



Mansfield Shire

Council Meeting

Tuesday 18 July 2023 5:00 pm
ZOOM

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

Our aspiration for our Shire and its community

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

Councillors

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
Julie Williams, General Manager Business and Economic Development

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.

Agenda Contents

- 1. Opening of the meeting6
- 2. Present6
- 3. Apologies.....6
- 4. Statement of commitment6
- 5. Acknowledgement of Country6
- 6. Disclosure of conflicts of interest.....6
- 7. Confirmation of minutes7
- 8. Representations7
- 9. Notices of motion.....7
- 10. Mayor's report8
- 11. Reports from council appointed representatives9
- 12. Public question time9
- 13. Officer reports.....10
 - 13.1. Chief Executive Officer's report10
 - 13.2. Infrastructure and Planning Directorate11
 - 13.2.1. P231/22 - 255 Dead Horse Lane Mansfield - Car Museum & Industry11
 - 13.2.2. C59 - Planning Scheme Amendment21
 - 13.2.3. P054/23 - 86-92 Highett Street Mansfield - Bindaree.....29
 - 13.2.4. EV Charger Lease Agreement41
 - 13.2.5. Update for Horse Statue in Mansfield44
 - 13.2.6. Proposed Rental of Former HACC Building, 31 Highett St Mansfield.....50
 - 13.3. Community and Corporate Services Directorate54
 - 13.3.1. LG Community Satisfaction Survey 2023.....54
- 14. Council Meeting Resolution Actions Status Register61
- 15. Advisory and Special Committee reports61
- 16. Authorisation of sealing of documents61
- 17. Closure of meeting to members of the public.....61
- 18. Confidential Reports.....61
 - 18.1. Tender Award - Project CODI Digital Transformation Program61
- 19. Reopen meeting to members of the public.....62
- 20. Close of meeting62

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 meeting held on 27 June 2023 and 4 July 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:

After wide community consultation the 2023/24 Budget was passed last month by Council with a rate increase of 3.5% in line with the State Government Rate Cap and provides for a total operating expenditure of \$25 million and a capital works program of \$15.58 million. This is a sound and economically responsible budget that responds to the feedback from our community.

I was pleased to hear that Council was successful in grant funding of \$222,000 from the State Government's Country Football and Netball Program to upgrade the drainage at Lords Reserve – a ground that is an integral part of Mansfield's sporting calendar but one that, during recent wet winters, has been very wet and boggy. Off-field work is planned to commence in December and on-field work to commence in March to ensure disruption to user groups is kept at a minimum.

NAIDOC week was celebrated from 2 -9 July and provided our community with an opportunity to learn about First Nations culture. The official launch was, to our knowledge, the largest NAIDOC event to take place in the Shire with over 130 people attending and included a Welcome to Country from Auntie Bernadette Franklin and Auntie Angela Ten Buuren (Franklin) and the unveiling of the mosaic mural from Sue Binzer-Jones at the Gadhaba Gathering Place. Different events were held throughout the week including a Mullum Wetlands educational wetlands walk with Uncle Vern Simsen, weaving and clay ochre workshop with Taungurung artist Cassie Leatham, the screening of The Last Daughter at the Mansfield Armchair Cinema, and storytime at the Library with Gadhaba chairperson Miranda Connaughton. All events were well attended.

Stage 2 of the Heavy Vehicle Alternate Route (HVAR) has recommenced despite the wet weather with works on Greenvale Lane between Mt Buller Road and Reardon Lane almost complete and works now moving to focus on Mt Battery Road, between Mansfield-Whitfield Road and Greenvale Lane. Council thanks the community for their continued patience while these significant improvement works are underway – the end product will be worth any inconvenience felt by road users during the construction period.

*Cr James Tehan
Mayor*

Recommendation

THAT COUNCIL receive the Mayor's report for the period 27 June 2023 to 12 July 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"> ▶ Mayor Cr James Tehan ▶ Cr Steve Rabie ▶ Cr Mark Holcombe
Mansfield Shire CEO Employment Matters Committee	<ul style="list-style-type: none"> ▶ Mayor Cr James Tehan ▶ Cr Steve Rabie ▶ Cr Mark Holcombe
Goulburn Murray Climate Alliance (GMCA)	<ul style="list-style-type: none"> ▶ Cr Rohan Webb
Hume Regional Local Government Network (HRLGN)	<ul style="list-style-type: none"> ▶ Mayor Cr James Tehan
Mansfield Shire Council Audit and Risk Committee	<ul style="list-style-type: none"> ▶ Mayor Cr James Tehan ▶ Cr Mark Holcombe
Municipal Association of Victoria (MAV)	<ul style="list-style-type: none"> ▶ Mayor Cr James Tehan ▶ Substitute - Deputy Mayor ▶ Cr Steve Rabie
Rural Councils Victoria (RCV)	<ul style="list-style-type: none"> ▶ Mayor Cr James Tehan ▶ Cr Paul Sladdin

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 27 June 2023 to 12 July 2023.

Support Attachments

1. CEO Monthly Report - June 2023 [13.1.1.1 - 39 pages]

13.2. Infrastructure and Planning Directorate

13.2.1. P231/22 - 255 Dead Horse Lane Mansfield - Car Museum & Industry

File Number	DA2861 P231/22	Responsible Officer	Coordinator Statutory Planning, Nicole Embling
Purpose			

The purpose of this report is to seek Council’s determination of application P231/22, lodged for the use and development of land for an Exhibition Centre (Motor Car Museum) and Restaurant (Café), development of land for Industry, display of business identification signage, reduction of car parking requirements, removal of native vegetation (5 trees) and creation of an easement.

This application is being referred to Council for determination as the estimated cost of works exceeds the maximum of \$3 million for the value of works delegation, with an estimated cost of the development being \$6 million.

Executive Summary	
<i>Application Details</i>	
APPLICANT	Mr Sam Zito Invo Design
PROPOSAL	Use and development of land for an Exhibition Centre (Motor Car Museum) and Restaurant (Café), development of land for Warehouses, display of business identification signage, reduction of car parking requirements, removal of native vegetation (5 trees) and creation of an easement
APPLICATION LODGED	28 November 2023 Application amended – 6 June 2023 To include the removal of native vegetation Application amended – 6 July 2023 To include the creation of an easement
NOTICE AND SUBMISSIONS	12 April 2023 – 4 May 2023 The application was advertised to neighbouring owners and occupiers, a sign was placed onsite, and an advert was in the local newspaper. Following conclusion of the notice period one (1) submission was received. 7 June 2023 – 28 June 2023 The application was advertised to neighbouring owners and occupiers.

	Following conclusion of the second notice period no submissions were received.
Property Details	
PROPERTY ADDRESS	255 Dead Horse Lane, Mansfield
LAND DESCRIPTION	Lot 1 on Plan of Subdivision 113226
RESTRICTIVE COVENANTS	None
LAND AREA	8,068 sqm
EXISTING USE	Factory/Warehouse
Planning Provisions	
ZONE	Clause 33.01 Industrial 1 Zone
OVERLAYS	N/A
Permit Triggers	
<p><u>Clause 33.01-4 – Industrial 1 Zone</u> Use of land for an Exhibition Centre (Motor Car Museum) Use of land for a Restaurant (Café) Construct a building or carry out works (Exhibition Centre, Restaurant & Industry)</p> <p><u>Clause 52.02 - Easements, Restrictions and Reserves</u> Create an easement under Section 23 of the <i>Subdivision Act 1988</i></p> <p><u>Clause 52.05 – Signs</u> Business identification signage greater than 8 square metres</p> <p><u>Clause 52.06 – Car Parking</u> Reduction in car parking requirements</p> <p><u>Clause 52.17 - Native Vegetation</u> Remove, destroy or lop native vegetation (5 trees)</p>	

Subject Land

The site is approximately 8,000sqm and is rectangular with a short frontage of 59.5m to Dead Horse Lane. The land has two existing sheds and is used for general industrial storage with two existing access points to Dead Horse Lane at the southern boundary.



Figure 1 – Existing site conditions
 Source - Pozi Mansfield Shire Council mapping

The land is in the Industrial 1 Zone with no Overlays applying to the site. There is some existing remnant native vegetation around the boundary and a gentle slope down from the north-east corner to the south-west corner. Dead Horse Lane is a part of the Heavy Vehicle Alternative Route which is scheduled to be significantly upgraded in the near future to cater for trucks passing through Mansfield. This land has access to Midland Highway and Mansfield-Whitfield Road.



Figure 2 – Zoning of the land and surrounds
Source - VicPlan

Proposal

The submitted planning permit application seeks permission for a Motor Car Museum with an associated Café and 10 Warehouses. The subject land is proposed to be developed with two significant and separated land uses.

The Motor Car Museum and Café are proposed to be sited near the southern boundary with direct frontage to Dead Horse Lane, with access to Dead Horse Lane from the east boundary into a formalised car park. The submitted plans provide for twelve (12) car parking spaces, including one disabled space at the front of the land to be used by staff and patrons of the Museum. The proposed Museum provides space for 48 cars to be on display, plus two (2) wash bays on the ground floor and a Mezzanine above.

The Museum and Café are proposed to operate 7 days a week from 9am to 5pm and could accommodate a total maximum of 30 patrons and 3 staff at a time. Additional after-hours private functions are proposed between 6pm to 1am on an ad-hoc basis.

The Warehouses are proposed to be located towards the rear of the land with an internal access road around the boundary, to be one-way in an anti-clockwise direction. The Warehouses are all proposed to be of the same dimensions with a ground floor area of 210 square metres, including a bathroom facility in each and a 60 square metre office above. Each Warehouse is proposed to have three (3) car parking spaces and a large loading bay, with additional carparking at the rear of the land, providing an additional ten (10) spaces, plus a disabled car park.

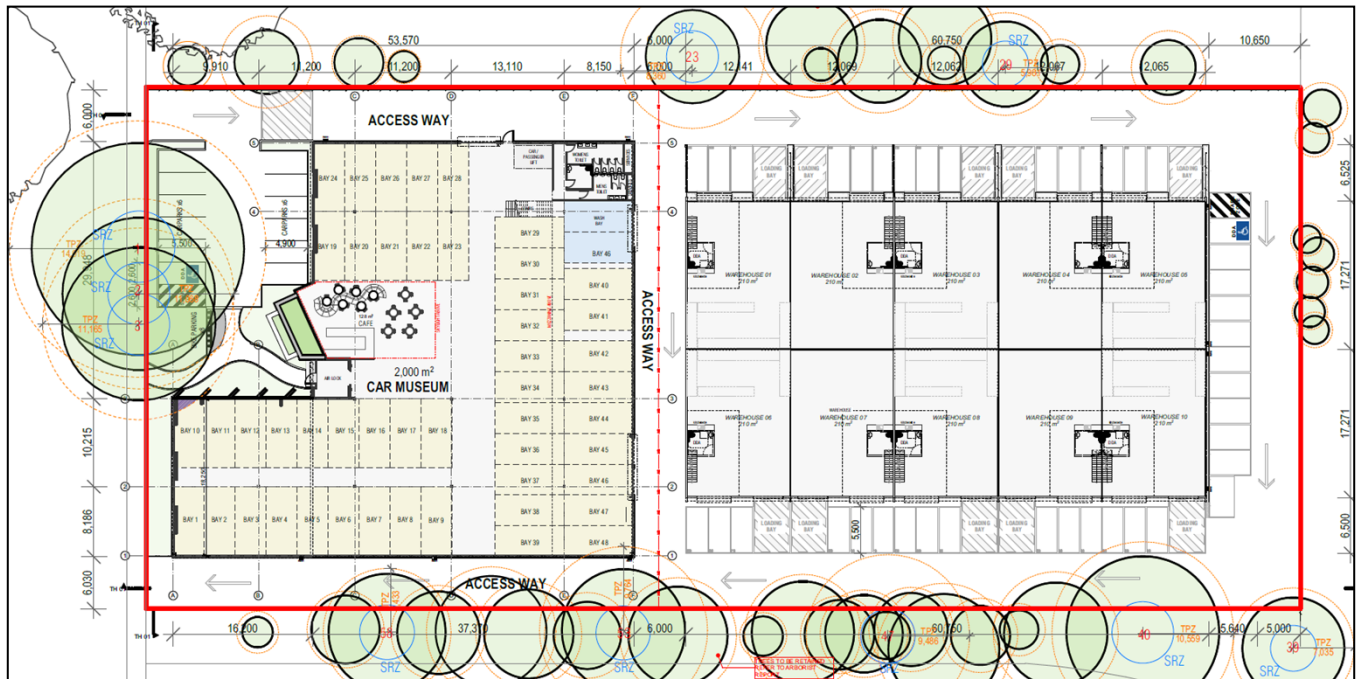


Figure 3 – Proposed Site Layout Plan

The planning permit application was supported by a Traffic Engineering Assessment, which provided a detailed analysis of the proposed internal accessway and car parking to ensure vehicles could manoeuvre the site safely and enter and exit the site in a forward direction.

A Stormwater Management Plan was provided to address onsite stormwater management. The Plan provides for a piped connection to the existing pipeline on the adjoining land to the east to cater for overland flows of the upstream catchment. The proposed pipe would be protected with an easement in favour of Council for maintenance purposes.

A Waste Management Plan was provided which details how waste can be stored onsite and suitably removed.

A Landscaping Plan was submitted which provides landscaping along the Dead Horse Lane boundary and some small pockets out the front of each Warehouse.

