



Mansfield Shire

Council Meeting

Tuesday 21 March 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
Dena Vlekkert, General Manager Community and Corporate Services

Order of Business

1. Opening of the meeting

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

2. Present

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

3. Apologies

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

4. Statement of commitment

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

5. Acknowledgement of Country

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

6. Disclosure of conflicts of interest

In accordance with the *Local Government Act 2020*, a Councillor must declare any Conflicts of Interest pursuant to sections 126 and 127 Act in any items on this Agenda.

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

7. Confirmation of minutes

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

8. Representations

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

9. Notices of Motion

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

10. Mayor's report

The Mayor provides a report on his activities.

11. Reports from council appointed representatives

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

12. Public question time

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

13. Officer reports

13.1 The Chief Executive Officer will provide a status update to the Council for each Department.

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

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

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

A Council position is adopted on the matters considered.

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

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

A Council position is adopted on the matters considered.

14. Council resolutions report

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

15. Advisory and Special Committee reports

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

16. Authorisation of sealing of documents

Any documents that are required to be endorsed by the Chief Executive Officer under delegated authority and sealed by the Council are presented to the Council.

17. Closure of meeting to members of the public

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

18. Presentation of confidential reports

19. Reopen meeting to members of the public

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

20. Close of meeting

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

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Agenda

1. Opening of the meeting

2. Present

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

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

Councillors will respond to their name with: *“I can hear the proceedings and see all Councillors and Council officers”*.

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

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

3. Apologies

The Chair will call on the CEO for any apologies.

4. Statement of commitment

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

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

5. Acknowledgement of Country

Deputy Mayor Steve Rabie will recite Council’s Acknowledgement of Country:

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

6. Disclosure of conflicts of interest

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

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

7. Confirmation of minutes

Recommendation

THAT the Minutes of the Mansfield Shire Council meeting held on 21 February 2023 be confirmed as an accurate record.

8. Representations

9. Notices of motion

Nil

10. Mayor's report

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

Following the recent completion of Stage 1 of the Heavy Vehicle Alternate Route (HVAR), Stage 2 is now underway, with site set out and preparation works commencing on Mt Battery Road for construction of the new road pavement and improvements to the intersection with Greenvale Lane.

In February Council adopted the Mansfield Open Space Strategy after extensive community and stakeholder engagement. The strategy supports sustainable development, and aims to preserve the natural environment, protect wildlife habitat, and promote outdoor recreation opportunities for residents and visitors. It is a blueprint for open space management in Mansfield Shire for the next 10 years, and will allow development contributions for open space to be allocated to maximise community benefit. Council will regularly review its progress, ensuring the Shire remains an attractive place to live, work and visit.

The Mansfield Shire Climate Action Plan was also adopted by Council in February. The plan, which details how Council will address its contribution to climate change and work towards achieving zero net emissions by 2025, includes actions related to Council operations, and actions where we can help support the wider community to reduce greenhouse gas emissions and adapt to a changing climate.

Annual resealing works, part of our road asset renewal program, commenced last month. When selecting roads for inclusion in the program, Council considers community feedback, traffic and the effects of heavy vehicles. Gravel resheeting works have now been completed for 2022-23, with 94.8 kms of roads resheeted over the last 2 years.

We are committed to listening to the community and delivering on the improvement, safety and reliability of our roads. One example is the recently completed upgrades to the road surface near the Highett Street/Malcolm Street roundabout to improve surface conditions. Planning work is also in progress for upgrades to Highton Lane as part of the Australian Government's Remote Roads Upgrade Program. Consultation with residents will be undertaken in the coming months.

An Infrastructure Plan will be created for the Mansfield township following Council's successful grant funding of \$350,000 from the Victorian Government's Streamlining for Growth program. Extensive community engagement and consultation will be undertaken to help create the Plan. Upon completion Council will be able to establish a development contribution plan, which will

significantly benefit the community by making sure that development contributions are made to the cost of new infrastructure.

I recently met with Grade 4 students from Mansfield Primary School (MPS) who visited Mansfield Shire Council for an excursion as part of their unit of work on local government. Students were given a tour of Council offices and chamber, giving them an overview of how local government works. They had a particularly strong interest in the way, council treats, lost and stray animals, and were very happy to share their thoughts about their own pets. There was certainly some budding young councillors amongst the group.

