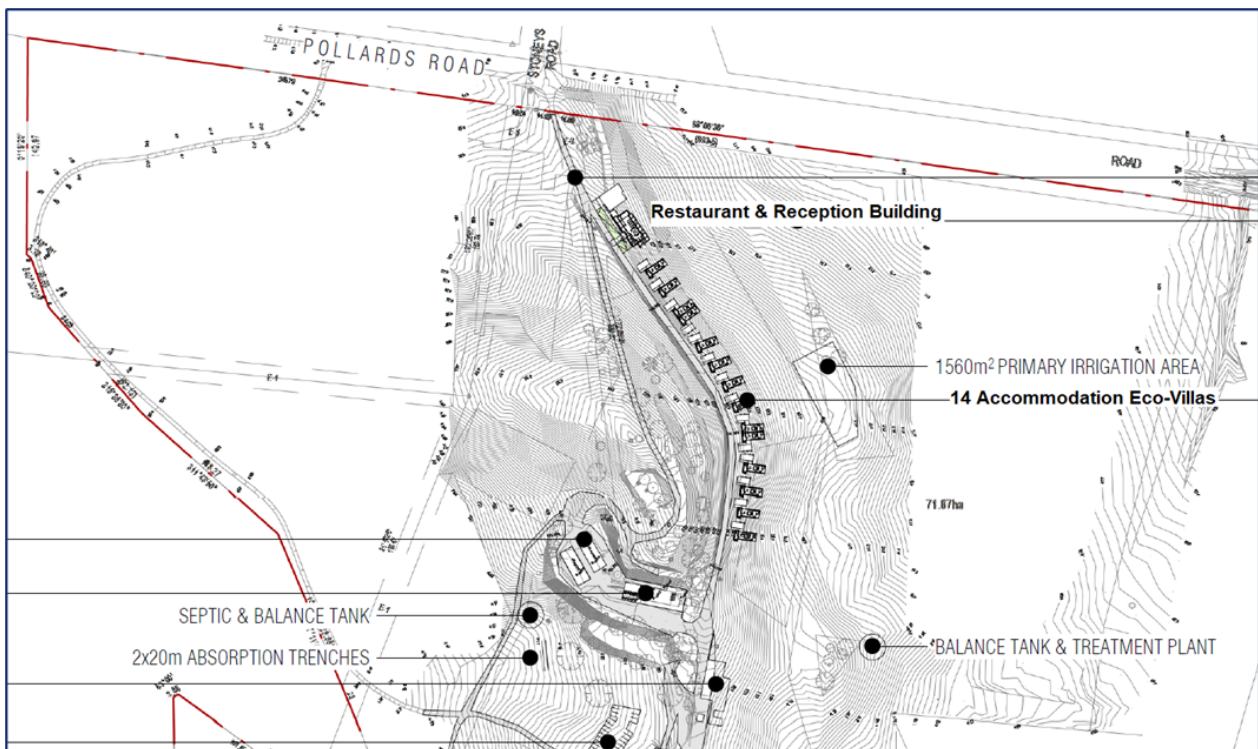


Figure 2 – submitted Site Plan for proposed Group Accommodation

The application has been referred to the Environment Protection Authority (EPA) in relation to the treatment and disposal of wastewater onsite, who have provided conditional consent. Internal referral advice was also sought from Council’s Environmental Health and Engineering Departments, who are supportive of the proposal subject to conditions.

Pursuant to Section 52 of the Planning and Environment Act 1987, the proposal was advertised to adjoining and nearby property owners and occupiers, a sign was placed onsite and public notice was in the local newspaper. As a result of public notice, five (5) submissions objecting to the proposal have been received.

**Key Issues**

A detailed Delegate Report with the full Officer Assessment of the proposal can be found at Attachment 1. A copy of the submitted proposed plans can be found at Attachment 2.

In summary, the key issues considered as part of this assessment are as follows:

**Accommodation would overlook adjoining properties**

The adjoining and surrounding properties are used for agricultural activities; the nearest sensitive use (dwelling) is approximately 700 metres north of the development site. From a planning perspective, this distance does not allow a clear view into the neighbouring dwelling, and is not considered overlooking per se, rather that the buildings will be able to see the dwelling only. The permit applicant has also advised that the buildings and their orientation have been designed to have views of the mountains, not the neighbouring property. However, in order to address this concern further, conditions have been included as part of the recommendation require additional landscaping along the north boundary of the subject land to provide a visual screening to and from the site in a northerly direction.

**The proposal is not in accordance with the Significant Landscape Overlay (SLO) for the Alpine Approach**

When considering the impacts of the buildings in relation to the SLO officers have to give due regard to the landscape objectives to be achieved. An assessment of the proposal against these objectives is as follows:

Objective	Officer Assessment	Complies?
Identify and protect the visual values of the landscape of state significance on the approaches to mountains and ranges, including Mount Buller, Mount Stirling, Mount Timbertop and other significant mountains	The orientation of the property and topography of the surrounding landscape between Pollards Road and Mt Buller Road is such that the development has no impact to the specified views for vehicles travelling east along Mt Buller Road.	Yes
Protect short and long distance views of Mount Buller from the Mt Buller Road, other approach roads and public viewpoints.	The development is proposed to be sited on the eastern slope of the rise, with some higher ground behind. It is expected that this development could be seen from adjoining and neighbouring properties to the north and east but will be screened by the typography of the land from the west.	Yes
Avoid the visual impact of buildings and works in the landscape.	The proposed buildings are single storey in height with external materials and colours which are complimentary of the surrounding landscape and will not	Yes

Objective	Officer Assessment	Complies?
	dominate the landscape or detract from the picturesque views that the SLO1 seeks to protect.	
Minimise the visual impact of buildings and works by requiring setbacks from prominent visual areas, ridgelines and adjoining and nearby private land.	While the proposed buildings would be visible from surrounding properties, they will not impede views to the mountain ranges or particularly draw attention. The requirement for landscaping around the proposed buildings and northern property boundary will minimise the visibility of the buildings from surrounding properties.	Yes

In summary, while the proposed buildings would be visible from surrounding properties, they will not impede views to the mountain ranges or particularly draw attention. The requirement for landscaping around the proposed buildings and northern property boundary will reduce the visibility of the buildings from surrounding properties and significantly reduce the potential visual impact.

**Increase of traffic on Pollards Road and Stoneys Road**

The proposal would slightly increase the traffic on Stoneys Road, especially as Delatite Winery have stated that guests will be encouraged to use this route, instead of Pollards Road as it is safer.

Stoneys Road is generally in good condition and capable of additional traffic, travelling at reasonable speeds for the road conditions.

**Additional traffic would restrict ability to move stock on roads**

The minor increase in traffic volumes in the area is not considered significant enough to impact stock movements on roads. Appropriate signage and management of stock is required by the stock manager/owner and therefore traffic speeds are reduced when stock are on the road, or road reserve.

**Dust**

Council Officers acknowledge that the existing gravel road conditions of Pollards Road and Stoneys Road cause dust to impact adjoining properties with vehicle use. It is likely that any additional traffic will also create dust. However, the amount of additional traffic is considered minor and would not worsen the severity of dust.

**Narrow crests on Pollards Road are dangerous**

There are two substantial blind crests on Pollards Road that pose a reasonable hazard to vehicles, especially as the trafficable width of the gravel road is fairly narrow.

Permit conditions as part of the Officer Recommendation would require the permit holder to widen the road at the crests to increase safety.

**Intersection of Pollards Road and Mansfield-Woods Point Road has poor visibility**

The applicant is proposing to encourage all guests to utilise Stoneys Road to access Delatite Winery, including existing guests of the Cellar Door and staff.

**Land use conflicts, between existing operating farms and tourism**

There is an existing tourism use of the land and the proposed accommodation buildings are to be sited with generous setbacks from all boundaries and there are existing attractions onsite which would deter guests from wandering beyond the property. It is anticipated that guests would either remain on the site or would travel by car to other tourist attractions in the Shire.

## Recommendation

THAT COUNCIL issue a **Notice of Decision to Grant a Planning Permit** for Planning Application P238/22 for use and development of land for Group Accommodation (14 Eco-Villas) and an associated Restaurant on **Lot 1 on Plan of Subdivision 734878H**, commonly addressed as 390 Pollards Road, Mansfield in accordance with the endorsed plans and subject to the following conditions:-

### Endorsed Plans

1. The use and development as shown on the endorsed plans must not be altered or modified without the written consent of the responsible authority.
2. Prior to the commencement of works an amended Landscaping Plan is to be submitted to and approved by the responsible authority. The Landscaping Plan must be generally in accordance with the plans submitted and amended to detail:
  - a. Native mature tree plantings along the northern boundary, east of the existing access, to screen the proposed development from Pollards Road and surrounding properties.

### Amenity

3. Prior to the commencement of use the landscaping must be planted to the satisfaction of the responsible authority and in accordance with the endorsed landscaping plan.
4. The use must not detrimentally affect the amenity of the neighbourhood to the satisfaction of the Responsible Authority, including through the:
  - a. Transport of materials, goods or commodities to or from the land;
  - 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.
5. No more than twenty-eight (28) persons may be accommodated away from their normal place of residence at any given time.
6. The permit holder acknowledges and accepts that the possibility of nuisance from adjoining or nearby agricultural operations may occur. The possible off-site impacts include but are not limited to dust, odour, waste, vibration, soot smoke, or the presence of vermin, from animal husbandry, animal waste, spray drift, agricultural machinery, pumps, trucks and associated hours of operation. In acknowledging the existence of the agricultural operations being conducted from adjoining or nearby land, the permit holder and guests of the accommodation shall not make complaint against lawful agricultural activities on the adjoining or nearby land.