The proposal requires the removal of some vegetation onsite, including five (5) native trees which are not exempt under the requirements of Clause 52.17 Native Vegetation. The other trees to be removed do not require a planning permit or assessment, as they are exempt either as being within 1 metre of a boundary way or as they are not native to Victoria. Figure 4 details the location of the five trees considered for removal as part of the application (Trees 8-12).

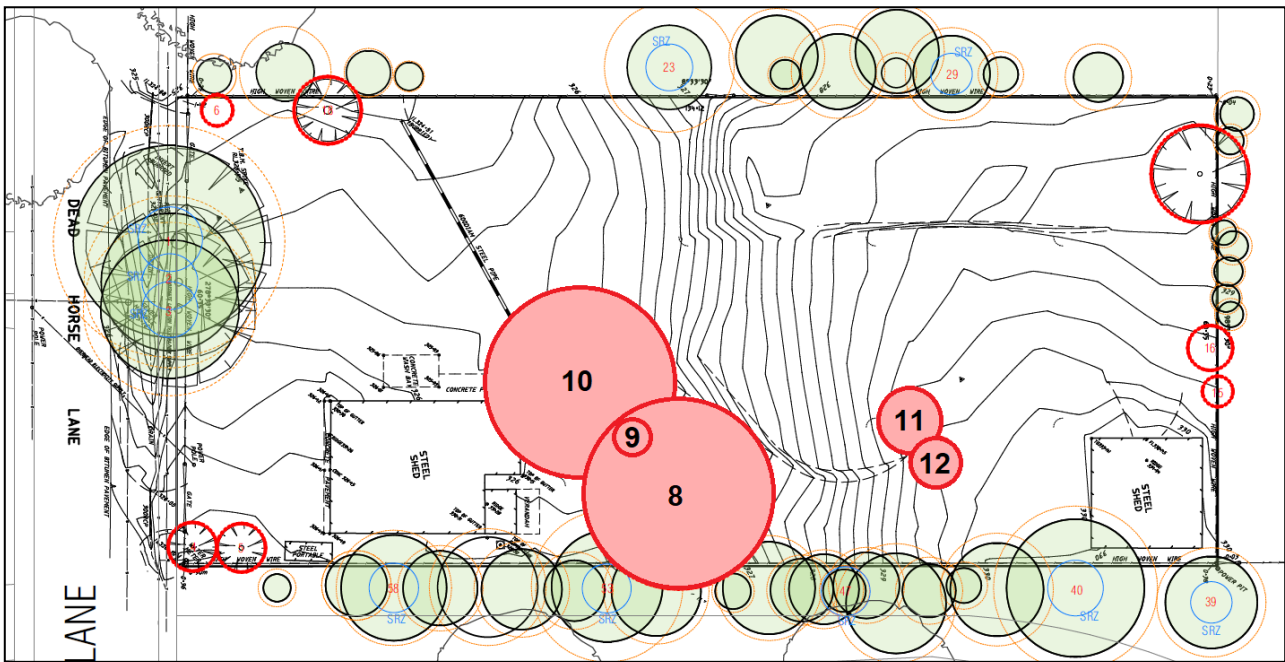


Figure 4 – Existing vegetation on the site and adjoining properties

Key Issues

Referrals

The application is not required to be referred to any external referral authorities.

The application has been referred internally to Council's Engineering Department, who have provided a supportive response with conditions for a permit. An extensive assessment of the proposed stormwater management system was undertaken to ensure pre-development flows can be maintained.

The application was also reviewed by Council's Environment Officer in relation to the proposed vegetation removal. The assessment is consistent with the proposal and relevant conditions are included in the recommended permit.

Advertising

The application was advertised in accordance with the requirements of the *Planning and Environment Act 1987* and involved a sign on site, letters to adjoining and nearby owners and occupiers, and a notice in the newspaper, *Mansfield Courier*.

The application was required to be advertised in accordance with Clause 33.01-4 as the subject land is within 30 metres of properties in the Low Density Residential Zone.

Following the notice period one (1) submission has been received. The submission is generally supportive of the application however, requests that consideration be given towards a requirement for a shared path for pedestrian and bicycle access along Dead Horse Lane.

The application was amended under Section 57A of the *Planning and Environment Act 1987* to include the removal of native vegetation. Accordingly, the application was then advertised a second time and included letters to adjoining and nearby owners and occupiers.

Following the second notice period no submissions were received.

Recommendation

THAT COUNCIL issue a **Planning Permit** for Planning Application P231/22 for use and development of land for an Exhibition Centre (Motor Car Museum) and Restaurant (Café), development of land for Warehouses, display of business identification signage, reduction of car parking requirements, removal of native vegetation (5 trees), and creation of an easement on Lot 1 on Plan of Subdivision 113226, commonly addressed as 255 Dead Horse Lane, Mansfield in accordance with the endorsed plans and subject to the following conditions:-

Amended Plans Required

1. Prior to the commencement of works, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Once approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to a scale and be generally in accordance with those submitted with the application, but modified to show:
 - a. Site Plan detailing the internal road access to be one-way, with the entrance near the east boundary and exit near the west boundary. Access to the Museum and Café Car Park is to be via the one-way access road.
 - b. Site Plan, including the proposed Easement over the underground stormwater pipes traversing from the east boundary to the Road Reserve.
 - c. The underground Stormwater Detention System not impacting the Structural Root Zones of any trees retained.
 - d. The underground stormwater pipes located with minimum impact possible to the Tree Protection Zones of any retained trees on the land and trees in the adjoining properties.

Endorsed Plans

2. The development must be in accordance with the endorsed plans forming part of this permit and must not be altered without the prior written consent of the Responsible Authority.

External building materials

3. The external materials of the building(s), 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.

Signs

4. The signs must not be illuminated by external or internal light. The Responsible Authority may consent in writing to vary this requirement.
5. The signs, including the structure and content, must be constructed and maintained to the satisfaction of the Responsible Authority.

Easement

6. All existing and proposed easements and sites for existing or required utility services on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.

Development

7. All plant and equipment (including, but not limited to air conditioner condensers, exhaust fans and other mechanical services) must be baffled so as to comply with EPA Publication 1826 *Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues*, and must be screened from public view.
8. The loading and unloading of goods, including waste collection must be carried out entirely within the boundaries of the subject land.
9. Outdoor lighting must be designed, baffled and located to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.

10. The landscaping shown on the endorsed plans must be maintained in good condition to the satisfaction of the Responsible Authority, and any dead, dying, diseased or damaged plants are to be replaced with like for like replacements of the same or greater size.
11. Disabled car parking spaces must be provided in accordance with the *Disability Discrimination Act 1992*.

Engineering

12. All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).
13. 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. Any damage to Council managed assets such as trees, roads and stormwater infrastructure, must be repaired at the cost of the developer to the satisfaction of the Responsible Authority prior to the commencement of use of the development hereby permitted.
15. Appropriate measures must be implemented throughout the construction stage of development to rectify and/or minimise mud, crushed rock or other debris being carried onto public roads or footpaths from the subject land to the satisfaction of the Responsible Authority.
16. Stormwater run-off from buildings and other impervious surfaces must be dissipated as normal concentrated overland flow or directed to a storage tank or dam.
17. Prior to the commencement of works all design drawings must be submitted to Council for approval.
18. Prior to the commencement of works, a construction management plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. The construction management plan must describe how the site will be managed prior to and during the construction period and set out requirements for managing:
 - a. Erosion and sediment.
 - b. Stormwater.
 - c. Litter, and other construction wastes.
 - d. Chemical contamination.
19. Prior to the commencement of works 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 drainage plans must include:

 - a. An on-site detention system 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.
20. Prior to any works commencing within the road reserve, an application for Works Within Roads Reserve Permit must be made to Council.
21. Prior to the commencement of works an assessment must be made for altering the natural stormwater flow path. Any infrastructure upgrade or alteration required must be done by the permit holder and at no cost to Council.
22. Prior to commencement of any building and civil works, application must be made to Council to obtain a Legal Point of Stormwater Discharge.

23. Before the commencement of the use of the development hereby permitted, the area set aside for the parking of vehicles and access as shown on the endorsed plans must be:
 - a. Constructed;
 - b. Properly formed to such levels that they can be used in accordance with the plans;
 - c. Surfaced with an all-weather sealcoat or treated to the satisfaction of the Responsible Authority to prevent dust and gravel being emitted from the site;
 - d. Drained and maintained;
 - e. Line marked to indicate each car space and all access lanes;
 - f. Clearly marked to show the direction of traffic along access lanes and driveways; to the satisfaction of the Responsible Authority. Car spaces, access lanes and driveways must be kept available for these purposes at all times, to the satisfaction of the Responsible Authority.
24. Altered overland flow paths must pass through the designed routes within reserves for municipal purposes or within easements. No overland flows shall impact on the adjacent or downstream lots.
25. Interrupted overland flows from this development must not impact on any adjacent land.
26. Industrial and commercial liquid waste must not enter the stormwater drainage system. An EPA approved waste collection system is to be installed onsite to collect waste.
27. Prior to the commencement of use Development Contributions must be agreed to and paid to Council for the following:
 - a. Upgrade to the existing Culvert under Dead Horse Lane
 - b. Development of a Shared Path along one side of Dead Horse Lane, for the frontage of the land.
28. The internal road network (access way) must be suitably lit with outdoor lighting to provide adequate illumination to access area and must not detrimentally affect any adjoining or nearby properties.
29. Following completion of all works, and prior to the commencement of use, "as constructed" drawings relating to drainage assets and assets with the road reserve must be submitted to Council in AutoCAD format.

Environment

30. Prior to the commencement of site works and any vegetation removal the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and associated statutory requirements or approvals.
31. Prior to the removal of Trees No. 8 and No. 10, as identified in the Arboricultural Impact Assessment prepared by Treetec Professional Tree Services 19 May 2023, the trees must be inspected by an appropriately qualified Zoologist to determine the presence of any native animals living or nesting in the trees. Should any native animals be detected they must be caught and relocated to a site deemed appropriate by the Zoologist. A report on the findings and decisions of the Zoologist must be supplied to the Responsible Authority within 30 days of the inspection.
32. A general offset of 0.036 general habitat units: located within the Goulburn Broken Catchment Management Authority boundary or Mansfield Shire Council municipal district with a minimum strategic biodiversity score of at least 0.267 (2 large trees).
33. Before any native vegetation is removed, evidence that the required offset for the project has been secured must be provided to the satisfaction of the responsible authority. This evidence is one or both of the following:
 - a. an established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10 year management actions and ongoing management of the site and/or
 - b. credit extract(s) allocated to the permit from the Native Vegetation Credit Register

34. A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit. Within 30 days of endorsement of the offset evidence by the responsible authority, a copy of the endorsed offset evidence must be provided to the Department of Environment, Land, Water and Planning.

Permit Expiry

35. This permit will expire if one of the following circumstances applies:

- a. The buildings and works have not substantially commenced within two (2) years of the date of this permit.
- b. The buildings and works are not completed within four (4) years of the date of this permit.

36. This permit as it relates to signs will expire 15 years from the issued date of this permit. On expiry of the permit, the sign and structures built specifically to support it must be removed.

37. In accordance with Section 69 of the *Planning and Environment Act 1987*, an application may be submitted to the Responsible Authority for an extension of the periods referred to in these conditions.

Notations

1. In accordance with Section 23 of the *Subdivision Act 1988* requires a certified plan to be registered at the Titles Office.
2. This permit does not authorise the commencement of any building construction works. Before any such development may commence, the permit holder must apply for and obtain appropriate building approval.
3. An application for works within a road reserve is required to be made prior to commencing any works on the road reserve and must comply with the requirements of the *Road Management Act 2004*.

Support Attachments

1. Delegate Report [13.2.1.1 - 26 pages]
2. Application Documents [13.2.1.2 - 164 pages]
3. CONFIDENTIAL - Submission [13.2.1.3 - 2 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 \$9,663.30 was received for the application.

If the recommendation is supported by Council additional Development Contributions will be received from the permit holder to contribute towards the upgrade of the existing culvert under Dead Horse Lane and for the development of a shared path within the road reserve.

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 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 2.1 Support our arts community and facilitate the delivery of festivals and events.

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 3.2 Enhance township character

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

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. C59 - Planning Scheme Amendment

File Number	E10845	Responsible Officer	Coordinator Statutory Planning, Nicole Embling
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Purpose

To seek a Council resolution to request authorisation from the Minister for Planning to prepare and approve Amendment C59mans to the Mansfield Planning Scheme as a proponent driven amendment to remove the Environmental Audit Overlay (EAO) from land at Moorey Street and Walker Street in the Mansfield Township, without formal exhibition under Section 20(4) of the *Planning and Environment Act 1987*, following a community notification process.

Executive Summary

Amendment C59 proposes to remove the Enviromental Audit Overlay (EAO) on an area of land at Moorey Street and Walker Street in the Mansfield Township. C59 is a proponent driven Amendment, led by Breaker Brothers Pty Ltd, who have proposed the removal of the EAO which applies to parcels of land in different ownership. The owners of all affected parcels of land, proposed to have the EAO removed, have consented to the amendment. A copy of the proposed amendment documents (noting the reference on the map sheet will be updated to C59mans) can be found attached to this report.

There are two lots that are proposed to remain in the EAO. A plan of the section of the EAO to be removed can be seen in Figure 1, below, with the area to remain in the EAO highlighted in red outline.