Cr James Tehan
Mayor

Recommendation

THAT COUNCIL receive the Mayor’s report for the period 22 February 2023 to 15 March 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)

Recommendation

THAT COUNCIL receive and note the Chief Executive Officer's report for the period 22 February 2023 to 8 March 2023.

Support Attachments

1. CEO Monthly Report - February 2023 [13.1.1.1 - 35 pages]

13.2. Infrastructure and Planning Directorate

13.2.1. The Bonnie Doon Plan

File Number	E9894	Responsible Officer	Strategic Planning Officer, Oscar Yencken
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Purpose

To present Council with the final *Bonnie Doon Plan 2023*, recommended for adoption. The report provides information on community submissions received during the exhibition period and the response to these submissions. It also recommends that officers begin preparation of an amendment to incorporate the recommendations of the plan into the Mansfield Planning Scheme.

Executive Summary

In early 2022, work began on the Bonnie Doon Plan, with the aim of developing a holistic document considering urban planning and community planning needs for the area for the next 20 years. The plan was developed with input from the broader community, Council officers, and all relevant referral authorities. The project underwent two rounds of engagement with the community and other stakeholders to ensure that adequate information was collected to inform the plan. The plan has been informed by existing strategies, and provides consideration of urban planning, sustainable tourism and community planning.

The key directions of the plan are to improve pedestrian and bicycle networks, activate the entrance to Bonnie Doon, enable residential and tourism development through land rezoning, provide opportunities for businesses within Bonnie Doon, and implement design and character guidelines for future development. The plan also considers disaster management, resilience, climate change mitigation and adaptation. One highlight of the plan is the proposed rezoning of areas of land around Lake Eildon to allow further residential development, which has been communicated to affected landowners.

The plan aligns with Council’s adopted strategies and strengthens existing strategic directions for the area.

Key Issues

Work began on the Bonnie Doon Plan in early 2022, with development of the project scope by Council officers. Over the last 12 months the project has had input from the broader community, Council officers from relevant service areas, and all relevant referral authorities.

The final Bonnie Doon Plan sets the vision and directions for the area for the next 20 years.

The project underwent two rounds of engagement with the community, key stakeholders and government departments ensuring that adequate information was collected to inform the plan. During the engagement process, Council received feedback from hundreds of interested parties who either supported, or generally supported the plan. In areas where the plan lacked detail, these problems were addressed through redrafting and further contact with individual submitters.

A late submission from the Country Fire Authority (CFA) was received which requested a comprehensive assessment of bushfire risk for the area on 14 February 2023. This assessment has been completed, inserted as Appendix 2 within the plan and referred to the CFA, who have indicated their support of the bushfire risk assessment, with additional information inserted in the plan at the request of the CFA.

A comprehensive review of existing Council, regional and state strategies was also undertaken to make sure that the plan aligns with and can integrate with larger strategic plans such as the Great Victorian Rail Trail and the Lake Eildon Masterplan as it will allow leverage for funding as it becomes available in the future.

The key directions of the plan are as follows:

- Improve the pedestrian and bicycle network in Bonnie Doon to create safe crossings across the Maroondah Highway, connect settlement areas and enhance the town's connection to Lake Eildon.
- Activate the entrance to Bonnie Doon through beautification and improved signage denoting key features and aspects of the town.
- Enable residential and tourism development through land rezoning to continue the prosperity of Bonnie Doon.
- Establish opportunities for the creation of businesses within Bonnie Doon by encouraging the development of commercial areas and creating designated locations for pop up stores and similar uses.
- Implement design and character guidelines for future development to protect Bonnie Doon's identity.

The plan also considers a range of factors, such as disaster management, resilience, climate change mitigation and adaptation. The plan aligns with Council's adopted strategies and strengthens existing strategic directions for the area.

One highlight of the Bonnie Doon Plan is the proposed rezoning of areas of land around Lake Eildon to allow further residential development. To ensure all affected parties are aware of this proposal, a letter was sent directly to all affected landowners informing them of Council's proposal, and another will be sent during the formal planning scheme amendment process also. To date, no objections have been received from those notified.