### External Cladding

7. The external materials of the buildings, including the roof, must be constructed of materials of muted colours to protect the aesthetic amenity of the area. No materials having a highly reflective surface must be used.  
For the purpose of this clause "highly reflective" includes unpainted or untreated aluminium, zinc or similar materials.

### Premise Closure

8. The use of the Group Accommodation Building approved under this permit must not operate after 10.00am on any day with a declared Fire Danger Rating of Extreme or Catastrophic.

### Wastewater Treatment

9. The wastewater disposal area must be located at least: 100m from any waterways (including dams on a waterway), 40m from any drainage lines, 60m from any dams, and 20m from any bores. \*Where wastewater is treated to at least a secondary standard, the distance may be reduced in accordance with the current EPA Code of Practice – Onsite

Wastewater Management. However, where possible setback distances must be maximised.

10. The wastewater disposal area must be kept free of stock, buildings, driveways, car parking and service trenching and must be planted with appropriate vegetation to maximise its performance. Stormwater must be diverted away. Unless wastewater disposal is by subsurface irrigation methods, a reserve wastewater disposal field of equivalent size to the primary disposal field must be provided for use in the event that the primary field requires resting or has failed.
11. Prior to the commencement of any works the permit holder must ensure that any obligations or duties that arise under the Environment Protection Act 2017 are met. This may include obtaining an EPA permission, approval, or exemption in accordance with the *Environment Protection Regulations 2021*.
12. All sewage and sullage shall be treated in accordance with the requirements of the Responsible Authority. All effluent shall be disposed of and contained within the curtilage of the property in accordance with the EPA Code of Practice On Site Wastewater Management and the Australian Standards AS 1547 - 2000 Disposal Systems for Effluent from Domestic Premises and AS/NZS 1547:2000/2012 On-site Domestic- Wastewater Management.

### **Engineering**

13. Prior to the commencement of works internal access road must be upgraded to be of an all-weather construction with dimensions adequate to accommodate emergency vehicles and be sufficient to satisfy CFA access requirements.
5. All road and stormwater design work must be conducted by a suitably qualified CPEng, RPEng or National Engineering Registered (NER) engineer, to the satisfaction of the Responsible Authority.
14. Prior to the commencement of works a Traffic Impact Assessment Report is to be submitted to and approved by the responsible authority to demonstrate existing and expected traffic along Pollards and Stoneys Road, considering the impacts at the interconnections of Mansfield-Woods Point Road and Mt Buller Road, including seasonal peak traffic flows.
15. Prior to the commencement of works design drawings and engineering plans must be submitted to Council for approval for safety and improvement works along Stoneys Road and Pollards Road, including widening narrow roads at crests and upgrades to the culvert on Stoneys Road.
16. Prior to the commencement of use the road safety upgrades and improvements as determined in the approved engineering plans must be completed to the satisfaction of the responsible authority.
17. Prior to the commencement of works a Stormwater Management Plan must be submitted to and approved by the responsible authority.
5. All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).

### **Permit Expiry**

18. This permit will expire if one of the following circumstances applies:
  - a. The development is not started within two (2) years of the date of this permit
  - b. The development is not completed and use commenced within four (4) years of the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing in accordance with the *Planning and Environment Act 1987*.

## Support Attachments

1. Delegate Assessment Report [13.2.2.1 - 23 pages]
2. Application Documents [13.2.2.2 - 16 pages]

## Considerations and Implications of Recommendation

### Sustainability Implications

The application has been assessed against the provisions of the Mansfield Planning Scheme, which includes consideration of building design, integrated water management and natural resource management, with the requirement to make the development as sustainable as possible within the current legislation.

### Community Engagement

The application was advertised to nearby and adjoining landowners, had a notice of application placed on the site and a notice placed in the Mansfield Courier, in accordance with the provisions of the *Planning and Environment Act 1987* and Council's community engagement policy.

### Collaboration

Not Applicable

### Financial Impact

The application has been assessed within existing Council resources in the Statutory Planning Department. An application fee of \$8,982.90 was received for the application.

### Legal and Risk Implications

The application has been assessed under the provisions of the *Planning and Environment Act 1987* and the Mansfield Planning Scheme. Should a permit be issued, any objector may seek a review of this decision at the VCAT, and the permit applicant may seek a review at the VCAT of any conditions placed on the permit. If Council determines to issue a Notice of Decision to Refuse to Grant a Permit (not recommended), the permit applicant may seek a review of this decision at the VCAT.

### Regional, State and National Plans and Policies

The application has been assessed in accordance with the *Planning and Environment Act 1987* and the Mansfield Planning Scheme.

### Innovation and Continuous Improvement

Not Applicable

### Alignment to Council Plan

Theme 1: Connected and Healthy Community Strategic Objective 2: Activities that promote connection and fitness of our people and visitors  
Strategy 2.3 Enhance the social and economic value of tourism to Mansfield.

Theme 2: Vibrant Liveability Strategic Objective 3 Future focused: Intelligent land use and infrastructure

Strategy 3.1 Protect natural vistas and farmlets

Theme 2: Vibrant Liveability Strategic Objective 5 Prosperous: Industries, businesses and workforces of the future

Strategy 5.2 Enable land use and base infrastructure that stimulates commercial activity

### **Governance - Disclosure of Conflicts of Interest**

The author of this report and officers providing advice in relation to this report do not have a conflict of interest to declare in this matter, in accordance with the Local Government Act 2020.



### 13.2.3. DP003/22 - 175 Dead Horse Lane & 141 Lakins Road, Mansfield - Industrial Development Plan

<b>File Number</b>	DA2854 DP003/22	<b>Responsible Officer</b>	Coordinator Statutory Planning, Nicole Embling
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#### Purpose

The purpose of this report is to seek Council's determination of application DP003/22, lodged for the approval of a Development Plan for Industrial land at 175 Dead Horse Lane and 141 Lakins Road, Mansfield.

#### Executive Summary

<i>Application Details</i>	
<b>APPLICANT</b>	Ian Brashaw, Urban Plan, on behalf of David Luelf
<b>PROPOSAL</b>	Development Plan for Industrial Zoned land
<b>APPLICATION LODGED</b>	11 October 2022
<b>NOTICE AND SUBMISSIONS</b>	Application was advertised Three submissions were received
<i>Property Details</i>	
<b>PROPERTY ADDRESS</b>	175 Dead Horse Lane, Mansfield, and 141 Lakins Road, Mansfield
<b>LAND DESCRIPTION</b>	Crown Allotment 39, Parish of Mansfield, and Crown Allotment 40, Parish of Mansfield
<b>RESTRICTIVE COVENANTS</b>	No restrictions registered on the Titles
<b>LAND AREA</b>	57.85 hectares
<b>EXISTING USE</b>	<u>174 Dead Horse Lane</u> Existing single dwelling and associated shedding, with large areas of land used for light agricultural purposes, i.e. grazing and hay cutting. <u>141 Lakins Road</u> Mansfield Shire Council Depot, associated storage facilities, animal pound and associated holding yards. Vacant land used for light agricultural purposes.
<i>Planning Provisions</i>	
<b>ZONE</b>	Industrial 1 Zone; partial Urban Floodway Zone Adjoins Transport Zone 2 Abuts land in the Farming Zone
<b>OVERLAYS</b>	Development Plan Overlay, Schedule 4 Partial, Land Subject to Inundation Overlay
<i>Planning Scheme</i>	
<b>CLAUSE 43.04 – DEVELOPMENT PLAN OVERLAY</b>	Clause 43.04-2 Requirement before a permit is granted <i>A permit must not be granted to use or subdivide land, construct a building or construct or carry out</i>

<p><b>SCHEDULE 4 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY</b></p>	<p><i>works until a development plan has been prepared to the satisfaction of the responsible authority.</i></p> <p>Clause 43.04-4 Preparation of the Development Plan <i>The development plan may consist of plans or other documents and may, with the agreement of the responsible authority, be prepared and implemented in stages.</i></p> <p><i>Before a new use, development or subdivision commences, a development plan must be prepared and approved by the Responsible Authority.</i></p>
<p><i>Other</i></p>	
<p><b>CULTURAL HERITAGE SENSITIVITY</b></p>	<p>A significant portion of land is within an area of Cultural Heritage Sensitivity A Cultural Heritage Management Plan is not required for a Development Plan Application.</p>

This application seeks Council approval for the Industrial Development Plan at 175 Dead Horse Lane and 141 Lakins Road, Mansfield.

The subject land is within the Industrial 1 Zone, and the Urban Floodway Zone applies to a small portion of the land in the south-west corner. The land adjoins a road in the Transport Zone 2, Midland Highway and also has direct access to Dead Horse Lane and Lakins Road.