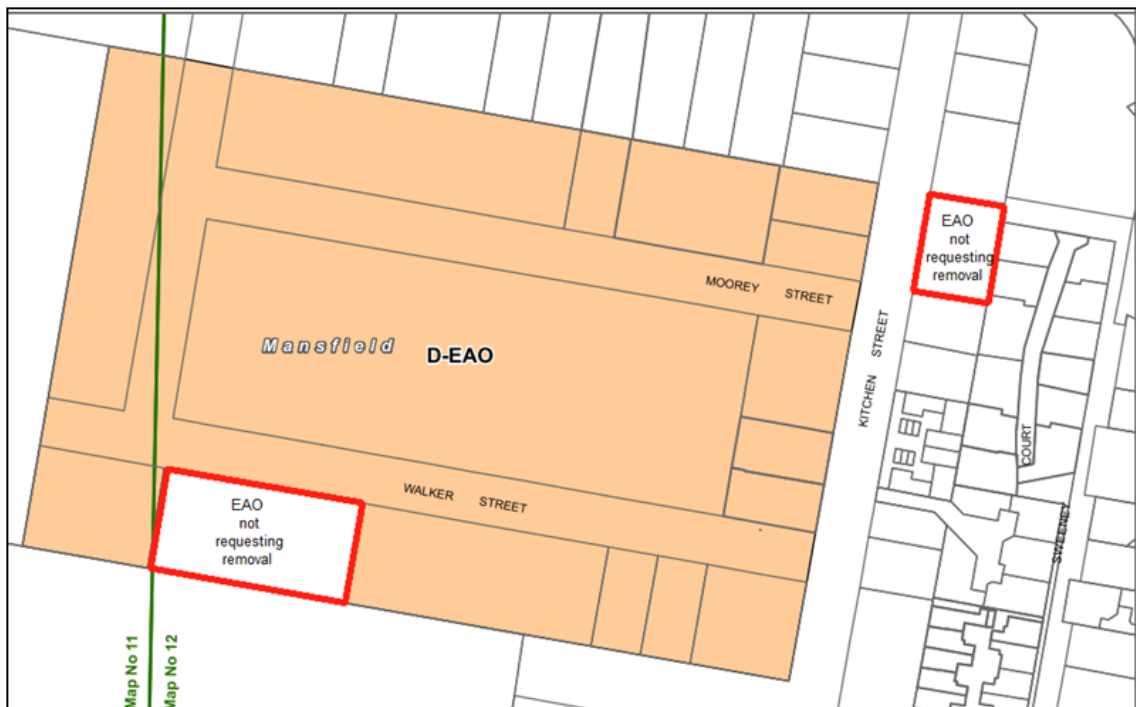


Figure 1 – EAO proposed to be removed

The EAO was applied to the subject land as it was a part of the former Ashfield Timber Mill. The legacy of pollutants that resulted from the Timber Mill operations and storage of materials required a control to ensure that any future sensitive use and development (dwelling, hospital, education centre, etc.) could occur safely. The requirements of an EAO include an

Environmental Audit Report (EAR) being undertaken to determine any lasting environmental hazards.

The submitted EAR provides that the land has an acceptable level of environmental risk which meets the requirements of the EAO. This amendment has also been sent to the Environment Protection Authority, who have given consent to the amendment, therefore deeming now a suitable time to remove the EAO and allow future development.

Key Issues

Subject Land and Surrounds

The subject land includes eight (8) existing dwellings, most of which front Kitchen Street along the east boundary, two with access from Walker Street and one from Moorey Street. These dwellings have been on the land since the Timber Mill was in operation and most were constructed to be used by the workers. Most of the land is vacant and has some scattered vegetation.

The land is partially within the General Residential Zone and Mixed Use Zone. The subject land can be seen in Figure 2, below.

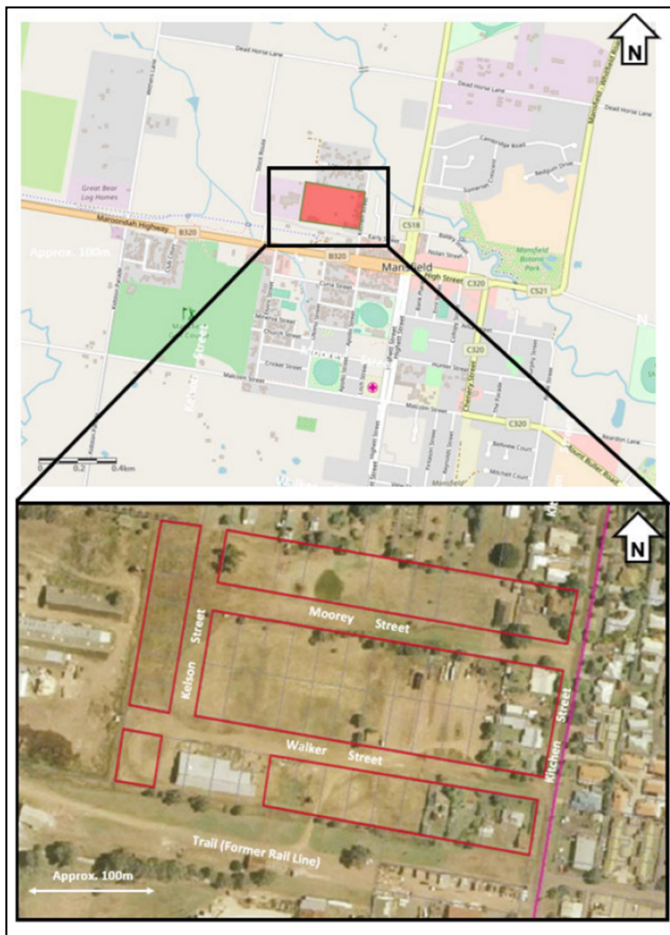


Figure 2 - Subject land

The subject land is partially affected by the Heritage Overlay (HO19) which applies to an 807sqm area of land at the southern boundary of the subject land where there is a Saw Dust Kiln. The proposed amendment would not affect the Heritage Overlay or the protection of the Kiln. There is a second Kiln located on the adjoining land to the west and the third is at 177 High Street, near the Great Victorian Rail Trail.

The land at 22 Walker Street, which is affected by the EAO but is not subject to the proposal, is also within the Mixed Use Zone and contains an old Timber Mill storage shed.

The adjoining land to the north and east is within the General Residential Zone and is developed with mostly single dwellings on varying lot sizes. The land to the south includes Commercial 1 Zoned land and the Station Precinct, which is in the Public Park and Recreation Zone. The land to the west is in the Industrial 1 Zone and includes the former Ashfield Timber Mill. This land was the operating centre of the Mill and to date has large buildings and facilities which demonstrate the previous history of the land. The Timber Mill is no longer in operation and this land is now used for general storage.

The site is southwest of Ford Creek which is approximately 150 metres away at its closest point and is considered to be within Mansfield Township, northwest of the CBD. A plan of the zoning of the area can be found in Figure 3.

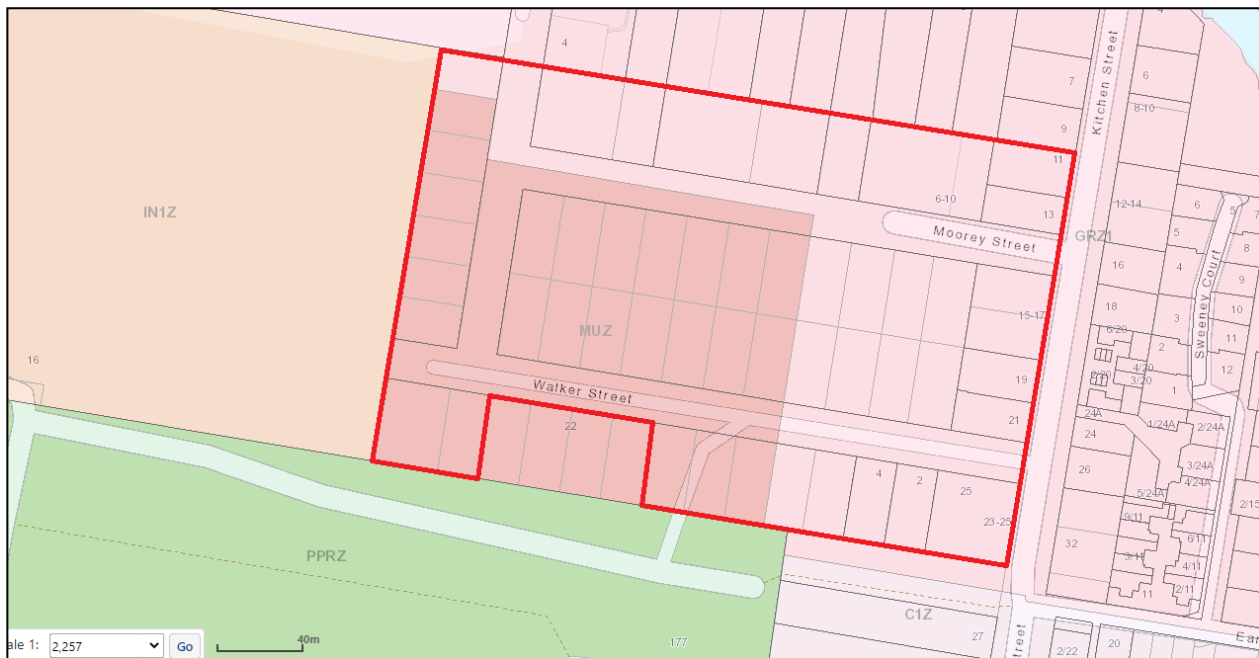


Figure 3 - Zoning of the Land

Background

The EAO has been applied to the land since before the de-amalgamation of Delatite Shire in 2002, when Mansfield Shire was created. Unfortunately, Council records for this land do not include any information prior to this time.

It is generally understood that the EAO was applied in response to the former Ashfield Timber Mill. The Mill ceased operations in 1996 after 46 years. Many of the structures that made up the Ashfield Timber Mill site remain.

The EAO was applied to the site to protect future potential sensitive uses from environmental issues. A sensitive use is defined as residential use, childcare centre, kindergarten, pre-school centre, primary school. Additionally, the EAO also restricts use as a children's playground or secondary school.

Consideration of impacts of the Timber Mill

The Timber Mill operations on the adjoining land to the west were reasonably restricted and the subject land contained mostly storage of timber and associated materials. In addition to timber being stored on the land there was fuel storage, a workshop, and a small water storage dam near the northern boundary.

The storage of materials has resulted in the site having a range of legacy of environmental hazards that the EAR has considered. The EAR details the environmental hazards and how their impact has been reduced to an acceptable level.

The key pollutant discovered through the EAR was a layer of imported hardstand material comprising sand, silt and coarser rock fragments (varying from gravel to cobble size). The hardstand material is believed to have been used to create a trafficable surface for the timber storage areas and used onsite, as the site was subject to waterlogging during wetter periods.

Two fuel storage workshops and maintenance areas had chemicals and substances of concern identified by the EAR, which included TPH (Total Petroleum Hydrocarbons), BTEX (Benzene, Toluene, Ethylbenzene & Xylenes) and metals (pg. 55-56, Tables 8-9 of the EAR). Remnant building waste was also identified on the land, from previous demolition works that had asbestos building materials. Furthermore, there were impacts from the onsite wastewater treatment and disposal systems where metals, nutrients and pathogens as chemicals were identified.

Since the Timber Mill ceased operations and the sources of pollutants have been removed from the land, the legacy of the pollutants has significantly reduced. The Environmental Audit, completed in 2019, outlines how the environmental risk has now been reduced to a level that is considered acceptable and no longer requires the EAO.

Findings from Environment Audit Report

Key issues raised by the submitted information include the levels of pollutants on the site and in the ground, and the possible impact to groundwater, surrounding waterways, and specifically Ford Creek. The EAR provides that the site had concentrations of Copper and Zinc in the groundwater however, it was deemed to be within the typical range and not considered a pollutant under the *State Environment Protection Policy (Waters)* (Table 8 pg. 54-55 of the EAR).

Lead was located in one section of the site, but the concentration is considered to be well below hazard levels.

Asbestos was also found on the site from contaminated objects related to the Mill. There is evidence that most of the asbestos materials have been removed and the levels are deemed to be acceptable.

The Groundwater Resource Report generated from the Department of Environment, Energy and Climate Action (DEECA) website indicates groundwater occurs in the Quaternary Sediments (5-10 m depth), and at greater depths in the Mesozoic and Paleozoic basement rocks underlying the area. The site is not located in a designated groundwater management area or water supply protection area, and the geographical cross-section detailing these features is shown in Figure 5.

Council Officers have considered the proposed amendment and assessed it against the requirements of the Mansfield Planning Scheme and Planning and Environment Act 1987, and Councils Community Engagement Policy and have determined that it is not required to be formally exhibited. However, to ensure transparency with the community, Council officers are proposing to provide notice of the amendment via Mansfield Matters prior to requesting the Minister for Planning to prepare and approve the amendment. All of the affected persons are aware of, and have consented to, the amendment and therefore formal exhibition of the proposal is not required, and officers are of the opinion that a notice through Mansfield Matters will provide additional transparency for the community.