The proposed rezoning includes the following areas:

- Correction of rezoning for the location of the service and utility infrastructure on 1575 Maroondah Highway.
- Rezoning of the lot at 1740 Maroondah Highway (adjacent Bonnie Doon Hotel) from Farming Zone to Commercial 1 Zone.
- Rezoning of land on Maintongoon Road between Redfern Court and Maroondah Highway from Farming Zone to Rural Living Zone.
- Rezoning of land on Hutchinsons Road between Maroondah Highway and Lambing Gully Road from Farming Zone to Low Density Residential Zone.

In addition to the above rezoning, the plan also proposes to insert new local policy into the Mansfield Planning Scheme. These proposed new local policies are as follows:

- Encourage development that maintains the serenity of Bonnie Doon.
- Encourage the connection of reticulated sewer to land along Church Street.

- Encourage the retention of the Bonnie Doon Recreation Reserve.

Additionally, as part of a planning scheme amendment, the existing Bonnie Doon township framework plan will be replaced with the new one presented within the Bonnie Doon Plan.

Should the plan be adopted by Council, the strategic planning team will begin preparing a formal planning scheme amendment to implement the proposed changes to the Mansfield Planning Scheme.

Recommendation

THAT COUNCIL:

1. Adopt the *Bonnie Doon Plan 2023* to inform the preparation of a planning scheme amendment to rezone land and develop local policies in accordance with the recommendations of the plan.
2. Commence preparation of a planning scheme amendment to implement the recommendations of the plan.

Support Attachments

1. Bonnie Doon Plan March 2023 [13.2.1.1 - 34 pages]

Considerations and Implications of Recommendation

Sustainability Implications

The Plan will strengthen and grow the ability of the Shire to service the needs of its growing population by providing clear land use directions for current and future residential development.

The Plan has been considered against the relevant provisions of the *Planning and Environment Act 1987* and will have no negative impacts on the environment. Once the Plan has been implemented into the Mansfield Planning Scheme, the land identified for rezoning will be able to be developed and used for residential purposes. Many of these developments will become connected to reticulated sewer which will reduce the risk of potential contamination of Lake Eildon.

Community Engagement

Community Engagement has been undertaken per the Council Community Engagement Policy with exhibition of the draft Strategy undertaken initially between 18 July 2022 and 30 August and again between 30 November 2022 and 30 January 2023. The community consultation included the following elements:

- Advertisements in Mansfield Courier
- A session in the main street of Mansfield with a marquee
- Media releases and social media content
- Emails to community groups and existing ratepayer database
- Website content, including FAQ sheets and online surveys
- Online forums
- Face to face drop-in sessions with the community
- Township inspections with the Bonnie Doon Community.

Collaboration

Not Applicable

Financial Impact

Not Applicable

Legal and Risk Implications

The Strategy will become an adopted document of Council in the first instance, then a part of the Mansfield Planning Scheme following the later planning scheme amendment.

Regional, State and National Plans and Policies

Not Applicable.

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

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

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

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

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

Strategy 3.1 Protect natural vistas and farmlands

Strategy 3.2 Enhance township character

Strategy 3.3 Improve roads, drainage and footpaths

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

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.

13.2.2. P135/22 - 57 Stock Route, Mansfield

File Number	P135/22	Responsible Officer	Senior Statutory Planner, Claire Wilkinson
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Purpose

The purpose of this report is to seek Council’s determination of application P135/22, lodged for a *Multi-Lot Subdivision (76 Lots) of land and use and development of land for a Childcare Centre*. This application is being referred to Council for determination as there are more than three (3) submissions objecting to the proposal and due to the significant size of the proposed development.