There is an existing dwelling at 175 Dead Horse Lane and the land at 141 Lakins Road is currently occupied by the Mansfield Shire Council Depot and Animal Pound. The area affected by the development plan overlay is shown in Figure 1, below:

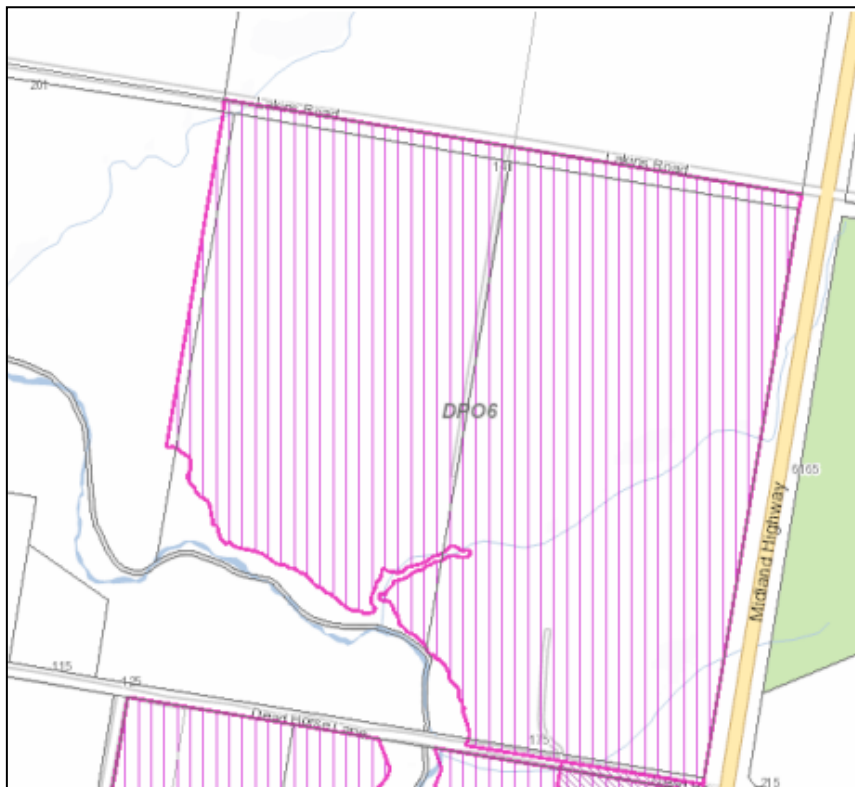


Figure 1: Area affected by Development Plan Overlay - Schedule 4

A detailed assessment of the Development Plan against the Objectives and Requirements of the DPO4 is attached (Attachment 1) in the Delegate Assessment Report. Generally, the application complies with the requirements of the Overlay and is considered to provide an appropriate outcome for future industrial development with good traffic connections to existing roads, opportunities for pedestrian linkages, and protection of natural features.

Pursuant to Section 52 of the *Planning and Environment Act 1987*, the proposal was advertised to adjoining and nearby property owners and occupiers, two signs were placed onsite, and the application was advertised in the local newspaper for two editions. As a result of public notice, three (3) submissions objecting to the proposal have been received.

The subject land was rezoned Industrial 1 Zone, which was approved and gazetted through Amendment C51mansPt1 8 September 2022. Previously the land was zoned Farming Zone. Amendment C51mansPt1 also introduced the Development Plan Overlay, Schedule 4 to the subject land. The proposed outline development plan provides details on the requirements for future development of the land across the following categories:

1. Access and circulation
2. Parking
3. Building address
4. Building setbacks
5. Building height
6. Materials, colours and finishes
7. Roof forms
8. Water sensitive urban design
9. Sustainable built form initiatives
10. Landscaping
11. Fences
12. Site, loading and storage amenity
13. Lighting
14. Subdivision
15. Signage

### Key Issues

A detailed Delegate Report with the full Officer Assessment of the proposal can be found at Attachment 1. A copy of the submitted proposed Development Plan can be found at Attachment 2.

In summary, the key issues considered as part of this assessment are as follows:

- Natural features of the land, drainage lines and native vegetation
- Layout of proposed internal roads and pedestrian connections
- Servicing availability for reticulated water, sewerage, electricity, and telecommunications
- Provisions for drainage and stormwater management
- Proposed measures to protect native vegetation
- Requirements for landscaping and streetscape treatments
- Potential impact on neighbouring land
- Compliance with existing strategic plans

A full assessment of these submissions can be found in Attachment 3, but the following is noted in relation to the issues raised by submitters:

- The development plan has been designed to respond to the constraints on the site and includes a 30 metre vegetated buffer along the drainage lines.
- The development plan and Councils Infrastructure Design Manual require any new road reserves to be 25 metres wide and have been designed to provide linkages within and between the sites.
- Both sites can be serviced with reticulated water, sewerage, electricity and telecommunications.
- Any planning permit for the site will be required to provide for detailed drainage and stormwater management when the site is developed.
- Approximately 90 native trees are identified for protection across the sites, 63 native and 13 exotic trees are proposed to be retained within 175 Dead Horse Lane and 27 native trees are proposed to be retained within 141 Lakins Road, which includes two (2) Scarred Trees. Information has been provided to Council on the trees proposed for retention.
- Any planning permit for the site will include conditions in relation to landscaping across the development, in the future lots, road reserves and drainage reserves.
- Only one section of land interfaces with residential land, and any uses in this area must comply with Clause 53.10, *Uses with adverse amenity potential*.
- The development plan has given due consideration to all existing strategic plans.

### Recommendation

THAT COUNCIL approves the submitted Development Plan for Industrial Zoned land on **Crown Allotment 39, Parish of Mansfield, and Crown Allotment 40, Parish of Mansfield**, commonly addressed as 175 Dead Horse Lane, Mansfield, and 141 Lakins Road, Mansfield.

### Support Attachments

2. Delegate Assessment Report [13.2.3.1 - 18 pages]
3. Development Plan [13.2.3.2 - 7 pages]
4. Assessment of Submissions [13.2.3.3 - 6 pages]
5. CONFIDENTIAL - Objections and Applicant Response [13.2.3.4 - 9 pages]
6. CONFIDENTIAL - Vegetation Plan (175 Dead Horse Lane) [13.2.3.5 - 1 page]

## Considerations and Implications of Recommendation

### Sustainability Implications

The application has been assessed against the provisions of the Mansfield Planning Scheme, including all relevant sustainability principles and policies.

### Community Engagement

The Development Plan has been subject to notification to nearby and adjoining owners, by way of a sign on site and a public notice in the Mansfield Courier. As part of this process 3 objections were received. An assessment of the objections, the responses from the applicant and officer consideration of each objection has been undertaken. This detailed assessment can be found at Attachment 3.

## Collaboration

Not Applicable

## Financial Impact

The application has been assessed as part of the operations of the Statutory Planning team with existing council resources.

## Legal and Risk Implications

This Development Plan is being undertaken in accordance with the requirements of the *Planning and Environment Act 1987*.

## Regional, State and National Plans and Policies

This application has been assessed in accordance with the Planning and Environment Act 1987 and the future subdivision of the land will be done in accordance with the requirements of the Mansfield Planning Scheme.

## Innovation and Continuous Improvement

Not Applicable

## Alignment to Council Plan

Theme 1: Connected and Healthy Community Strategic Objective 1: The health and wellbeing of families and communities is maximised

Strategy 1.3 Contribute to efforts that ensure essential community services exist locally.

Theme 2: Vibrant Liveability Strategic Objective 3 Future focused: Intelligent land use and infrastructure

Strategy 3.2 Enhance township character

Strategy 3.3 Improve roads, drainage and footpaths

Theme 2: Vibrant Liveability Strategic Objective 5 Prosperous: Industries, businesses and workforces of the future

Strategy 5.1 Create conditions that enable local businesses

Strategy 5.2 Enable land use and base infrastructure that stimulates commercial activity

Theme 3: A Trusted, Effective and Efficient Council Strategic Objective 8 A consultative Council that represents and empowers its community

Strategy 8.1 Increase community trust in Council to make informed decisions with “no surprises”

## Governance - Disclosure of Conflicts of Interest

The author of this report and officers providing advice in relation to this report do not have a conflict of interest to declare in this matter, in accordance with the Local Government Act 2020.

### 13.2.4. P179016BA/21 - 57 Stock Route, Mansfield - Amendment - Multi-Lot Subdivision

<b>File Number</b>	DA7737 P179016BA/21	<b>Responsible Officer</b>	Coordinator Statutory Planning, Nicole Embling
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#### Purpose

The purpose of this report is to seek Council's determination to amend Planning Permit P179016B/21, which currently authorises the subdivision of the land into 10 lots, to increase the number of lots to be created to 27 (a net increase of 17 lots). Permit P179016B/21 was issued on 21 March 2022 and remains able to be acted upon and amended.

The current application seeks an amendment to the proposal to become a Multi-Lot Stage Subdivision (27 Lots) of land.

The application is being referred to Council for determination as more than four (4) objections were received. The application was previously deferred from the March Council Meeting following clarification sought by Councillors on a range of issues including open space provisions, number of allotments and footpath connectivity with existing path network.

The applicant has declined the opportunity to amend the application prior to its re-consideration by Council.

#### Executive Summary

<i>Application Details</i>	
<b>APPLICANT</b>	Peyton Waite Pty Ltd C/- Urban Design and Management Pty Ltd Amend permit to increase number of lots (10 to 27)
<b>PROPOSAL</b>	Amend permit to increase number of lots (10 to 27)
<b>APPLICATION LODGED</b>	30 June 2022
<b>NOTICE AND SUBMISSIONS</b>	6 objections to the application have been received.
<i>Property Details</i>	
<b>PROPERTY ADDRESS</b>	57 Stock Route, Mansfield
<b>LAND DESCRIPTION</b>	Lot A and C PS905370 Parish of Mansfield
<b>RESTRICTIVE COVENANTS</b>	Nil
<b>LAND AREA</b>	Lot A = 2.48 ha Lot C = 0.61 ha
<b>EXISTING USE</b>	Vacant
<i>Planning Provisions</i>	
<b>ZONE</b>	Clause 32.08 – General Residential Zone
<b>OVERLAYS</b>	Clause 44.04 – Land Subject to Inundation Overlay
<b>MUNICIPAL PLANNING STRATEGY</b>	Clause 02.03-1 – Settlement Clause 02.03-3 – Environmental risks and amenity (Bushfire) Clause 02.03-4 – Natural resource management (Water and Declared Special Water Supply Catchments) Clause 02.03-5 – Built environment and heritage

	<p>Clause 02.03-6 – Housing                  Clause 02.03-8 – Transport                  Clause 02.03-9 – Infrastructure</p>
<b>PLANNING POLICY FRAMEWORK</b>	<p>Clause 11.01-1L – Mansfield Township                  Clause 11.02-1S – Supply of urban land                  Clause 13.02-1S – Bushfire planning                  Clause 15.01-1S – Urban design                  Clause 15.01-1L – Urban design in Mansfield Township CBD                  Clause 15.01-3S – Subdivision design                  Clause 15.01-5S – Neighbourhood character                  Clause 16.01-1S – Housing supply                  Clause 16.01-1L – Housing supply in Mansfield Township                  Clause 18.02-4S – Roads                  Clause 19.03-3S – Integrated water management</p>
<b>PARTICULAR PROVISIONS</b>	<p>Clause 52.06 – Car parking                  Clause 53.01 – Public open space contribution and subdivision                  Clause 53.18 – Stormwater management in urban development                  Clause 56 – Residential subdivision</p>
<i>Permit Triggers</i>	
	<p>Clause 32.08-3 – A permit is required to subdivide land.                  Clause 44.04-3 – A permit is required to subdivide land.</p>
<i>Other</i>	
<b>CULTURAL SENSITIVITY</b>	<p>The site is not in an area of Aboriginal Cultural Heritage Sensitivity.</p>

Since the grant of the original permit P179016B/21, Planning Scheme Amendment C45mans was gazetted into the Mansfield Planning Scheme, which rezoned the land from Low Density Residential Zone (LDRZ) to General Residential Zone (GRZ) and deleted the Development Plan Overlay (DPO) from the land. This change has removed the requirement for a minimum lot size of 2,000m<sup>2</sup> for subdivision.