Environmental Audit Overlay Clause 45.03-1 Requirements	
Requirement	Officer Assessment
A preliminary risk screen assessment statement in accordance with the <i>Environment Protection Act 2017</i> must be issued stating that an environmental audit is not required for the use or the proposed use; or	N/A
An environmental audit statement under Part 8.3 of the <i>Environment Protection Act 2017</i> must be issued stating that the land is suitable for the use or proposed use; or	N/A
A certificate of environmental audit must be issued for the land in accordance with Part IXD of the <i>Environment Protection Act 1970</i> ; or	Submitted and supported by EPA, GMW and Council Planning Officers
A statement of environmental audit must be issued for the land in accordance with Part IXD of the <i>Environment Protection Act 1970</i> stating that the environmental conditions of the land are suitable for the use or proposed use.	N/A

The Environmental Audit Review and EAR analysed the impacts from pollutants on the site and specific areas of concern. Overall, the Environmental Audit Review confirms that the site no longer has pollutants that are an environmental risk and therefore the EAO is no longer justified on this land.

Recommendation
THAT COUNCIL, following notice of the amendment being made to the community, request the Minister for Planning to prepare and approve an amendment to the Mansfield Planning Scheme without exhibition under Section 20(4) of the <i>Planning and Environment Act 1987</i> to remove the Environmental Audit Overlay (EAO) from land at Moorey Street and Walker Street in the Mansfield Township, as outlined generally in accordance with the proposed Section 20(4) amendment request package.
Support Attachments
<ol style="list-style-type: none"> 1. CONFIDENTIAL - Environmental Audit Review [13.2.2.1 - 9 pages] 2. CONFIDENTIAL - EAR - Environmental Audit Report [13.2.2.2 - 155 pages] 3. CONFIDENTIAL - EPA Referral Response [13.2.2.3 - 3 pages] 4. CONFIDENTIAL - GMW Referral Response [13.2.2.4 - 1 page] 5. C 59 Combined Proposed Amendment Instruction Sheet and Map [13.2.2.5 - 5 pages]

Considerations and Implications of Recommendation

Sustainability Implications

The removal of the Environment Audit Overlay from these sites will allow the residential development of this area to progress, with due consideration to the prior contamination of the site. Removing this overlay will result in positive economic change for the Mansfield Shire by allowing the development of dwellings close to the Mansfield Township. It also allows additional residents to become part of the township and may relieve rental stresses in addition to addressing the current elevated housing demand.

Community Engagement

Section 19 of the Planning and Environment Act 1987 normally requires that a planning authority give notice of an amendment to the planning scheme, but that the Council can apply to the Minister to exempt it from the requirements under Section 20(4).

Council officers are proposing to place a notice of the amendment into Mansfield Matters and on Council's website prior to requesting the amendment be prepared and authorised by the Minister for Planning to ensure that the process is open and transparent for the broader community.

As this amendment is removing an overlay that has been demonstrated to no longer be required, and the owners of the land have all consented to the removal, Council officers are recommending that the exemption from formal exhibition through the planning process be sought in this case. Consideration of the potential contamination of the land has been undertaken in an appropriate way and has been given the approval for removal by the EPA, further supporting the exemption request.

Collaboration

Not Applicable

Financial Impact

The financial impact of the removal of the Environmental Audit Overlay as part of C59mans is minimal. The cost incurred by Mansfield Shire is in time and resources spent by the Planning Department in processing the proposed amendment. The applicants are required to pay the Planning Fee for the Consideration of the Amendment of \$3,149.20.

Legal and Risk Implications

The application for Amendment C59 to the Mansfield Planning Scheme has been assessed in accordance with the *Planning and Environment Act 1987* and the Mansfield Planning Scheme. If Council supports Amendment C59 then it would be provided to the Minister of Planning as the Responsible Authority who would need to approve the amendment for it to come into effect.

If Council decides to refuse the removal of the EAO then it would remain on the site and the amendment request will not be submitted to the Minister for Planning. The Applicant could then request the matter go before Planning Panels Victoria to dispute Council's decision. A Planning Panel would try to resolve the differences between the parties but would not give a final

decision on the amendment's future, rather would advise on how it could or could not progress. The Minister of Planning could approve Amendment C59 against the determination of Council.

Regional, State and National Plans and Policies

The application for Amendment C59 to the Mansfield Planning Scheme 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 5 Prosperous: Industries, businesses and workforces of the future

Strategy 5.1 Create conditions that enable local businesses and employers to thrive.

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 the 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. P054/23 - 86-92 Highett Street Mansfield - Bindaree

File Number	DA8065 P054/23	Responsible Officer	Coordinator Statutory Planning, Nicole Embling
Purpose			

The purpose of this report is to seek Council's determination of application P054/23, lodged for the development of land for alterations and extensions to a Residential Aged Care Facility and removal of Native Vegetation (6 trees).

This application is being referred to Council for determination as the estimated cost of works exceeds the maximum of \$3 million for the value of works delegation, with an estimated cost of the development being \$41 million.

Executive Summary

<i>Application Details</i>	
APPLICANT	Victorian Health Building Authority C/- Urbis Pty Ltd
PROPOSAL	Development of land for alterations and extensions of a Residential Aged Care Facility and removal of Native Vegetation (6 trees)
APPLICATION LODGED	18 April 2023
AMENDMENTS	Application amended 13 June 2023 under Section 57A of the <i>Planning and Environment Act 1987</i> (after advertising) to amend the proposed native vegetation removal, following advice from Council's Environment Officer.
NOTICE AND SUBMISSIONS	Notices sent to 197 Owners/Occupiers of surrounding properties. Notice on site – Yes (2) Notice in the Newspaper – Yes (Two weeks) Three (3) Submissions to the application have been received. One submission was supportive. Two (2) submissions were supportive with some questions. There are no outstanding objections.
<i>Property Details</i>	
PROPERTY ADDRESS	86-92 Highett Street, Mansfield
LAND DESCRIPTION	Lot 5 on Plan of Subdivision 080449 (Certificate of Title Volume 10938 Folio 706) and Lot 1 on Plan of Subdivision 095502 (Certificate of Title Volume 10938 Folio 705)
RESTRICTIVE COVENANTS	<u>Lot 1 on PS 095502</u>

	Statutory Charge, Section 29 <i>Retirement Villages Act 1986</i> <i>S854726N, dated 24 April 2006</i> Notice, Section 9(1)(a) <i>Retirement Villages Act 1986</i> <i>N089008R, dated 16 October 1987</i>
LAND AREA	Approximately 2.51 hectares
EXISTING USE	<i>Bindaree – Residential Aged Care Facility</i>
<i>Planning Provisions</i>	
ZONE	Clause 32.08 – General Residential Zone – Schedule 1 (GRZ1)
OVERLAYS	Nil
PARTICULAR PROVISIONS	Clause 52.06 – Car Parking Clause 52.17 – Native Vegetation Clause 53.17 – Residential Aged Care Facility Clause 53.18 – Stormwater Management in Urban Development
<i>Permit Triggers</i>	
Clause 32.08-8 (GRZ1)	<i>A permit is required to construct a building or construct or carry out works for a residential aged care facility. A development must meet the requirements of Clause 53.17 – Residential aged care facility.</i>
Clause 52.17-1 (Native Vegetation)	<i>Clause 52.17-1 – A permit is required to remove, destroy or lop native vegetation, including dead native vegetation.</i>
<i>Other</i>	
CULTURAL SENSITIVITY	The site is not in an area of aboriginal cultural heritage sensitivity, therefore a Cultural Heritage Management Plan is not required.
BUSHFIRE PRONE AREA	No, the site is not within a designated bushfire prone area.
SITE INSPECTION	Yes, accompanied by Environment Officer.

Subject Land

The site is approximately 2.51 hectares and is rectangular in shape, with the longer frontage of 238 metres to Highett Street and the shorter frontage of 115 metres to Lovick Avenue. The land is currently occupied in the southern portion with the existing aged care facility, Bindaree. Bindaree is currently made up of one large building and some smaller independent living units which front Lovick Avenue. Most of the site is open space and gardens used by the residents.

The land is in the General Residential Zone and no Overlays apply to the site. The adjoining and surrounding properties are also in the General Residential Zone and are mostly developed with single dwellings on varying lot sizes.

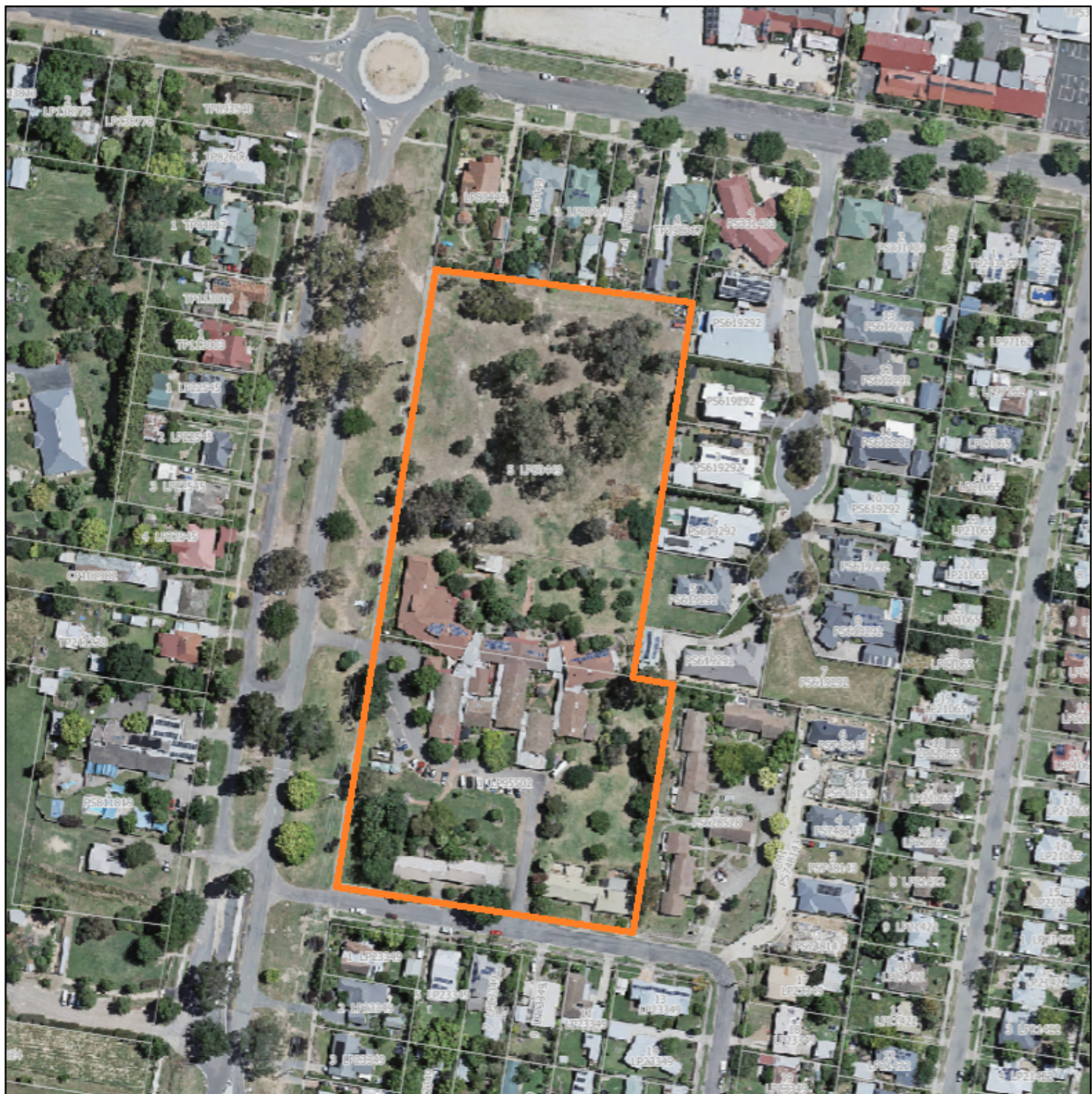


Figure 1 – Subject site and surrounds

Proposal

The planning permit application proposes an additional 30 residential aged care rooms resulting in a total of 72 rooms across the entire facility. To achieve this, the existing independent living units are proposed to be removed and some internal alterations will occur to the existing building. An additional wing will be built providing 30 new rooms and the extensions to the north will provide services for a kitchen, deliveries, laundry and waste disposal. A new car park will be developed providing a total of 45 parking spaces for the site.

The proposed alterations and extensions will be incorporated into the existing building, maintaining the single-storey built form with frontage to Highett Street. A sheltered vehicle drop-off area will service the main entrance with a reception and waiting area, small café, and associated activity rooms.



Figure 2 – Artist Impression of proposed front entrance

The development is proposed to be completed in two stages, the first (shown in red in Figure 2) being the removal of the existing independent living units, extensions to the south and north and creation of a second access for services. The second stage (shown in blue in Figure 2) will include the alterations to the existing building and development of the new main access and entrance from Highett Street.

The proposed extensions and alterations require the removal of some vegetation, including landscaping and remnant native trees. A total of 63 trees are required to be removed.

Trees required for removal include:

- 6 Native Trees, requiring offsetting in accordance with the requirements of Clause 52.17 of the Mansfield Planning Scheme.
- 11 Native Trees, which were planted are therefore exempt from requiring a planning permit and are not required to be offset.
- 45 Exotic Trees.
- 1 Exotic Tree in Council's Road Reserve (Street Tree).