As a result of the rezoning, the amended subdivision proposal can be considered by Council, and would comprise a combination of general residential lots, with areas between 566m<sup>2</sup> - 1,437m<sup>2</sup> and a majority of lots between 675-750m<sup>2</sup>. No alterations to the road layout or drainage are proposed as a result of this amendment.

Pursuant to Section 52 of the Planning and Environment Act 1987 ('the Act'), the proposal was advertised to adjoining and nearby property owners and occupiers, and to the broader public via signs on site and a notice in the Mansfield Courier newspaper. As a result of public notice, six (6) objections to the application have been received.

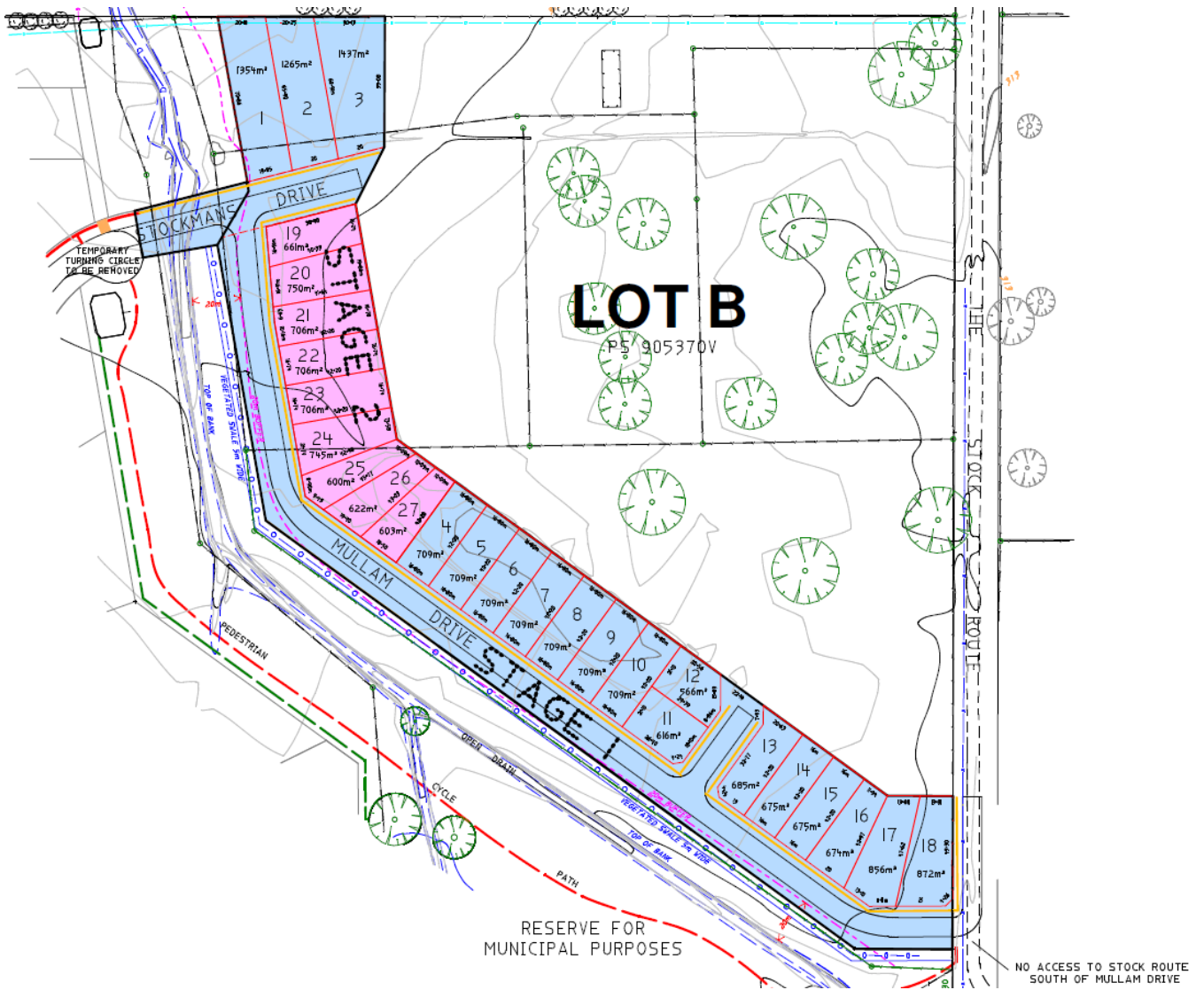


Figure 1: Proposed Plan of Subdivision

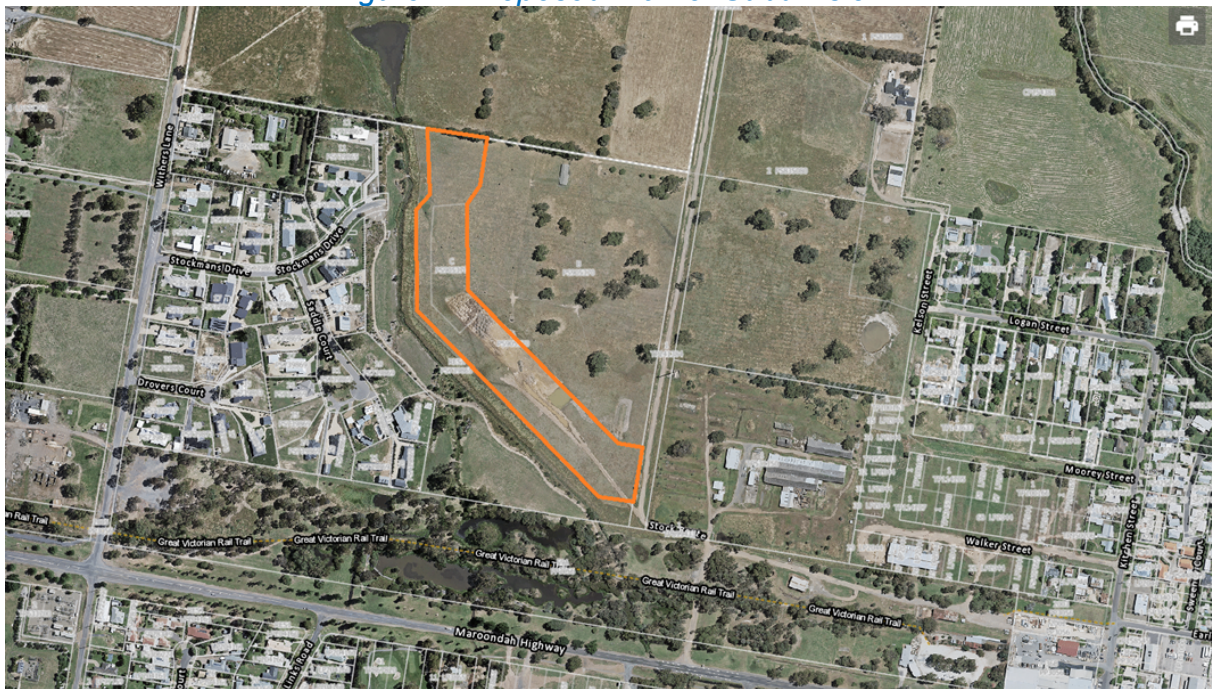


Figure 2: Aerial image of subject site and immediate surrounds



## Key Issues

A detailed delegate report with the full officer assessment of the proposal can be found at Attachment 1. In summary though, the key issues considered as part of this assessment are as follows:

1. *Traffic impacts to Stockmans Rise and broader road network from the subdivision*

Response: The development of the subject land will ultimately increase traffic flow; however, this is a reasonable expectation with any development of the subject land for residential purposes. The proposal increases the number of lots on this land by 17, which based on industry average of 10 vehicle movements per lot per day, would result in an extra 170 vehicle movements. Stockmans Drive is a well-constructed access street that can accommodate this traffic without unreasonable impacts. The further development of land to the east of the site will, in the long term, guide traffic towards the Stock Route and towards the CBD without utilising Stockmans Drive. In the long term, residents of the LDRZ estate in Stockmans Rise may also utilise the through connections that will be provided to the east to access services without going via Withers Lane.

2. *Location of footpath.*

Response: The application being considered cannot alter the location of footpaths in the existing part of Stockmans Rise. Given the site is now General Residential Zone, it is expected that all new streets will have footpaths on both sides of the road.

3. *Density/character of area.*

Response: The proposed subdivision will facilitate an increase in residential density in an establishing residential area within walking distance of the Mansfield town centre. The lot configuration and layout will create a diversity of lot sizes which will increase opportunities for affordable and smaller housing supply. The variation in lot sizes, coupled with the separation across the linear/drainage reserve, is considered to reflect an appropriate transition from the lower density lots on the western side of Stockmans Rise, to the subject land and future residential development beyond. The form and size of lots is reasonable with regard to character expectations in a general residential area.