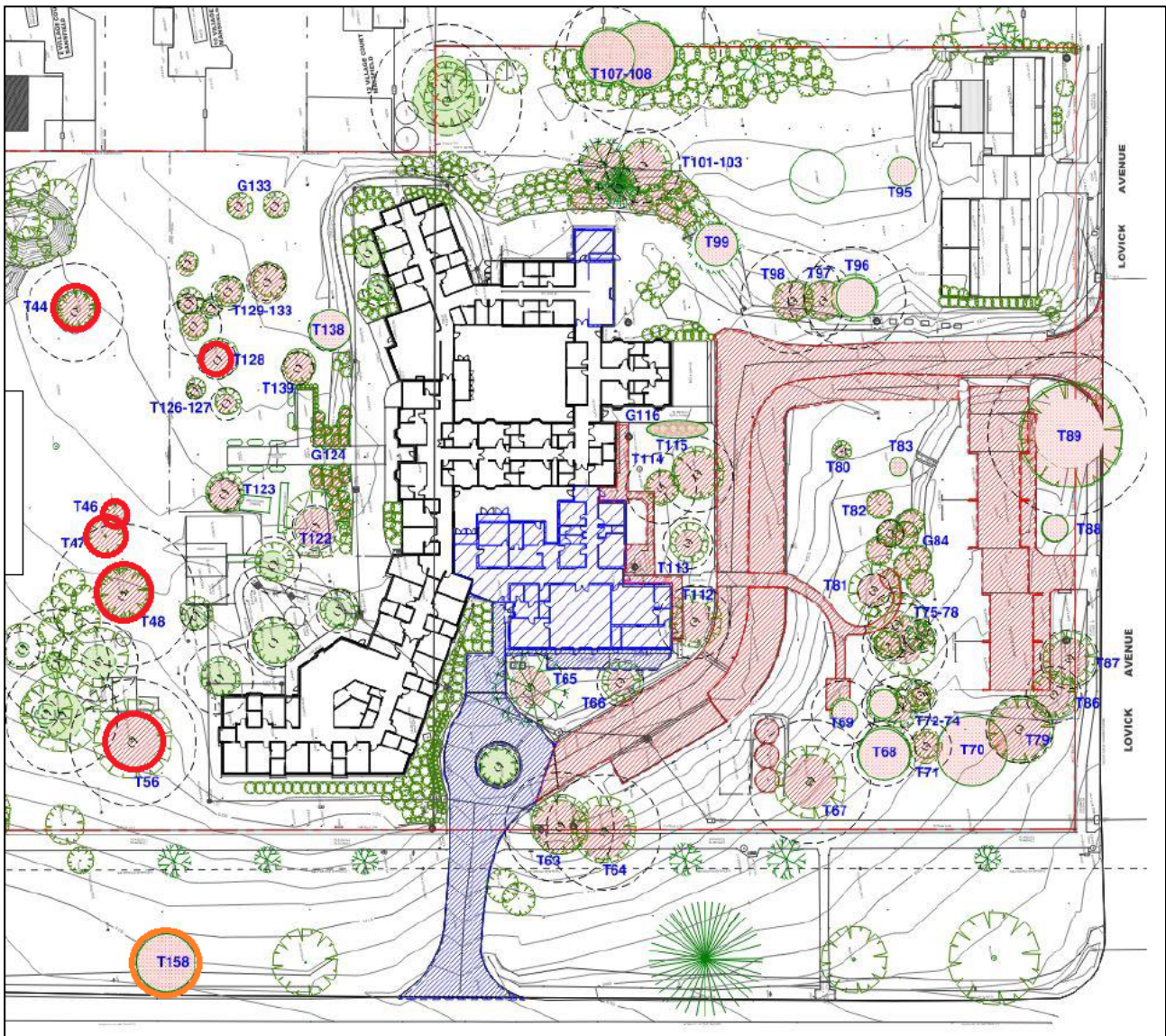


Figure 3 – Native vegetation to be offset (circled red) and exotic Council Street Tree to be removed (circled orange)

The subject land contains an additional 54 remnant trees which will be retained and not affected by the proposal, including 8 native trees which have been assessed as having a high value in the submitted Arboricultural Report. The application proposes to include construction of temporary tree protection fencing during construction works to ensure no harm will be done to the trees being retained.

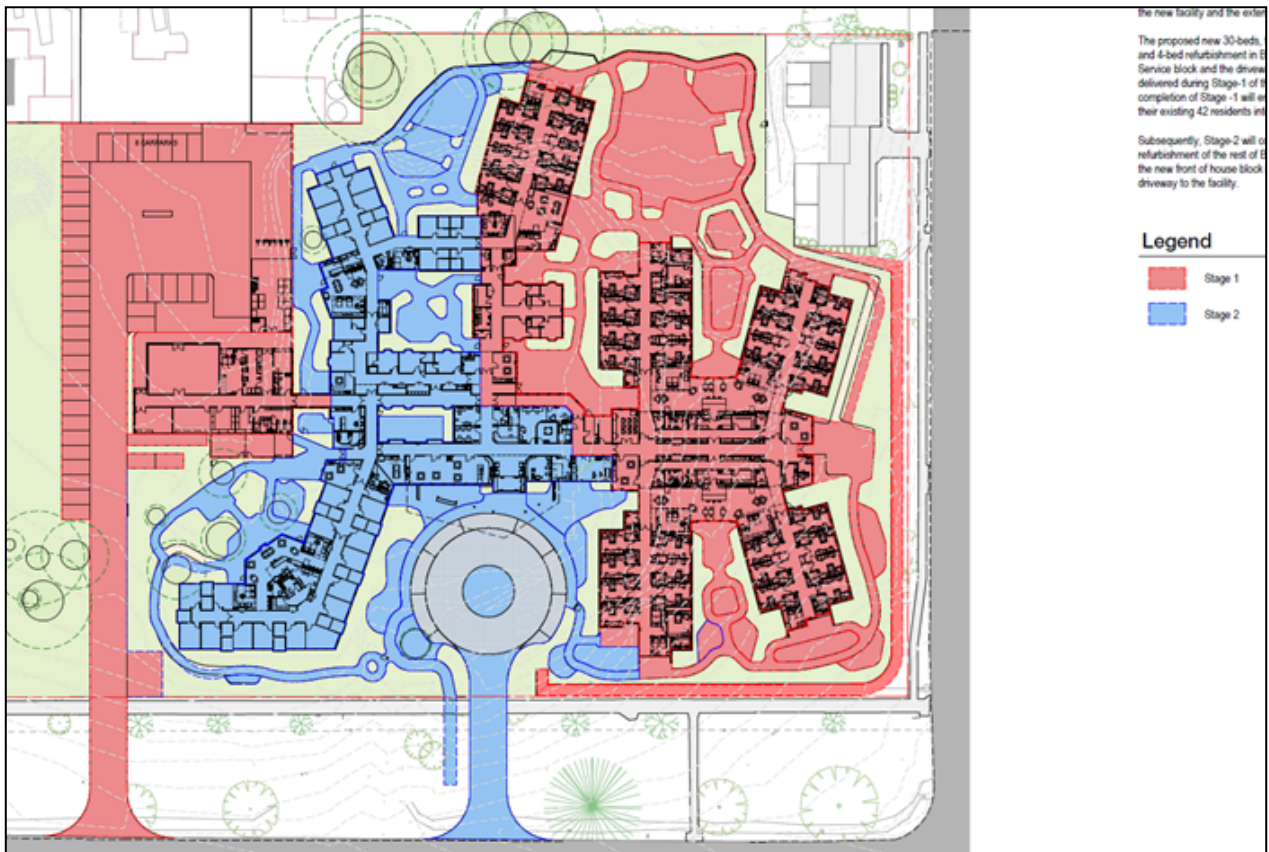


Figure 4 – Proposed Staging (Stage 1 red, Stage 2 blue)

Key Issues

External Authorities

The application has been referred to Country Fire Authority (CFA), Goulburn Murray Water (GMW), Goulburn Valley Water (GVW), and AusNet Electricity Services. Conditional consent has been received from GMW and GVW, and CFA has provided unconditional support. A response has not been received from AusNet.

Internal Referrals

The application has been reviewed by Council's Environmental Health, Engineering, Waste, Field Services, and Strategic Planning Departments, who are supportive of the proposal and have provided suitable conditions for a planning permit.

Public Notice

The application was advertised with two signs onsite (one at each road frontage), notice in the local newspaper, and letters were sent to the owners and occupiers of all properties adjoining and surrounding the subject land, which included 197 properties.

Following the public notice period, three (3) submissions were received.

One of the submissions was supportive of the proposal and raised no concerns.

The second submission was generally supportive and raised some questions of the applicant regarding light spill, and some regrowth vegetation on the northern property boundary.

In response to the second submission the applicant has provided a signed letter by a qualified Electrical Engineer, who has determined that the proposed lighting would comply with all relevant Australian Standards and should not create any unsuitable light spill to adjoining and neighbouring properties. The applicant also provided an arboricultural report for the existing vegetation on the site which does not address the trees on the northern boundary. These trees are less than 10 years old and are therefore exempt from requiring a planning permit for removal, the landowners of the subject land and adjoining Submitters' land could negotiate to remove these trees without requiring permission from Council.

The third submission was received from Sustainability Mansfield who are supportive of the proposal and acknowledged the protection of most of the remnant native trees, a request was made for the native vegetation offsets to be secured within 3 kilometres of the subject land. However, under the regulations the location of offsets is not controlled by the permit applicant, developer, or Council and therefore is not able to be a specific requirement of a planning permit. The offset allocation is completed by a third-party Creditor and must be within the Goulburn Broken Catchment area.

The three submissions are not considered objections to the proposal.

Conclusion

A full assessment of the application in relation to the relevant policies of the Mansfield Planning Scheme is included in the attached Delegate Assessment Report.

The application demonstrates that the proposed development would satisfy Environmental Sustainable Development principles and provide appropriately managed stormwater discharge, waste recovery, deliveries and general egress to the site.

The extent of native vegetation to be removed is nominal having regard to the size of the site and the degree of existing vegetation. The native vegetation proposed for removal is unlikely to materially alter the natural character of the site and the valued alpine character of Mansfield. Further, the proposal would provide for an appropriate third party offset that is commensurate with the biodiversity value of the native vegetation to be removed, in accordance with the Guidelines.

In relation to car parking the application has provided a suitable response that meets the requirements of the Planning Scheme, and in regard to the specific residential aged care facilities policy the proposal is compliant and would provide a positive outcome.

Overall, the proposal will provide for a considered and appropriate extension to an existing residential aged care facility that is supported by planning policy and the relevant planning controls.

Recommendation

THAT COUNCIL issue a Planning Permit for Planning Application P054/23 for a *Development of land for alterations and extensions of a Residential Aged Care Facility and removal of Native Vegetation (7 trees)* on Lot 5 on Plan of Subdivision 080449 (Certificate of Title Volume 10938 Folio 706) and Lot 1 on Plan of Subdivision 095502 (Certificate of Title Volume 10938 Folio 705) commonly addressed as 86-92 Highett Street, Mansfield in accordance with the endorsed plans and subject to the following conditions: -

Endorsed Plans

1. The development must be in accordance with the endorsed plans forming part of this permit and must not be altered without the prior written consent of the Responsible Authority.

Development conditions

2. All waste collection must be undertaken in accordance with the endorsed Waste Management Plan, prepared by Aecom Australia Pty Ltd dated 17 April 2023, to the satisfaction of the Responsible Authority. No alterations to the Waste Management Plan may occur without the prior written consent of the Responsible Authority.
3. The stormwater management system must be maintained in good working order at all times, in accordance with the Stormwater Management Plan, prepared by Meinhardt Urban Pty Ltd dated March 2023, to the satisfaction of the Responsible Authority.
4. Prior to the commencement of works, a construction management plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. The construction management plan must describe how the site will be managed prior to and during the construction period and set out requirements for managing:
 - a. Erosion and sediment.
 - b. Stormwater.
 - c. Litter, and other construction wastes.
 - d. Chemical contamination.

When approved, the plan will be endorsed and will then form part of this permit.

5. All plant and equipment (including, but not limited to air conditioner condensers, exhaust fans and other mechanical services) must be baffled so as to comply with EPA Publication 1826 *Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues*, and must be screened from public view.
6. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted without the written consent of the Responsible Authority.
7. All security alarms or similar devices installed on the land must be of a silent type in accordance with the current standard specified by Standards Australia International Limited and connected to a security service.
8. The loading and unloading of goods, including waste collection must be carried out entirely within the boundaries of the subject land.
9. Outdoor lighting must be designed, baffled and located to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.
10. Maintenance of all buildings surrounds and accessways within the site must be carried out so that the site is neat, tidy and clean at all times to the satisfaction of the Responsible Authority.
11. The landscaping shown on the endorsed plans must be maintained in good condition to the satisfaction of the Responsible Authority, and any dead, dying, diseased or damaged plants are to be replaced with like for like replacements of the same or greater size.
12. The external colours, materials and finishes of the building(s) shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
13. The external materials, 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.
14. All pipes, fixtures, fittings and vents servicing any building on the land, other than stormwater down pipes, must be concealed or otherwise hidden from view to the satisfaction of the Responsible Authority.

15. Upon completion of the development, the land must be cleared of all excess and unused building materials, to the satisfaction of the Responsible Authority.
16. Downpipe water from any building must be directed into a water tank, soakwell, or otherwise discharged, so as not to cause erosion to the land or surrounding land, to the satisfaction of the Responsible Authority.

Environmental Health

17. Prior to the commencement of operations and the planned construction, further details of the business activity and a detailed layout plan for the kitchen(s) is to be provided to Councils Environmental Health Officers. The premise and kitchen activities are to be operated and maintained in accordance with the requirements of the *Food Act 1984*, and the *Public Health and Wellbeing Act 2008* with respect to 'Prescribed Accommodation'.

Environment

18. Prior to the commencement of works for the additional access from Highett Street, the existing Street Tree as identified on the endorsed plans, must be removed to the satisfaction of the Responsible Authority. Notification of the works must be given to Council a minimum of two (2) weeks prior to commencing. The stump of the tree must be pasted with Glyphosate and left for a minimum of two (2) weeks prior to grinding and removing.
19. Before works start, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and associated statutory requirements or approvals.
20. Before the removal of any native vegetation, a Native Vegetation Removal Report (NVR) must be submitted and approved by the responsible authority. It must include trees 44, 46, 47, 48, 50, 56 and 128 as noted in the endorsed Arboricultural Impact Assessment and Tree Protection Plan. This approved NVR will then form the basis for offset requirements.
21. Before any native vegetation is removed, evidence that the required offset for the project has been secured must be provided to the satisfaction of the responsible authority. This evidence is one or both of the following:
 - a. an established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10 year management actions and ongoing management of the site and/or
 - b. credit extract(s) allocated to the permit from the Native Vegetation Credit Register.

A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit. Within 30 days of endorsement of the offset evidence by the responsible authority, a copy of the endorsed offset evidence must be provided to the Department of Environment, Land, Water and Planning.

22. All native vegetation protection works constructed or carried out must be in accordance with the endorsed Arboricultural Impact Assessment and Tree Protection Plan.
23. Tree 50 as per the endorsed Arboricultural Impact Assessment and Tree Protection Plan is to have permeable driveway substrate used in the TPZ and SRZ area to minimise compaction. Any shallow excavation within the TPZ or SRZ must be carried out without heavy machinery. Roots must be left intact where possible.

Engineering

24. Prior to the commencement of works all design drawings must be submitted to Council for approval.
25. Prior to any works proceeding within the road reserve, an application for Works Within Roads Reserve Permit must be made.

26. All design work must be conducted by a suitably qualified CPEng, RPEng or National Engineering Registered (NER) engineer, to the satisfaction of the Responsible Authority.
27. Prior to the commencement of works for Stage 2, the concrete footpath must be constructed and connected along Lovick Ave where the access road will be removed to the satisfaction of the Responsible Authority.
28. Prior to the commencement of works, 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 drainage plans must include:
 - a. An on-site detention system 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.
29. Prior to the commencement of works, a stormwater drainage system with pipes and pits must be designed for Highett Street along the development considering the entire lot developed to its capacity and overall contributing catchment. The pipes and pits must be constructed according to the approved design at Highett Street along the property frontage where the development is proposed.
30. Interrupted overland flow from this development must not impact on the adjacent lots.
31. At least 1 disabled carpark space must be provided compliant to *Disability Discrimination Act*.
32. All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).
33. Following completion of all works, "as constructed" drawings relating to drainage assets and assets with the road reserve must be submitted to Council in AutoCAD format. In addition, as constructed measurements as digital data in a GIS ready format must be provided relating to drainage assets and assets with the road reserve in accordance with the current version of D-SPEC and R-SPEC.

Goulburn Murray Water

34. All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).
35. All wastewater from the residential aged care facility must be disposed of via connection to the reticulated sewerage system in accordance with the requirements of the relevant urban water authority.
36. Stormwater must be discharged to a legal point as nominated by the Responsible Authority. All infrastructure and works to manage stormwater must be in accordance with the requirements of the Responsible Authority.

Goulburn Valley Water

37. Payment of new customer contribution charges for water supply to the development, such amount being determined by the Corporation at the time of payment.
38. Payment of new customer contributions charges for sewerage services to the development, such amount being determined by the Corporation at the time of payment.
39. Connection of all sanitary fixtures within the development to reticulated sewerage, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation. All works required are to be carried out in accordance with AS 3500.2 - 'Sanitary plumbing and drainage', and to the satisfaction of the Corporation's Property Services Section.

40. Discharge of Trade Waste from the development will be subject to a Trade Waste Discharge Consent. Application to determine the specific requirements for your development may be required. Please contact the Business Customer Service Team on 5832 4800 or via email mail@gvwater.vic.gov.au to discuss your business' needs.

Permit Expiry

41. This permit will expire if one of the following circumstances applies:

- a. The development has not commenced within two (2) years of the date of this permit.
- b. Stage 1 of the development is not completed within four (4) years of the date of this permit.
- c. Stage 2 of the development is not completed within six (6) 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 Section 69 of the *Planning and Environment Act 1987*.

Notations

1. This permit does not authorise the commencement of any building construction works. Before any such development may commence, the permit holder must apply for and obtain appropriate building approval.
2. An application for works within a road reserve is required to be made prior to commencing any works on the road reserve and must comply with the requirements of the *Road Management Act 2004*.

Support Attachments

1. Delegate Assessment Report [13.2.3.1 - 55 pages]
2. Application Documents [13.2.3.2 - 191 pages]
3. CONFIDENTIAL - Submissions [13.2.3.3 - 8 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 \$26,489.90 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 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 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.

Strategy 1.2 Connect, develop and support children and young people.

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 3.4 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 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”

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.

13.2.4. EVIE Charger Lease Agreement

File Number	E10044	Responsible Officer	Manager Operations & Capital Works, Nick Maple
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Purpose

The purpose this report is to seek Council endorsement to enter a lease for carparking spaces in the Early Street carpark, Mansfield, for the construction of an electronic vehicle (EV) charging station.

Executive Summary

In August 2021, Mansfield Shire Council provided a letter of support to Fast Cities Australia Pty Ltd (Evie Networks) for an application to the *Destination Charging Across Victoria Program* to seek funding to install an EV charging station in Mansfield. This support included advise that Council would work with Evie Networks should their application be successful.

Evie Networks were successful in obtaining the funding, and they have now officially approached Council with a proposal to lease a suitably sized land parcel for the purpose of installing two electric vehicle charging stations. After careful evaluation and consideration, a suitable location has been identified that meets the requirements for this initiative. A comprehensive lease agreement has been drafted and is now prepared for execution.

Key Issues

Evie has approached Council with the objective of installing publicly accessible Electric Vehicle Charging Stations in Mansfield. In response, an extensive investigation was conducted to evaluate several factors such as:

- proximity to the electrical grid
- available power capacity
- central location
- and accessibility considerations.

Based on the findings, two potential sites, Erril Street and Early Street, were identified as viable options. After careful assessment and discussions with Evie, Early Street emerged as the preferred location for the installation of the charging stations.

To formalize the arrangement, a lease agreement has been proposed between the Council and Evie. The proposed lease term spans 9 years and 364 days, with an annual rental fee of \$500. The lease encompasses a specific area of land, delineated in red on the Figure 1 plan provided, which amounts to approximately 42 square metres. This area is situated within the Early Street carpark, located behind Foodworks in Early Street, Mansfield.

By entering into this lease agreement, Council and Evie are taking proactive steps to foster the growth of sustainable transportation infrastructure within Mansfield Shire. The provision of publicly available electric vehicle charging stations aligns with Council’s commitment to environmental sustainability and contributes to the promotion of cleaner, greener transportation options in Mansfield.



Figure 1: Leased area of land in Early Street, Mansfield

Recommendation

THAT COUNCIL

1. Approves in principle the proposed lease to Fast Cities Australia Pty Ltd (Evie Networks) for part of the property known as the Early Street Carpark, located in Early Street, Mansfield, for the purposes of providing a publicly available electric vehicle charging station, for a term of 9 years and 364 days.
2. Sets Fast Cities Australia Pty Ltd (Evie Networks) annual lease payment at \$500 (ex GST).
3. Provides public notification of the intention to lease the portion of the Early Street Carpark land.
4. Authorises the Chief Executive Officer to execute the lease on completion of the public notification process.

Support Attachments

1. Concept plan of Early street EV chargers [13.2.4.1 - 1 page]
2. Site Plan of EV Location [13.2.4.2 - 1 page]

Considerations and Implications of Recommendation

Sustainability Implications

The proposed lease will serve to promote and support the increased utilization of electric vehicles in Mansfield. This proactive approach aligns with Council's commitment to environmental stewardship and will result in positive environmental and economic outcomes for the local community.

Community Engagement

Section 115 of the Local Government Act 2020 states that if a lease is not included as a proposal in the budget, which is the case here, the Council must undertake a community engagement process in accordance with Council's Community Engagement Policy prior to entering into the lease.

In accordance with Council's Community Engagement Policy, Council officers will put a notice of the proposed lease in Mansfield Matters and on Council's website to inform the community of the intention to lease a portion of the Early Street Carpark and will undertake stakeholder consultation with nearby businesses and landowners.

Collaboration

Collaboration has been undertaken with Evie and Council Officers.

Financial Impact

Rent for the lease of this space has not been accounted for in the 2023-24 Budget but is proposed to be set at an amount of \$500 per annum, ex GST.

Legal and Risk Implications

Council can enter into a lease of land under Section 115 of the *Local Government Act 2020*.

Regional, State and National Plans and Policies

All works will be undertaken in accordance with the relevant planning and building regulations.

Innovation and Continuous Improvement

This lease will facilitate the installation of new electric vehicle charging technology.

Alignment to Council Plan

Strategic Objective 3, Future focused: Intelligent land use and infrastructure

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.

13.2.5. Update for Horse Statue in Mansfield

File Number	E10898	Responsible Officer	Coordinator Capital Works, Donald Kwan
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Purpose

To present the community engagement results and seek Council endorsement of the final proposed location in the median of High St, Mansfield, for a bronze horse and foal sculpture donated by Dr. Will and Margie Twycross.

Executive Summary

A bronze sculpture of a horse and foal, generously donated by Dr. Will Twycross and Margie Twycross, is proposed to be placed in a prominent location on High Street. After extensive community consultation and site inspections by Council officers, the final location proposed for Council endorsement is on the median strip opposite Eisner’s Lane.

The sculpture is currently being transported from Queensland to Mansfield. An existing sign and feature rocks will need to be relocated to the opposite side of the central footpath to enable installation of the sculpture. Council officers will arrange for this to be undertaken to enable the sculpture to be placed in the final location. Dr Twycross has confirmed that he is happy with the proposed location.

Key Issues

Council provided three potential locations for the sculpture and sought community feedback through the Engage page and social media, as shown on *Figure 1*.

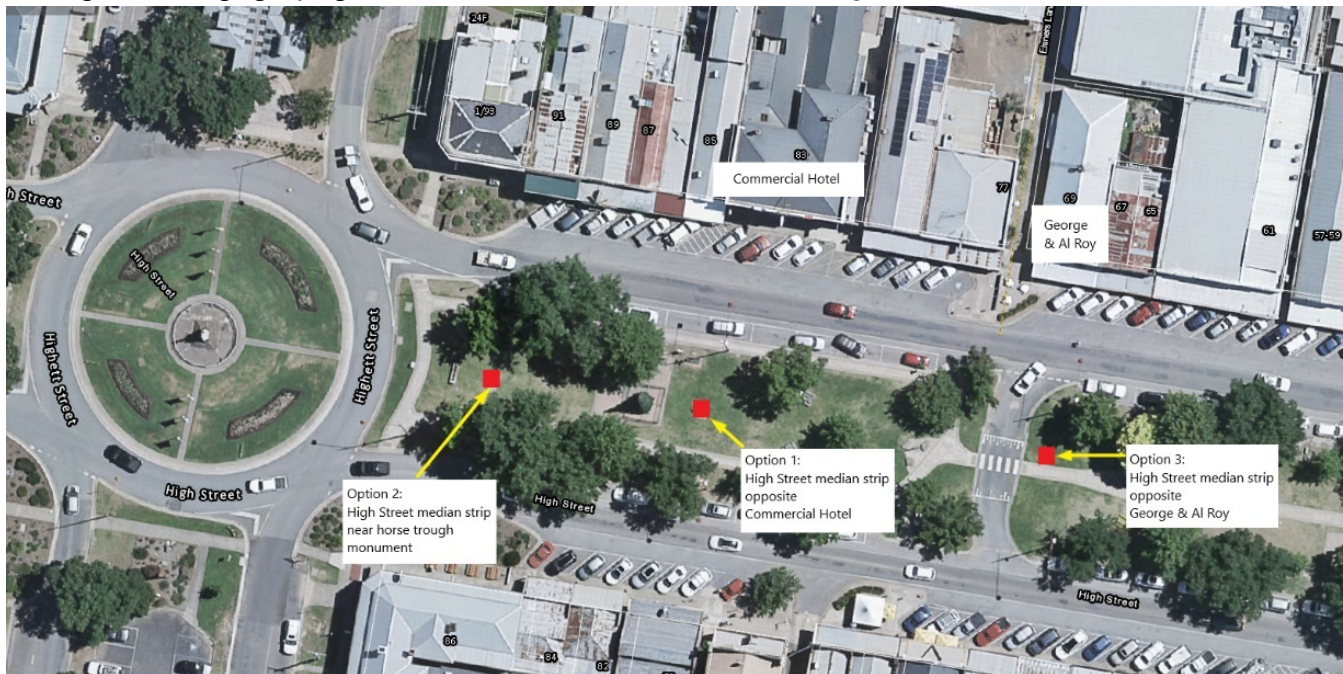


Figure 1. Three locations for the horse sculpture for community feedback

The potential locations included:

- Option 1 – High Street median strip opposite the Commercial Hotel;
- Option 2 – High Street median strip near the horse trough monument; and
- Option 3 – High Street median strip opposite George & Al Roy.