4. *Interface with wetlands/drainage reserve.*

Response: The wetlands/drainage reserve will provide a visual break between the low-density area and the general residential area subject to this application. The form of lots opposite the reserve is typical, which will allow for future development to be designed sympathetically to the reserve interface.

5. *Evidence of pre-European habitation.*

Response: The subject site is not located in a declared area of aboriginal cultural heritage sensitivity, and as a result there is no mandatory requirement for a Cultural Heritage Management Plan to be prepared for the site. Nonetheless, it is an offence under the Aboriginal Heritage Act 2006 to destroy heritage items, which would apply to the developer during construction works.

### Recommendation

THAT COUNCIL, having considered all matters under Section 60 of the *Planning and Environment Act 1987*, determine to issue a Notice of Decision to Amend a Permit for Planning Application P179016BA/21 to allow a Multi-Lot Staged Subdivision (27 Lots) of land on Lots A and C on Plan of Subdivision 905370, Parish of Mansfield, commonly addressed as 57 Stock Route, Mansfield, subject to the following conditions:

### Endorsed Plans

1. The subdivision approved under this permit must be undertaken in accordance with the plans endorsed and forming part of this permit.

#### **Public Open Space**

2. Prior to the issue of Statement of Compliance under the *Subdivision Act* 1988 for each stage of the subdivision, the permit holder must provide to the Responsible Authority:
  - a. A contribution in accordance with Clause 53.01 (Public Open Space Contribution and Subdivision) of Mansfield Planning Scheme at time of payment, or Certification of the plan in the case of a land contribution; and
  - b. Any costs associated with valuation of the land including valuers' fees.The permit holder must make a request to Council to commence the process involved with this condition.

#### **Restrictions**

3. A restriction must be placed on the Plan of Subdivision submitted for Certification for any further subdivision to require a minimum lot frontage of 15 metres.

#### **Telecommunications**

4. The owner of the land must enter into an agreement with:
  - a. a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
  - b. a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
5. Before the issue of a Statement of Compliance for any stage of the subdivision under the *Subdivision Act* 1988, the owner of the land must provide written confirmation from:
  - a. a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
  - b. a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

#### **Landscaping**

6. Prior to the certification of the plan of subdivision, a detailed landscape plan for that stage must be submitted to and approved by the Responsible Authority. When approved, the landscape plan will be endorsed and will then form part of the permit. The landscape plan must be drawn to scale with dimensions provided. The landscape plan must be consistent with the construction plans for the development and must show:
  - a. New planting, including their layout to be provided in any road reserves and municipal reserves, where applicable;
  - b. Detailed planting schedule of all proposed trees, shrubs and groundcovers, including botanical names, common names, pot sizes, sizes at maturity and quantities of each plant. The plant schedule should be based on the recommended planting schedule documented in the *Revegetation Guide for the Goulburn Broken Catchment* as published by the Goulburn Broken Catchment Management Authority;
  - c. The removal of all existing disused structures, foundations, pipelines or stockpiles and the eradication of weeds;

- d. All trees planted as part of the landscape works must have a minimum height of 2.0 to 2.5m at the time of planting unless otherwise agreed by the Responsible Authority;
  - e. The supply and spread of sufficient topsoil and sub soil if required on the proposed areas of open space to provide a stable, free draining surface and hydro-seeding of proposed grass areas (including within the drainage reserve/s);
  - f. Soil quality and planting techniques in median or verge tree planting zones along arterial roads (including service road nature strips) that will support full growth of medium to large trees;
  - g. Mechanisms for the exclusion of vehicles;
  - h. All proposed open space, streetscape embellishments such as installation of pathways, garden beds, seating, shelters, picnic facilities, boardwalks, tree planting, signage, drinking fountains, irrigation systems, playgrounds, artwork, retaining walls, protective fencing (temporary and permanent), wetlands and ornamental water bodies, where appropriate; and
  - i. Detailed designs for all stormwater treatment features such as bio-retention systems consistent with the submitted Stormwater MUSIC modelling.
7. Prior to the issue of a Statement of Compliance, all nature strips must be seeded and fertilised and grass must be established to the satisfaction of the Responsible Authority.
  8. Prior to the issue of a Statement of Compliance, all landscaping works (including street trees) shown on the endorsed plan must be carried out and completed to the satisfaction of the Responsible Authority.
  9. The landscaping shown on the endorsed plans including street trees must be maintained for a period of twelve months from the date of practical completion of the works to the satisfaction of the Responsible Authority. Formative pruning must be undertaken to the satisfaction of the Responsible Authority prior to the end of the 12 month period. Any dead, diseased or damaged plants are to be replaced within 12 months of the date of practical completion for the works.

#### **Engineering conditions**

10. Prior to the commencement of works or certification of the plan of subdivision (whichever occurs first), the owner or developer must submit to the Responsible Authority a written report and photos of any existing/prior damage to public infrastructure. The report must detail the condition of kerb & channel, footpath, seal, street lights, signs and other public infrastructure fronting the property and abutting at least two properties either side of the development.  
Unless identified within the written report, any damage to infrastructure will be attributed to the development. The permit holder must pay for any damage caused to the Councils assets/Public infrastructure caused as a result of the development permitted by this permit, prior to the issue of a Statement of Compliance or at a later time as may be agreed by the Responsible Authority.

#### **External Road Infrastructure**

11. Prior to the issue of Statement of Compliance for the final stage of the development, Stock Route must be sealed and upgraded to "Access Street" as per IDM standard with one footpath on the development side. This upgrade is required only along the frontage of the development up to (along Lot 18) and must be connected to the internal road and footpath of the development.
12. The Stock Route, south of the subject land, is to be closed to through traffic from Maroondah Highway. The closure will be completed by the relevant authorities, at the request of the permit holder. Prior to the issue of a Statement of Compliance

appropriate signage is to be placed at the location of the closure to identify the road closure, or no-through traffic, to the satisfaction of the Responsible Authority.

### **Internal road infrastructure**

13. Prior to the certification of the plan of subdivision, road names must be submitted to and approved by the Responsible Authority. Until such time as these road names are approved, they must not be shown on any plans submitted for endorsement or certification.
14. Before the certification of the plan of subdivision or commencement of works (whichever occurs first), all design drawings must be submitted to and approved by the Responsible Authority. All roads, road reserve, court bowls, footpaths, on street parking, kerb and channelling are to be designed in accordance with the Infrastructure Design Manual (IDM) and to the satisfaction of the Council. These plans must include the following details:
  - a. All pavement is to be constructed in accordance with the Infrastructure Design Manual (IDM) and by a suitably qualified CPEng, National Engineering Registered (NER) engineer, to the satisfaction of the Responsible Authority.
  - b. Demonstrate in the design that road pavement will not be adversely affected by the creek.
  - c. Concrete footpaths must be provided on both sides of all roads and must be connected to existing footpaths.
  - d. Traffic calming treatments must be installed in accordance with Austroads standards.
  - e. Removal and clearing of existing temporary court bowl at the east of Stockmans Drive, reinstatement of the nature strip and connection to the new road and associated footpaths.
15. Prior to the issue of statement of compliance, the existing temporary court bowl at the East end of Stockmans Drive must be removed, cleared and reinstate nature strips. Connections to the new road and footpath must be established
16. All road, road related areas and public open spaces / reserves within the new subdivision must be provided with public lighting in accordance with the minimum requirement for Category P lighting guidelines and light technical parameters in AS/NZS 1158.3.1 and as approved by the Responsible Authority. All public lighting must incorporate the use of energy efficient globes (i.e., T5).
17. All road intersections must be signed and line marked to be compliant with VicRoads Traffic Engineering Manual Volume 2.
18. All pavement is to be constructed in accordance with the Infrastructure Design Manual (IDM) and a suitably qualified CPEng, National Engineering Registered (NER) engineer, to the satisfaction of the Responsible Authority.
19. All road intersections must be signed and line marked to be compliant with VicRoads Traffic Engineering Manual Volume 2.

### **Earthworks**

20. The extent and depth of all proposed lot filling is to be denoted on the design plan. Where depths of fill on allotments exceed 300 mm, those areas are to be clearly differentiated from areas where the depths of fill are less than 300 mm. Where the depth of fill exceeds 300mm, the fill is to be compacted in accordance with the requirements of Table 204.131 Compaction Requirements Scale C of VicRoads Technical Specification 204 and shaped to match existing site levels, to the satisfaction of the Responsible Authority.

### **Drainage**

21. Before the certification of the plan of subdivision, construction and drainage plans, and computations to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. All works constructed or carried out must be in

accordance with those plans to the satisfaction of the Responsible Authority. The plans must include:

- a. On-site detention by use of rainwater tanks or similar detention system(s) designed by a suitably qualified engineering consultant to ensure no net increase in stormwater discharge from predevelopment levels by the proposed development.
  - b. Measures to enhance stormwater discharge quality from the development including output from MUSIC, STORM updated or similar with design calculation summaries of the treatment elements.
  - c. A maintenance plan for all stormwater treatment assets.
  - d. The detention and treatment system must be designed to allow access for maintenance vehicles.
  - e. Altered overland flow paths must pass through the designed routes within reserves for municipal purposes or within easements. No overland flow shall be allowed to impact on the adjacent lots.
  - f. Demonstrate that the proposed lots are flood free in a 1 % AEP storm event.
  - g. Rainwater tanks must be provided for each lot with a capacity as per IDM requirement and agreed with the Council. The tanks must be installed and connected to toilet system, laundry washing machine taps and garden watering. Plumbing details must be provided with the design drawings.
6. Prior to the issue of a Statement of Compliance, the permit holder must enter into an agreement with the Responsible Authority pursuant to Section 173 of the *Planning and Environment Act 1987*, to the effect that:
- a. A rainwater tank with a minimum capacity as per the approved construction and drainage plan must be provided to each dwelling and connected to internal toilets and laundries and include an outlet for garden watering to the satisfaction of the Responsible Authority.