Community feedback through social media and via the Engage page on the horse sculpture was overwhelmingly positive, with many community members commenting on the generosity of the donation and the form of the proposed sculpture.

In relation to the potential locations shared on Council's Engage page, the community feedback was more mixed. Most respondents selected Option 2 (72%) due to the association with the horse trough, however Options 1 and 3 also received reasonable support (28% combined). On social media many comments suggested that the location should be left to the donors to select.

Given the high-profile location and the initial community feedback, further consideration was given to the best location for the sculpture and an onsite inspection of the High St median was undertaken involving officers from the Capital Works, Field Services and Community & Economic Development teams. Factors considered included visibility, safety, amenity, and impact on events were considered.

After careful evaluation of the community engagement results and the onsite review of the potential locations, a further site was identified in consultation with Council's Economic Development Tourism and Events Coordinator that would enable the sculpture to be centrally located in a prominent position, without impacting on the many community events that are held in this section of the High St median. Council's Parks and Gardens Supervisor was also consulted ensuring that ongoing maintenance impacts were considered.

The final proposed location for the sculpture is opposite Eisner's Lane. The rocks and town signage currently occupying this space will be relocated to the other side of the footpath to make way for the sculpture, which will be centrally located in this prominent section of the median. Figures 3 and 4 show the existing location and an illustration of how it will look after the rocks are relocated and the sculpture is placed in its proposed location.

Council's Capital Works team will coordinate the delivery and placement of the sculpture at the proposed location. The scope of work includes preparation tasks such as liaising with the removalist to ensure the safe transport of the sculpture, and consulting with a design engineer (Taylor Engineering) to confirm that the existing concrete slab is suitable for the sculpture. The team will also arrange for a contractor to relocate the rocks and signage and place the new sculpture in its proposed location once the site is ready.



Figure 3. Existing condition of proposed location – High St median strip opposite Eisner's Lane



Figure 4. Illustration of proposed location for new sculpture – High St median strip opposite Eisner's Lane

Recommendation
<p>THAT COUNCIL:</p> <ol style="list-style-type: none"> 1. Accepts the donation of the bronze horse and foal sculpture by Dr Will and Margie Twycross; 2. Endorses the final proposed location for the sculpture on the High Street median strip, opposite Eisner’s Lane; 3. Thanks Dr Will and Margie Twycross for their generous donation.
Support Attachments
Nil

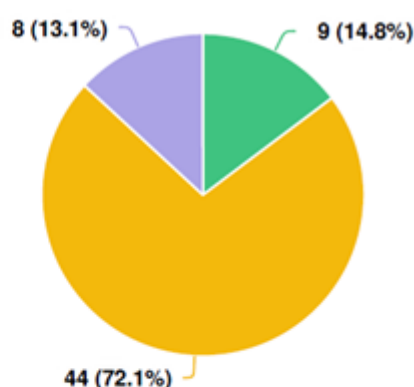
Considerations and Implications of Recommendation

Sustainability Implications

Sustainability and ongoing maintenance implications have been considered. Lighting of the horse sculpture is proposed using in-ground solar lighting, a renewable energy source.

Community Engagement

Community Engagement has been undertaken in accordance with Council’s Community Engagement Policy via Engage Mansfield. *Figure 2* provides the results for the initial engagement process, with 72.1% of community members identifying Option 2 – High Street median strip near the horse trough monument as their preferred location. Support for the other two options was more evenly split, with 14.6% preferring Option 1 – opposite the Commercial Hotel, and 13.1% preferring the Option 3 location opposite George and Al Roy in the High Street median strip.



Question options

- Option 1 - High Street median strip opposite Commercial Hotel
- Option 2 - High Street median strip near horse trough monument
- Option 3 - High Street median strip opposite George and Al Roy

Figure 2. Outcome for community feedback

Although there was a reasonable majority in favour of Option 2, due to the association with the horse trough, support was also shown for the other two options, and there were many comments in favour of the donors selecting the location. Council officers carried out a site visit to review and consider the options with the benefit of the community feedback received, and to

consider the potential impact of each option on the community events routinely held in this prominent section of the median. The final proposed site was identified by Council officers and discussed with Dr Twycross before being advertised to the community on the Engage page, in social media and through a media release.

Collaboration

Not Applicable

Financial Impact

Costs for the relocation of existing rocks and signage, including the construction of a small concrete slab / footing can be accommodated within existing budget allocations and are expected to be around \$6,000. This will include installation of the donated sculpture. The engineering costs to complete a review of the proposed location on the existing concrete slab, will also be covered by existing budget allocations and are not expected to exceed \$2,000.

Legal and Risk Implications

Asset Risk: The new sculpture may be at risk of damage or vandalism. The proposed location is in the median strip of High Street, which has a lot of pedestrian traffic. The visibility of this location will assist with reducing the risk of the sculpture being damaged. Additionally, this new asset will be covered by Council insurance, so any damage will be covered.

Safety Risk: The new sculpture weighs 450kg and is about 1800mm high from the ground. The risk of people climbing on the horse sculpture has been considered. The sculpture will have a "Do not climb" sign and the engineering design will address the connection of the sculpture and the existing concrete slab to avoid overturning.

Regional, State and National Plans and Policies

Not Applicable

Innovation and Continuous Improvement

Use of solar in-ground lighting is an environmentally friendly, affordable, and effective form of illumination for the new sculpture. Council is actively working to improve lighting by replacing existing compact fluorescent lamps with LEDs and transitioning to solar lighting where possible as part of continuous improvement and innovation.

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 2.1 Support our arts community and facilitate the delivery of festivals and events.

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 3.2 Enhance township character

Theme 2: Vibrant Liveability

Strategic Objective 4 Clean and green: Waste and energy sustainability

Strategy 4.1 Minimise and re-use waste

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

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.

13.2.6. Proposed Rental of Former HACC Building, 31 Highett St Mansfield

File Number	E10420	Responsible Officer	Manager Planning & Environment, Maya Balvonova
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Purpose

The purpose of this report is to seek Council approval to enter into a 2-year license agreement for premises at 31 Highett Street, Mansfield, known as Home and Community Care (HACC) building with options for 3 x one-year extensions.

Executive Summary

The licenses are proposed to be entered into with the following organizations:

1. Friends of Mansfield Library (FOML) (community group)
2. St Vincent De Paul Society (not for profit organization)
3. Gateway Health (commercial organization)

The FOML are requesting a peppercorn arrangement and for consideration of exemption from payment of annual utility charges for the part of the building they wish to use.

Key Issues

With the cessation of the provision of Aged and Disability Services by Mansfield Shire Council, the HACC building became available to be let to other organisations. To achieve the best value for the use of the space, an expression of interest process was run to seek potential commercial organisations to lease all or part of the building. This process also considered proposals from community groups, as the building is a community asset.

Consideration of any new lease or license must be carried out under section 115 of the Local Government Act 2020. This section of the Act states that a council must include any intention to lease property in its budget, and therefore undergo an opportunity for public consultation or if not included in the budget Council must undertake a community engagement process in accordance with its Community Engagement Policy. The intention of this part of the Act is to ensure that any lease of land is transparent, and that the community is kept in the loop and provided with an opportunity to comment.

The EOI process has been advertised from 2 March 2023 till 29 March 2023, with three submissions received, from the following parties:

1. Friends of Mansfield Library (FOML)
2. St Vincent De Paul Society
3. Gateway Health

The areas identified for licensing for each group are shown in Figure 1, below.



Figure 1: Plan of HACC Building

1. Blue – Friends of the Library
2. Red – St Vincent De Paul Society
3. Green – Gateway Health

The Friends of Mansfield Library have requested a peppercorn license arrangement, and for Council to cover the costs of all outgoings, with due consideration of the community benefit that the group provides. For example, over the past 18 months, FOML has donated approximately \$6,000 to the Mansfield Library, and this work will continue with further funds expected to be raised through FOML to support the Library into the future.

Recommendation

THAT COUNCIL:

1. Endorses the proposal to enter license agreements for portions of 31 Highett Street, Mansfield, to three independent parties: Friends of Mansfield Library, St Vincent de Paul and Gateway Health, each for a period of 2 years with three (3) further terms of 1 year; commencing 1 August 2023 for the permitted use.
2. Receives the net lettable area rental of \$18,801.00 per annum plus outgoings and supports a peppercorn license arrangement with the Friends of Mansfield Library.
3. Provides public notification of the intention to enter license agreements with the three parties.
4. Endorses the Chief Executive Officer executing the license agreements on completion of the public notification process.

Support Attachments

Nil

Considerations and Implications of Recommendation

Sustainability Implications

Not Applicable

Community Engagement

The EOI process was undertaken from 2 March 2023 till 29 March 2023 in accordance with Council's Leasing and Licensing Policy.

Community Engagement will be undertaken in accordance with the Council's Community Engagement Policy by placing a notice of intention to enter into a license agreement with the Friends of the Mansfield Library, St Vincent de Paul Society and Gateway Health in the Mansfield Courier and on Council's website.

Collaboration

Not Applicable

Financial Impact

Council officers undertook market research on rental rates in an effort to set a comparable rent for the premises in accordance with the broader commercial precinct. Following consideration of comparable rents, the proposed rental rate was set at \$200 (Ex GST) or \$220 (Incl GST) per square metre.

The anticipated income for the building under the proposed licenses is as follows:

Tenant	Area	Estimated Outgoings	Proposed Rent Per Annum (Ex GST)	This
Friends of the Library	34.4sqm 27%	\$0	\$1	
St Vincent de Paul Society	32.2sqm 25%	\$2,108.80	\$6,440.00	
Gateway Health	61.8sqm 48%	\$4,048.90	\$12,360.00	
TOTAL		\$6,157.70	\$18,801.00	

summary assumes the Council forgoes the potential annual rent and outgoings from the space being licensed to FOML, but it is noted that no expressions of interest were received for this section of the building in any case.

It is also noted that the income from the user groups will cover the outgoings and provide additional revenue to Council for this site.

The proposed license agreement provides that the Rent shall be increased by CPI on each anniversary of the Commencement Date during the Term and each anniversary of the Commencement Date during any Further Term. The proposed license will also include a clause that will allow for a review of the rent at the end of each term.

Outgoings include:

1. All rates, taxes (including Land Tax if the Retail Leases Act does not apply), charges and levies;
2. Imposts, deductions, charges, withholdings and duties imposed by any governmental, public, statutory or relevant authority including any tax imposed as a consequence of the Council having an estate or interest in the Premises but excluding:
 - any GST or like tax imposed because this License agreement is a taxable supply; and
 - any income tax or capital gains tax;
3. Insurance premiums for:
 - public liability;
 - loss of rent and outgoings insurance for a period of twelve (12) months; and
 - such other risks which the Council considers appropriate;
4. Waste removal and disposal costs;
5. Costs of all services supplied to the Premises including, water, electricity, gas, telephone, communications services and any other services;
6. Costs arising under or incurred in relation to Environmental Laws.

Council's Property Leasing and Licensing Policy provides the following options for calculation of the rent for a building of this nature:

1. Category 4 - A community group that is nonsporting, provides community service, is 100% volunteer based and does not receive external grant funding, a rent of 1% of the market value could be charged.
2. Category 5 – Council can enter into an agreement and negotiate terms and conditions, annual rent, and operating subsidy on a case-by-case basis.

In this case, the rent for FOML has been calculated under Category 5, with \$1 per annum the agreed rent.

Legal and Risk Implications

The license agreement has been drafted in accordance with the Local Government Act 2020. Council will advertise its intention to enter into a licence agreement with the above-mentioned parties in the Mansfield Courier and on Council's website, in accordance with Section 115 of the Local Government Act 2020.

Regional, State and National Plans and Policies

Not Applicable

Innovation and Continuous Improvement

Not Applicable

Alignment to Council Plan

Theme 3: A Trusted, Effective and Efficient Council; Strategic Objective 8A consultative Council that represents and empowers 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. LG Community Satisfaction Survey 2023

File Number	E392	Responsible Officer	Interim Coordinator Governance & Risk, Jane Carter
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Purpose

This report presents the Community Satisfaction Survey 2023 results to Council.

Executive Summary

Each year Local Government Victoria (LGV) commissions a Community Satisfaction Survey (CSS) across the local government sector. All Victorian councils are encouraged to participate and in 2023, 66 of the 79 councils participated in the survey, including Mansfield Shire Council.

LGV contracted JWS Research to conduct the survey on behalf of councils. The format of the survey is consistent with the previous 11 years, which provides a solid base for comparison and benchmarking. The Community Satisfaction Survey 2023 asks a range of core questions (used for all councils), optional questions (selected by councils on an “opt in” basis) and includes the ability to add tailored, local issues of individual council’s choice. For this year’s survey, the questions were substantially consistent with the prior years.

400 Mansfield residents were surveyed during the period 4 February to 21 March 2023 – with 243 respondents from Mansfield and 157 respondents from outlying communities.

The report compares the performance of Mansfield Shire Council against:

- Previous years
- State-wide average
- Small rural council’s average.

The report also provides detail of the results by age and gender demographics.

All scores in the survey are out of 100.

Councils who are part of the 2023 Small Rural group include:

- Alpine, Ararat, Benalla, Buloke, Central Goldfields, Gannawarra, Hepburn, Hindmarsh, Indigo, Loddon, Mansfield, Murrindindi, Northern Grampians, Pyreiness, Queenscliff, Strathbogie, West Wimmera and Yarriambiack.

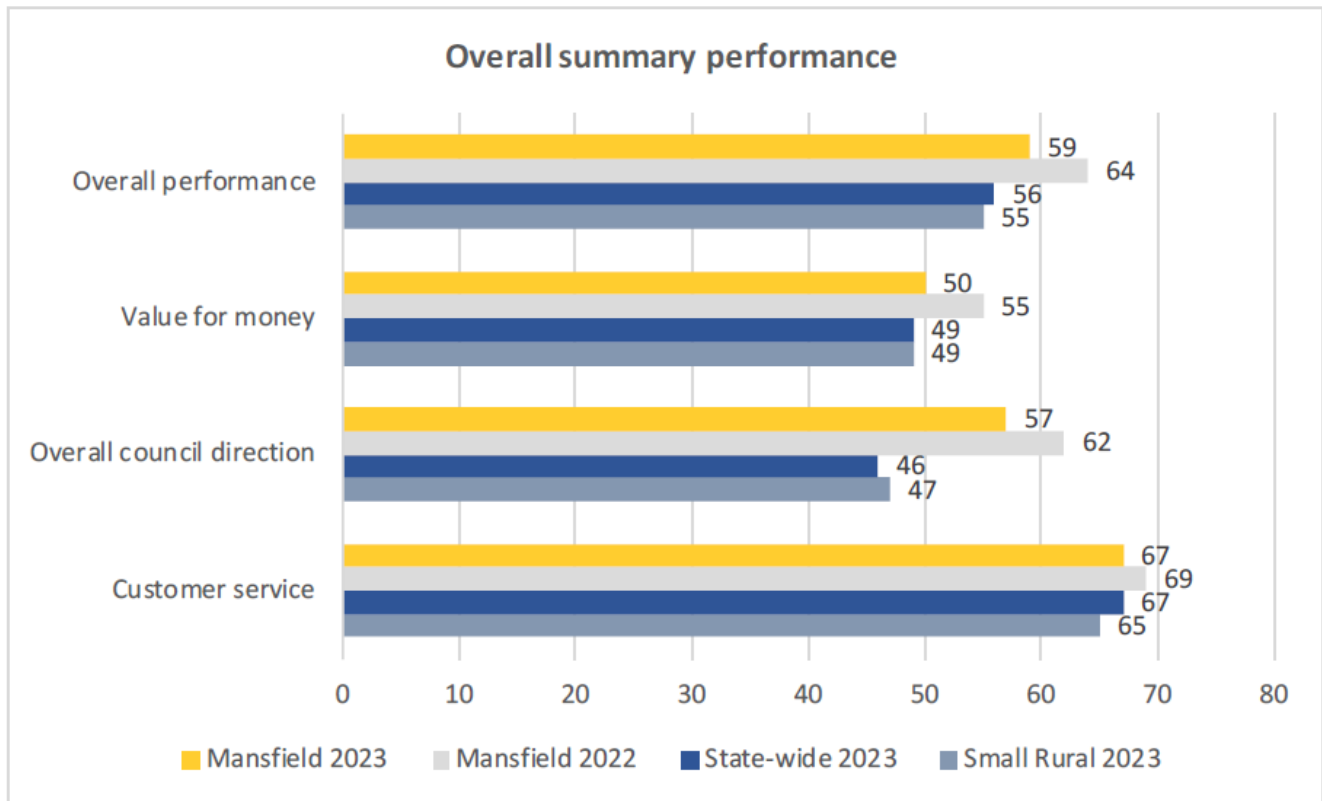
Key Issues

The 2023 survey results demonstrate that perceptions of Council’s overall performance declined, with a five point fall from 64 to 59 index score since 2022. This decline was consistent with a statewide trend, with survey results showing that perceptions of councils across the State, and the small rural council group, declined with a three point fall in their average index scores since 2022.

Mansfield Shire Council’s survey results demonstrate that its overall performance index score (59 out of 100) continues to rate statistically significantly higher than the small rural group index score (55 out of 100) and the State-wide average index score (56 out of 100).

Table 1 illustrates the overall summary performance index scores including a comparison to Council’s 2022 score and the State-wide and small rural group average scores for 2023.

Table 1: 2023 Survey overall performance summary



In presenting the results to Council, JWS Research reported that the following factors may have contributed to the State-wide decline in performance:

- cost of living pressures,
- flood impacts across the state (and associated road condition),
- post COVID catchup, and
- the roll-out of the new waste management legislation requirements.

Council performance compared to State-wide and small rural council group

The overall performance index scores out of 100 of the comparative groups are as follows:

	2023 Index Score	2022 index Score
Mansfield	59	64
State-wide	56	59
Small rural council group	55	58

Table 2 provides a summary of Council’s performance against the comparator groups.

Table 2: Summary Council performance compared to group average

Top 3 performing areas		Lowest 3 performing areas	
Appearance of public areas	▲ higher	Population Growth	▼ lower
Art Centres & libraries	▬ on par	Planning & building permits	▼ lower
Emergency & disaster mngt	▲ higher	Town planning policy	▼ lower

Top Performing Areas

Council's top performing service area since 2012 continues to be appearance of public areas. This year's index score of 82 out of 100 reflects a decline of two points on 2022, reversing last year's gain. The decline in residents' perception of Council's performance regarding appearance of public areas is greater for residents in Mansfield's outlying communities with a decline of five points (index score of 77 down from 82), as compared to residents in Mansfield with a decline of one point (index score of 82 down from 84).

Art centres and libraries are the second highest rated service area, with this year's index score of 73 out of 100 reflecting an increase of two points on 2022. Other service areas with improved results in 2023 are:

- Tourism Development (index score of 68, up from 66 in 2022)
- Consultation and Engagement (index score of 60, up from 59 in 2022)
- Parking Facilities (index score of 53, up from 51 in 2022).

Lower Performing Areas

For a second year Council scores lowest, relative to its performance in other areas, in planning for population growth (index score of 40, reflecting a decline of ten points on 2022), and planning and building permits (index score of 41, reflecting a decline of nine points on 2022). The index scores for these two service areas have fallen to pre-covid levels.

Residents aged over 50 years were the strongest contributors to the decline in the perception of Council's planning for population growth in 2023 – with a significant decline of 17 index points in the 50-64 age group and a decline of 10 index points in the 65 plus age group.

The decline in the perception of Council's Planning and building permits performance is significant for the 35-49 year age group (index score of 30, reflecting a nine point decline on 2022) and the 18-34 age group (index score of 48, reflecting an eight point decline on 2022).

From a locational perspective, Mansfield residents' perception of Council's planning and building permits performance declined by five index points to 42, compared to a significant decline of 15 index points to 39 for outlying communities' residents.

Demographic and geographic influencers

All demographic and geographic cohorts declined in their perceptions of Council's overall performance in 2023, with significant declines among men (index score of 58, down six points on 2022) and residents in the 'Other' region – residents in the outlying communities (index score of 57, also down 6 points on 2022).

Residents aged 65 years and over, rated Council's overall performance highest (index score 61), while residents aged 18-34 years rated Council's overall performance the lowest (index score 56).

Mansfield residents scored Council's performance higher than those of Mansfield's outlying communities across all categories other than planning for population growth, where both groups scored Council's performance equally. Table 3 details the service areas with the greatest differential scoring between Mansfield residents and residents of the outlying areas of Mansfield.

Table 3: Comparison in perceived performance – other compared to Mansfield residents

	Outlying Communities	Mansfield
Family support services	61	70
Informing the community	56	64
Streets and footpaths	49	57
Contact with Council	62	70
General town planning	41	48
Appearance of public areas	77	84

Focus going forward

The survey results indicate that planning related services should remain a key focus of Council, particularly planning for population growth and the management of planning and building permits. The results also support a need for Council’s ongoing focus on community decisions, ensuring that decisions are made based on good community engagement and with a continued strengthening of Council’s communication and transparency about such decisions.

Council has a number of initiatives underway or planned in the 2023-24 Budget, to support its general planning activities and planning for population growth including:

- increased statutory planning resources to assist planning permit processes and timelines
- a review the Sports and Recreation Strategic Plan in response to population growth
- development of an Infrastructure Plan to respond to residential growth and facilitate development infrastructure plan
- implementation of the Commercial and Industrial Land Use Strategy
- implementation of the Mansfield Planning Strategy
- appointment of a Strategic Planner to assist with the ongoing delivery of improvements to the Mansfield Planning Scheme, and
- the recommendations from the Statutory Planning Service Review have been implemented and Council is continuing to focus on achieving improved performance on the processing of applications within statutory timeframes.

The survey results also indicate that the outlying communities should remain a key focus of Council across a number of performance service areas. Council’s recent focus on the outlying communities includes:

- Outlying Communities Infrastructure Grant funding
- progression of the Bonnie Doon Masterplan
- forming the Bonnie Doon community reference group, and Council taking on managing the recreation reserve
- development of the Integrated Water Management plan for Goughs Bay
- open space improvements in Goughs Bay including the shelter and BBQ, and working with the community on the boat club upgrade
- progression of the Howqua boat ramp
- progression of the Sustainable Tourism Plan with a focus on the outlying areas
- ongoing roadworks to renew unsealed and sealed roads across the Shire
- Woods Point playground and outdoor improvement works, and

- an upgrade of the public toilets in Jamieson and work on the design of a new footpath between the town and the Jamieson Brewery.

Council has further initiatives underway or planned in the 2023-24 Budget to support outlying communities including:

- develop the Delatite Valley and Merton strategic plans
- Implementation of the adopted Bonnie Doon Masterplan
- selected road upgrades and gravel footpaths in Goughs Bay township
- Buttercup Road upgrade in Merrijig
- formation of a tourism reference group to progress priority projects from the Sustainable Tourism Plan
- additional resources to maintain fire access tracks and expand in-house road maintenance and renewal programs
- increased funding for the Outlying Communities Infrastructure Grant Fund
- continue the Community Connections Officer role and program to reduce isolation in all areas of the Shire
- Bonnie Doon recreation reserve and community hall improvements
- Merton Recreation Reserve public toilet upgrade
- streetscape improvements for Perkins Street Jamieson, and
- progress the Integrated Water Management Plan priority projects, including the Water Sensitive Township project for Goughs Bay.

During the 2023-24 year, Council will also review its contact and communication with outlying communities with the objective of improving Council's responsiveness to concerns and enable appropriate forward planning for the communities.

Recommendation

THAT COUNCIL receive and note the 2023 Local Government Community Satisfaction Survey report for Mansfield Shire Council.

Support Attachments

1. Customer Satisfaction Survey 2023 Mansfield Shire Council Report [**13.3.1.1** - 93 pages]

Considerations and Implications of Recommendation

Sustainability Implications

Not Applicable

Community Engagement

The LGV consultants JWS Research surveyed 400 residents within Mansfield Shire aged over 18 years. The break down presented below indicates 243 were Mansfield residents and 157 were surveyed from outlying communities surrounding Mansfield.

Demographic	Actual survey sample size	Weighted base
Mansfield Shire Council	400	400
Men	191	198
Women	209	202
Mansfield	243	242
Other	157	158
18-34 years	41	69
35-49 years	79	86
50-64 years	90	79
65+ years	190	167

The survey will be published on Council’s website following Council’s receipt of the results. LGV will also make the survey results publicly available via the Know Your Council website (or similar).

Collaboration

This has been a collaboration with the Department of Jobs, Precincts and Regions on behalf of Victorian Councils.

Financial Impact

The Community Satisfaction Survey 2023 was undertaken at a cost of \$12,760 (incl GST) to Council, which was included in the 2022-23 Budget.

Legal and Risk Implications

Participation in the Community Satisfaction Survey program is not mandatory; however, the Council is required to prepare an Annual Report at the end of each financial year which includes a Report on Operations that provides service performance indicators.

Further, the Local Government Performance Reporting Framework requires councils to report the Community Satisfaction Rating for three specific indicators, being:

- community consultation and engagement
- making decisions in the interest of the community; and
- the condition of sealed local roads

There are no inherent risks associated with this report.

Regional, State and National Plans and Policies

Not Applicable

Innovation and Continuous Improvement

Although Mansfield Shire Council is performing above other councils across the Victorian sector, the community feedback provided via the survey is valued, and Council will increase its

focus and develop, and progress actions in service areas that residents have scored as having low performance.

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

Strategy 6.2 Building organisational capacity through its people

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*.

14. Council Meeting Resolution Actions Status Register

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

Recommendation
THAT Council receive and note the Mansfield Shire Council Meeting Resolution Actions Status Register as at 10 July 2023.
Support Attachments
1. Action Register as of 10 July 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*.

Recommendation
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. Tender Award - Project CODI Digital Transformation Program

Confidential

This report contains confidential information pursuant to the provisions of Section 66(2) of the Local Government Act 2020 under Section 3(g) - private commercial information, being information provided by a business, commercial or financial undertaking that:(i) relates to trade secrets; or (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage

19. Reopen meeting to members of the public

Recommendation

THAT COUNCIL reopen the meeting to members of the public.

20. Close of meeting