The permit holder must pay the reasonable costs of the preparation, review, execution and registration of the Section 173 Agreement by Council's preferred solicitors.

### **Signage, Street Furniture and Services**

22. All street signs and furniture must be installed prior to the issue of a Statement of Compliance, and must meet Mansfield Shire Council, VicRoads and Australian Standards to the satisfaction of the Responsible Authority.

### **Asset Protection**

23. Prior to the certification of the plan of subdivision, a Site Management Plan (SMP) is to be submitted and approved by Council. The SMP will contain at minimum:
- a. Protection of significant native vegetation during the construction of roads, reticulated services and other infrastructure.
  - b. Prevention of adverse environmental impacts on existing waterways including through run-off and siltation.
  - c. Procedures to ensure access by construction vehicles during the construction does not impact the amenity of the surrounding neighbourhood.
  - d. Measures in accordance with EPA Victoria Publication 960 Doing it right on subdivisions: Temporary environmental protection measures for subdivision construction sites.
24. Any damage to Council managed assets such as roads, footpaths, street trees and stormwater infrastructure, must be repaired at the cost of the developer to the satisfaction of the Responsible Authority
25. All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).

26. All services must avoid root zones of existing trees. Where services cannot be placed to avoid the root zone, boring and/or hand digging must be undertaken to minimise root damage to the satisfaction of the Responsible Authority.
27. Temporary barriers must be erected around the drip line of existing trees and maintained during construction to the satisfaction of the Responsible Authority.

#### **Administration, Permits, Fees and Charges**

28. The Responsible Authority for plan checking and supervision must obtain, in writing, the name of the project coordinator appointed to oversee the works and notification of commencement date prior commencing works.
29. Prior to the issue of a Statement of Compliance, the developer is required to pay to The Responsible Authority a cash contribution of:
  - a. 0.75% of the total actual documented cost of the engineering works for the checking of engineering plans associated with the development approved herewith.
  - b. 2.50% of the total actual documented cost of the engineering works for the supervision of works associated with the development approved herewith.
30. Prior to the issue of Certificate of Practical Completion and subsequent Statement of Compliance, the Developer is to lodge a security bond to the Responsible Authority for 5% of the total actual documented cost of the engineering works based on actual tender 4 fees. This bond will be released following a satisfactory inspection, 52 weeks after a Certificate of Practical Completion is issued.
31. Following completion of all works, and prior to issuing of the Statement of Compliance, "as constructed" drawings must be submitted and accepted by the Council. The preferred format of the drawings are AutoCAD \*.DWG or \*.DXF.
32. Drainage drawings to DSpec requirements (or any other acceptable format by the Council) must be provided prior to issuing of the Statement of Compliance.
33. All design plans and specifications must be detailed in accordance with the IDM to the satisfaction of the Responsible Authority and will be valid for a period of 12 months only after approval. Following the expiry date design plans must be resubmitted for review and accepted prior to works commencing.

#### **Ausnet Electricity Pty Ltd**

34. The Plan of Subdivision submitted for certification must be referred to AUSNET ELECTRICITY SERVICES PTY LTD in accordance with Section 8 of the Subdivision Act 1988.
35. The applicant must:
  - a. Enter in an agreement with Ausnet Electricity Services Pty Ltd for supply of electricity to each lot on the endorsed plan.
  - b. Enter into an agreement with Ausnet Electricity Services Pty Ltd for the rearrangement of the existing electricity supply system.
  - c. 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 electric 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.
  - d. 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.
  - e. Obtain for the use of Ausnet Electricity Services Pty Ltd any other easement required to service the lots.

- f. Adjust the position of any existing Ausnet Electricity Services Pty Ltd easement to accord with the position of the electricity line(s) as determined by survey.
- g. Set aside on the plan of subdivision Reserves for the use of Ausnet Electricity Services Pty Ltd for electric substations.
- h. Provide survey plans for any electric substations required by Ausnet Electricity Services Pty Ltd and for associated power lines and cables and executes leases for a period of 30 years, at a nominal rental with a right to extend the lease for a further 30 years. Ausnet Electricity Services Pty Ltd requires that such leases are to be noted on the title by way of a caveat or a notification under Section 88 (2) of the Transfer of Land Act prior to the registration of the plan of subdivision.
- i. Provide to Ausnet Electricity Services Pty Ltd a copy of the plan of subdivision submitted for certification that shows any amendments that have been required.
- j. Agree to provide alternative electricity supply to lot owners and/or each lot until such time as permanent supply is available to the development by Ausnet Electricity Services Pty Ltd. Individual generators must be provided at each supply point. The generator for temporary supply must be installed in such a manner as to comply with the Electricity Safety Act 1998.
- k. Ensure that all necessary auditing is completed to the satisfaction of Ausnet Electricity Services Pty Ltd to allow the new network assets to be safely connected to the distribution network.

### **Country Fire Authority**

36. Prior to the issue of a Statement of Compliance under the Subdivision Act 1988 the following requirements must be met to the satisfaction of the CFA:
  - a. Above or below ground operable hydrants must be provided. The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of building envelopes, the rear of the lots) must be 120 metres and the hydrants must be no more than 200 metres apart. These distances must be measured around lot boundaries.
  - b. The hydrants must be identified with marker posts and road reflectors as applicable to the satisfaction of the Country Fire Authority.

Note –CFA’s requirements for identification of hydrants are specified in ‘Identification of Street Hydrants for Firefighting Purposes’ available under publications on the CFA web site ([www.cfa.vic.gov.au](http://www.cfa.vic.gov.au))
37. Roads must be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable road width.
  - a. The average grade must be no more than 1 in 7 (14.4%) (8.1 degrees) with a maximum of no more than 1 in 5 (20%) (11.3 degrees) for no more than 50 meters. Dips must have no more than a 1 in 8 (12%) (7.1 degree) entry and exit angle.
  - b. Curves must have a minimum inner radius of 10 metres.
  - c. Have a minimum trafficable width of 3.5 metres and be clear of encroachments for at least 0.5 metres on each side and 4 metres above the access way.
  - d. Roads more than 60m in length from the nearest intersection must have a turning circle with a minimum radius of 8m (including roll-over kerbs if they are provided) T or Y heads of dimensions specified by the CFA may be used as alternatives.

### **Goulburn Valley Water**

38. The applicant must arrange:
  - a. Payment of new customer contribution charges for water supply to the development, such amount being determined by the Corporation at the time of payment;

- b. Provision of a reticulated water supply and associated construction works to each allotment within the development, at the developer’s expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation;
- c. Provision of one water tapping per lot at the developer’s expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation;
- d. Payment of new customer contributions charges for sewerage services to the development, such amount being determined by the Corporation at the time of payment;
- e. Provision of reticulated sewerage and associated construction works to each allotment within the development, at the developer’s expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation;
- f. Provision of easements in favour of the Goulburn Valley Region Water Corporation over all existing and proposed sewer mains located within private property;
- g. The operator under this permit shall be obliged to enter into an Agreement with Goulburn Valley Region Water Corporation relating to the design and construction of any sewerage or water works required. The form of such Agreement shall be to the satisfaction of Goulburn Valley Water. A copy of the format of the Agreement will be provided on request;
- h. 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**

- 39. Any Plan of Subdivision lodged for certification must be referred to Goulburn Murray Rural Water Corporation pursuant to Section 8(1)(a) of the Subdivision Act.
- 40. Each lot must be provided with connection to the reticulated sewerage system in accordance with the requirements of Goulburn Valley Water.
- 41. All stormwater discharged from the site must meet the urban run-off objectives and Standard C25 as specified in Clause 56.07-4 of the Victorian Planning Provisions. All infrastructure and works to manage stormwater must be in accordance with the requirements of the Responsible Authority.
- 42. The plan of subdivision submitted for Certification must show a building exclusion zone to prevent future buildings being located within 30m of any waterway contained within the reserve.
- 43. All works within the subdivision must be done in accordance with EPA Publication 1834 Civil Construction, Building and Demolition Guide (November 2020).

**Expiry**

- 44. This permit will expire if one of the following circumstances applies:
  - a. The plan of subdivision for the first stage is not certified under the Subdivision Act 1988 within two (2) years of the date of this permit.
  - b. The plan of subdivision for each subsequent stage is not certified under the Subdivision Act 1988 within two (2) years of the previous stage.
  - c. The subdivision is not completed within five (5) years of the date of certification under the Subdivision Act 1988.

The Responsible Authority may extend the periods referred to if a request is made in writing in accordance with Section 69 of the *Planning and Environment Act 1987*.

Date of amendment	Brief description of amendment	Responsible Authority
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dd/mm/yyyy	<p>This permit has been amended pursuant to Section 74 of the <i>Planning and Environment Act 1987</i>, having regard to the following:</p> <ul style="list-style-type: none"> <li>a. Amend what the permit allows to include staging.</li> <li>b. Condition 2, contribution for Public open space to be in accordance with Clause 53.01 of Mansfield Planning Scheme.</li> <li>c. Addition of condition (3) to require a restriction on Title for further subdivision.</li> <li>d. Addition of two conditions (10 &amp; 11) related to upgrade of Stock Route and closure of access from Maroondah Highway.</li> <li>e. Revision of condition requiring design drawings; requirement to show removal of temporary court bowl; reinstatement of nature strip; road and footpath connection to Stockmans Drive (previously Condition 11b).</li> <li>f. Deletion of conditions requiring a temporary court bowl (previously Conditions 11e and 11f).</li> <li>g. Additional Condition (13g) to require the existing temporary court bowl be returned to a natural state.</li> <li>h. Amended Condition requiring maintenance of temporary court bowl, to instead remove the existing temporary court bowl (previously Condition 12).</li> <li>i. Revision of two drainage conditions associated with drainage plans and computations; and requiring rainwater tank through section 173 agreement (previously Condition 19).</li> <li>j. Revision of condition requiring site management plan (previously Condition 21).</li> <li>k. Addition of a new sub-condition as per Goulburn Valley Water's revised consent to the amendment (Condition 38c).</li> <li>l. Revision of a condition as per Goulburn Murray Water's revised consent to the amendment (previously Condition 37).</li> <li>m. Amend permit expiry to allow for staging of the development.</li> <li>n. Renumbered all the conditions pertaining to the addition of new conditions.</li> </ul>	Mansfield Shire Council
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**Support Attachments**

1. Delegate Assessment Report [13.2.4.1 - 44 pages]
2. Application Documents [13.2.4.2 - 1 page]
3. Original Planning Permit & Endorsed Plans [13.2.4.3 - 14 pages]
4. CONFIDENTIAL - Objections [13.2.4.4 - 7 pages]

## Considerations and Implications of Recommendation

### Sustainability Implications

The application has been assessed against the provisions of the Mansfield Planning Scheme, which includes consideration of building design, integrated water management and natural resource management, with the requirement to make the development as sustainable as possible within the current legislation.

### Community Engagement

The application was advertised to nearby and adjoining landowners, had a notice of application placed on the site and a notice placed in the Mansfield Courier, in accordance with the provisions of the Planning and Environment Act 1987 and Council's community engagement policy.

### Collaboration

Not Applicable

### Financial Impact

The application has been assessed within existing Council resources in the Statutory Planning Department. An application of \$1,337.70 was received for the application.

### Legal and Risk Implications

The application has been assessed under the provisions of the Planning and Environment Act 1987 and the Mansfield Planning Scheme. Should a permit be issued, any objector may seek a review of this decision at the VCAT, and the permit applicant may seek a review at the VCAT of any conditions placed on the permit. If Council determines to issue a Notice of Decision to Refuse to Grant a Permit (not recommended), the permit applicant may seek a review of this decision at the VCAT.

### Regional, State and National Plans and Policies

The application has been assessed in accordance with the Planning and Environment Act 1987 and the Mansfield Planning Scheme.

### Innovation and Continuous Improvement

Not Applicable

### Alignment to Council Plan

Theme 2: Vibrant Liveability Strategic Objective 3 Future focused: Intelligent land use and infrastructure

Strategy 3.4 Plan for and encourage appropriate housing

Theme 2: Vibrant Liveability

Strategic Objective 4 Clean and green: Waste and energy sustainability

Strategy 4.2 Adopt and promote energy options that are affordable, self sustaining & carbon positive

Theme 2: Vibrant Liveability Strategic Objective 5 Prosperous: Industries, businesses and workforces of the future

Strategy 5.2 Enable land use and base infrastructure that stimulates commercial activity

Theme 3: A Trusted, Effective and Efficient Council Strategic Objective 8 A consultative Council that represents and empowers its community  
Strategy 8.1 Increase community trust in Council to make informed decisions with “no surprises”

### **Governance - Disclosure of Conflicts of Interest**

The author of this report and officers providing advice in relation to this report do not have a conflict of interest to declare in this matter, in accordance with the Local Government Act 2020.

### 13.3. Community and Corporate Services Directorate

#### 13.3.1. Social Inclusion Action Group Funding

<b>File Number</b>	E10565	<b>Responsible Officer</b>	Manager Community Health & Wellbeing, Nola Bales
<b>Purpose</b>			

This report provides information on the selection of Mansfield Shire for the formation of a Social Inclusion Action Group, with the provision of ongoing funding from the Department of Health. Council endorsement is sought for acceptance of the funding to support this initiative, which will support mental health and wellbeing in the local community.

#### Executive Summary

The Royal Commission into Victoria’s Mental Health System made nine recommendations in its interim report, released in 2021, and 65 recommendations in its final report, released in early 2022. The Victorian Government committed to implementing all 74 of the Royal Commission’s recommendations.

Recommendation 15 of the Royal Commission’s final report focuses on supporting good mental health and wellbeing in local communities. It recommends that the Victorian Government:

- 15.1 - establish and recurrently resource ‘community collectives’ for mental health and wellbeing in each local government area.
- 15.2 - support each community collective to bring together a diversity of local leaders and community members to guide and lead efforts to promote social connection and inclusion in Victorian communities.
- 15.3 - test and develop a range of initiatives that support community participation, inclusion and connection.

It is expected that reform of the mental health and wellbeing system will take ten years to be implemented and for all six levels of the system to reflect the objectives and intent of the recommendations of the Royal Commission.

Communities are part of the first level of the reforms. The Royal Commission recognised that communities are best placed to create social connection and inclusion at a local level. Social Inclusion Action Groups (SIAGs) are an opportunity to support grassroots work and build on the strengths of the community to support mental health and wellbeing, with a focus on social inclusion and connection.

The delivery of SIAGs will be auspiced through Local Government Areas (LGAs) and will identify local needs related to social inclusion and connection and flexibly fund prevention initiatives in the local area. LGAs will employ staff to bring together community members and leaders to form a SIAG (Social Inclusion and Action Group).

The five initial LGAs selected to provide the SIAGS in 2023 are Mansfield, Benalla, Wangaratta, Latrobe, and Frankston. The Department of Health SIAG Implementation Committee is supporting the establishment and implementation of the SIAG and providing Program

Guidelines, mentorship, professional development opportunities, and eventually support through a Community of Practice.

## Key Issues

The objectives of the program are to bring together community members and leaders to:

- Identify local needs, existing initiatives and gaps related to social connection and social inclusion.
- Test, develop and support a range of funded initiatives that prevent social exclusion and support community participation, inclusion, and connection.
- Promote mental health and wellbeing through place-based coordination and activities/initiatives addressing social inclusion and connection.

SIAGs are intended to:

- prevent social exclusion
- increase social inclusion
- increase social connection

SIAGs are a prevention initiative that will be:

- Community led and owned, empowering communities to identify their own needs, make decisions and develop solutions at a local level.
- Considering equity and inclusion for SIAG membership and when making decisions about flexible funding. The SIAG needs to reflect the diversity of the community it serves.
- Applying a place-based approach.
- Informed by evidence and local knowledge.
- Operating from community development and collective impact approaches and principles, including the five conditions of collective impact<sup>1</sup>.

The groups will be supported by a coordinator at each LGA (local government area) who will work to support members from all parts of the community to be empowered to have an active voice at the table. While taking a place-based approach and building on local knowledge and evidence, SIAGs will also consider evidence of successful initiatives across the State and within other jurisdictions, testing these for the local context.

The SIAGs will be supported by the newly established Mental Health and Wellbeing Promotion (MHWP) Office of the Department of Health, which aims to:

- Support a significant reduction in the prevalence of mental illness in the future.
- Strengthen the focus of the system towards promoting and delivering good mental health and wellbeing, and;
- Coordinate a state-wide approach that focuses on the entire population.

The MHWP Office will be overseeing the design, implementation, and evaluation of the SIAGs however the ownership and decision making of SIAGs will remain with community members.

The SIAGs will have the following characteristics:

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<sup>1</sup>Smart, Jessica, *Collective Impact: Evidence and implications for practice*, October 2017, <  
<https://aifs.gov.au/resources/practice-guides/collective-impact-evidence-and-implications-practice#:~:text=Collective%20impact%20is%20a%20collaborative,as%20a%20framework%20for%20change>>

**Membership** – will reflect the demographic of the community. Membership should include a variety of lived and living experiences including members with experience of mental illness, psychological distress, addiction and/or social exclusion, isolation, and discrimination.

Membership should reflect diverse communities (defined as people with a disability, LGBTIQ+ people and people from CALD (Culturally and Linguistically Diverse) background), as well as include Aboriginal and Torres Strait Islander people, young people, and older adults.

**Coordination** – each SIAG will have a coordinator who is an experienced leader to identify and engage partners and ensure representation of priority groups in the membership and engage with the broader networks and organisations. They will lead a needs analysis process and support the SIAG members in their understanding and application of local data and community need.

<b>Recommendation</b>
THAT COUNCIL endorse the acceptance of ongoing and indexable funding from the Victorian Department of Health to support the formation of a Social Inclusion Action Group.
<b>Support Attachments</b>
1. Letter to Council - Social Inclusion Action Groups - Mansfield [13.3.1.1 - 2 pages]

## Considerations and Implications of Recommendation

### Sustainability Implications

Social connection and inclusion are key priorities of the program.

### Community Engagement

Community engagement will take place extensively following the recruitment of the SIAG Coordinator.

### Collaboration

#### Victorian Local Government Partnership

Mansfield Shire Council has been successful in becoming a VicHealth Local Government Partnership Fast track council and will be collaborating with other agencies within the partnership. One of the partnership modules includes creating connected and supportive communities with recognition that SIAGs have a strong connection to addressing social determinants of mental wellbeing. Collaboration with organisations, networks, key stakeholders, and the community will take place throughout the program.

### Financial Impact

The funding is not recognised in the 2022-23 Budget, however the grant funding obtained from the Department of Health to support the program in the amount of \$213,334 (annually ongoing and indexable) will be included in the proposed 2023-24 Budget. Ongoing funding is provided to each LGA to support sustainable SIAGs and funded initiatives. Funding is provided for staffing, remuneration and flexible funding for initiatives.

### Legal and Risk Implications

Not Applicable.

## **Regional, State and National Plans and Policies**

Royal Commission into Victoria's Mental Health System  
Wellbeing in Victoria: A plan to promote Mental Wellbeing  
Mansfield Shire Council Plan 2021-2025

Mansfield Shire Municipal Public Health and Wellbeing Action Plan 2021-2025

The Royal Commission recommended that SIAGs align with municipal planning. Information from SIAGs is seen as a valuable resource to inform Municipal Public Health and Wellbeing Plans.

LGAs funded for SIAGs are strongly encouraged to include a priority related to mental health and wellbeing promotion in their Municipal Public Health and Wellbeing Plan. Council's Plan Priority 4 Socially Connected and Supported Communities has an action to promote and support health and wellbeing activities in the community.

## **Innovation and Continuous Improvement**

The program will be evidence based and informed by local knowledge. Initiatives will be encouraged to reflect the community and provide innovation in mental health and wellbeing

## **Alignment to Council Plan**

Theme 1: Connected and Healthy Community

Strategic Objective 1: The health and wellbeing of families and communities is maximised

Strategy 1.1 Embed health and wellbeing enablers and protections to reduce risks to our communities.

## **Governance - Disclosure of Conflicts of Interest**

The author of this report and officers providing advice in relation to this report do not have a conflict of interest to declare in this matter, in accordance with the Local Government Act 2020.

### 13.3.2. Council Plan Reporting to 31 December 2022

<b>File Number</b>	E10406	<b>Responsible Officer</b>	Manager Community Health & Wellbeing, Nola Bales
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#### Purpose

To report to Council on progress made against the Council Plan 2021 - 2025 initiatives as of 31 December 2022.

#### Executive Summary

The Mansfield Shire Council Plan 2021 – 2025 is the key strategic document to guide Council’s decision making over the four-year term and articulates the role Council will play in leading, supporting and advocating for the best possible outcomes for Mansfield Shire.

The Council Plan is split into three key supporting themes:

- Theme 1: Connected and Healthy Community
- Theme 2: Vibrant Liveability
- Theme 3: A Trusted, Effective and Efficient Council

Within each of these themes, there are:

- Strategic objectives - what Council will focus on to achieve its vision.
- Initiatives - what steps Council will take to achieve the strategic objectives.

Progress against these objectives and initiatives has been included in the attached mid-year report (refer Attachment 1).

#### Highlights

The mid-year report shows that considerable progress has been made against the Council Plan 2021-2025 initiatives. High level highlights are summarised below:

##### Theme 1: Connected and Healthy Community

- Continuation of the successful collaboration with Mansfield District Hospital on the Respond program.
- Successful application for a three-year VicHealth Local Government Partnership.
- Continuation of the work of Maternal and Child Health and Integrated family services in Family Violence prevention, identification and referral activities and securing specialist family services returning to face-to-face service provision.
- Partnering and supporting with activities in Mansfield Shire to decrease the exposure and use of smoking, alcohol, and other drugs.

##### Theme 2: Vibrant Liveability

- Engaging with the community and partnering with community groups to develop the Sustainable Tourism Plan.
- Planning, developing, and completing a wide range of projects to enhance the environment both built and natural to provide improved liveability such as upgrading streetscapes and recreational open spaces across the Shire.
- The Mansfield Library redevelopment project.



### Theme 3: A Trusted, Effective and Efficient Council

- Working with communities to develop Township plans such as the Bonnie Doon Plan and the Draft Merton Plan currently out for consultation.
- Council officers have undertaken deliberative engagement with the community and participated in a collaborative tender process for waste services, with a (Food organics and Garden Organics) FOGO service to be introduced in July 2024.
- Development of the Climate Action plan.
- Delivery of prioritised road, drainage, and footpath upgrades.

#### **Key Issues**

It is a legislative requirement of the Local Government Act 2020 that each Council adopt a Council Plan. This progress report is presented in accordance with Section 98 of the Local Government Act 2020 and Schedule 1 of the Local Government (Planning and Reporting) Regulations 2020.

#### **Recommendation**

THAT COUNCIL receive and note the Council Plan 2021 – 2025 mid-year performance report as of 31 December 2022.

#### **Support Attachments**

1. Council Plan Performance Report [13.3.2.1 - 12 pages]

## **Considerations and Implications of Recommendation**

### **Sustainability Implications**

Not Applicable

### **Community Engagement**

Not Applicable

### **Collaboration**

Not Applicable

### **Financial Impact**

All activities undertaken to fulfil Council Plan 2021 – 2025 actions are included within the approved 2022-23 Budget.

### **Legal and Risk Implications**

Not Applicable.

### **Regional, State and National Plans and Policies**

Local Government Act 2020

Local Government (Planning and Reporting) Regulations 2020

### **Innovation and Continuous Improvement**

Not Applicable

## **Alignment to Council Plan**

Theme 3: A Trusted, Effective and Efficient Council

Strategic Objective 6: Council possesses in-house and outsourced capability to meet community expectations

Strategy 6.1 Use and gain knowledge of our community to make good decisions

Theme 3: A Trusted, Effective and Efficient Council

Strategic Objective 7 Financial sustainability and value for money

Strategy 7.1 Increase Council's financial resilience by utilising opportunities to derive own source of funding income and optimising costs of delivering services

Theme 3: A Trusted, Effective and Efficient Council

Strategic Objective 8 A consultative Council that represents and empowers its community

Strategy 8.1 Increase community trust in Council to make informed decisions with "no surprises"

Strategy 8.2 Develop capacity and capability to advocate powerfully for the most important interests of the Mansfield community

## **Governance - Disclosure of Conflicts of Interest**

The author of this report and officers providing advice in relation to this report do not have a conflict of interest to declare in this matter, in accordance with the Local Government Act 2020.

### 13.3.3. Performance Reporting to 31 December 2022

<b>File Number</b>	E10406	<b>Responsible Officer</b>	Manager Community Health & Wellbeing, Nola Bales
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#### Purpose

To report to Council on mid-year progress against the Local Government Performance Reporting Framework measures.

#### Executive Summary

The Local Government Performance Reporting Framework is a mandatory system of performance reporting for all Victorian councils, coordinated by Local Government Victoria (LGV). It ensures that councils are measuring and reporting on their performance in a consistent way to promote transparency and accountability in the local government sector.

The framework is made up of 58 measures from a range of service areas, including roads, planning, animal management and waste. It is complemented by a Governance and Management checklist of 24 items, which shows the policies, plans and procedures in place at each council. Together, they build a comprehensive picture of Council performance.

#### Key Issues

Performance reporting is completed and submitted annually to LGV no later than 31 October each year. However, it is best practice to conduct a mid-year review to calculate the performance measures throughout the year for monitoring and evaluation purposes. Care should be taken when interpreting the mid-year results, as the data has not been annualised. It is important to note that some uneven reporting may occur due to seasonal variations and the availability of some data elements.

The data has been supplied with comments added to explain any data showing +/-10% variation on last year's full year data. Financial data will be included in the End of Financial Year report, to enable performance to be reported with the full year of data.

#### Items to note:

- SP4 – Council Planning decisions upheld at VCAT – Decrease - There have not been any VCAT decisions in this period.
- C7 – Percentage of staff turnover – Decrease – This is a timing issue as only a half year report however this will be influenced by Home and Community Care redundancies in 2021-22 making the previous year higher.
- AF6 – Decrease - This is indicative of only 6 weeks of the pool season occurring before the end of December.
- LB4 - Active library borrowers in municipality - Decrease - Half year data for users who have used library services this year. This will also have a timing impact with people borrowing intermittently during the year.

#### Recommendation

THAT Council receives and notes the mid-year Performance Reporting for the period 1 July 2022 to 31 December 2022.

## Support Attachments

1. LGPRF July Dec 2022 [13.3.3.1 - 4 pages]

## Considerations and Implications of Recommendation

### Sustainability Implications

Not Applicable

### Community Engagement

Not Applicable

### Collaboration

Not Applicable

### Financial Impact

All activities reported are included within the adopted Council Budget 2022–23.

### Legal and Risk Implications

Not Applicable.

### Regional, State and National Plans and Policies

Is in accordance with the Local Government Act 2020.

### Innovation and Continuous Improvement

Not Applicable

### Alignment to Council Plan

Theme 3: A Trusted, Effective and Efficient Council

Strategic Objective 6: Council possesses in-house and outsourced capability to meet community expectations

Strategy 6.1 Use and gain knowledge of our community to make good decisions

Theme 3: A Trusted, Effective and Efficient Council

Strategic Objective 8 A consultative Council that represents and empowers its community

Strategy 8.1 Increase community trust in Council to make informed decisions with “no surprises”

### Governance - Disclosure of Conflicts of Interest

The author of this report and officers providing advice in relation to this report do not have a conflict of interest to declare in this matter, in accordance with the Local Government Act 2020.

## 14. Council Meeting Resolution Actions Status Register

This report presents to Council the Mansfield Shire Council Meeting Resolution Actions Status Register

<b>Recommendation</b>
THAT COUNCIL receive and note the Mansfield Shire Council Meeting Resolution Actions Status Register as at 6 April 2023.
<b>Support Attachments</b>
1. Action Register as at 6 April 2023 [14.1.1 - 5 pages]

## 15. Advisory and Special Committee reports

Nil

## 16. Authorisation of sealing of documents

Nil

## 17. 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*.

<b>Recommendation</b>
THAT COUNCIL close the meeting to members of the public under Section 66(2)(a) of the Local Government Act 2020 to consider Confidential Reports in accordance with section 66(2) of the Local Government Act 2020 for reasons set out in section 18 below.

## 18. Confidential Reports

### 18.1. Lease of the Mansfield Family and Childrens Centre to deliver early childhood education and care services

#### Confidential

This report contains confidential information pursuant to the provisions of Section 66(2) of the Local Government Act 2020 under Section 3(a) - Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.

## 19. Reopen meeting to members of the public

### Recommendation

THAT COUNCIL reopen the meeting to members of the public.

## 20. Close of meeting