Executive Summary

<i>Application Details</i>	
APPLICANT	Dexiosis Benalla Pty Ltd (VKM Holdings Pty Ltd)
PROPOSAL	Multi-Lot Staged Subdivision (76 Lots) of land and use and development of land for a Childcare Centre
APPLICATION LODGED	15 July 2022
NOTICE AND SUBMISSIONS	4 objections to the application have been received
<i>Property Details</i>	
PROPERTY ADDRESS	57 Stock Route, Mansfield
LAND DESCRIPTION	Lot B PS749838M Parish of Mansfield
RESTRICTIVE COVENANTS	Nil
LAND AREA	6.3 hectares
EXISTING USE	Vacant
<i>Planning Provisions</i>	
ZONE	Clause 32.08 – General Residential Zone
OVERLAYS	Nil
MUNICIPAL PLANNING STRATEGY	Clause 02.03-1 – Settlement Clause 02.03-3 – Environmental risks and amenity (Bushfire) Clause 02.03-4 – Natural resource management (Water and Declared Special Water Supply Catchments) Clause 02.03-5 – Built environment and heritage Clause 02.03-6 – Housing Clause 02.03-8 – Transport Clause 02.03-9 – Infrastructure
PLANNING POLICY FRAMEWORK	Clause 11.01-1L – Mansfield Township Clause 11.02-1S – Supply of urban land Clause 13.02-1S – Bushfire planning Clause 13.07-1S – Land use compatibility Clause 15.01-1S – Urban design

	<p>Clause 15.01-1L – Urban design in Mansfield Township CBD</p> <p>Clause 15.01-2S – Building design</p> <p>Clause 15.01-3S – Subdivision design</p> <p>Clause 15.01-5S – Neighbourhood character</p> <p>Clause 16.01-1S – Housing supply</p> <p>Clause 16.01-1L – Housing supply in Mansfield Township</p> <p>Clause 17.02-1S – Business</p> <p>Clause 18.02-4S – Roads</p> <p>Clause 19.03-3S – Integrated water management</p>
PARTICULAR PROVISIONS	<p>Clause 52.06 – Car parking</p> <p>Clause 53.01 – Public open space contribution and subdivision</p> <p>Clause 53.18 – Stormwater management in urban development</p> <p>Clause 56 – Residential subdivision</p>
<i>Permit Triggers</i>	
GENERAL RESIDENTIAL ZONE	<p>Clause 32.08-2 – <i>A permit is required to use land for a Childcare Centre, Section 2 use.</i></p> <p>Clause 32.08-3 – <i>A permit is required to subdivide land.</i></p> <p>Clause 32.08-9 – <i>A permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 32.08-2.</i></p>
<i>Other</i>	
CULTURAL SENSITIVITY	<p>The subject land is not in an area of Aboriginal Cultural Heritage Sensitivity.</p>

This application seeks Council approval for a *Multi-Lot Staged Subdivision (76 Lots) of land and use and development of land for a Childcare Centre* at 57 Stock Route, Mansfield.

The subject land comprises one vacant allotment of 6.3 hectares which abuts the Stock Route along the east boundary and adjoins the existing development, known as ‘Stockmans Rise’ to the west. The proposal seeks to develop the land into lots between 451 and 1,063 square metres in size, to be used for residential purposes, with new internal roads and courts bowls created, which will connect directly to the Stock Route. A larger, 4,021 square metre lot is proposed for the south-eastern corner of the subject site, with direct access from the Stock Route, for the Childcare Centre which would cater for up to 164 children per day, operating Monday-Friday.

Pursuant to Section 52 of the *Planning and Environment Act 1987*, the proposal was advertised to adjoining and nearby property owners and occupiers. As a result of public notice, four (4) submissions objecting to the proposal have been received.

The subject land is within the General Residential Zone, which was approved and gazetted through Amendment C45mans on 14 April 2022. Previously the land was zoned Low Density Residential.

Key Issues

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

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

- **Traffic Impacts**

Impacts to the existing residential area of Stockmans Rise were raised as a serious concern for the submitters, with an increase in traffic flows through Stockmans Drive. The residential subdivision and Childcare Centre would increase traffic flows in the general area, with recommended Conditions requiring Stock Route be closed as a through-road south of the development, therefore it is considered that most of the new traffic would be travelling north via Stock Route to Dead Horse Lane.

Some minor traffic increases may be created through Stockmans Drive which is considered appropriate as the road had been designed and developed to cater for additional through traffic as part of the original development of the Low Density Residential land.

- **Removal of Vegetation**

The subject land has some large existing native trees which are proposed to be removed prior to the development to enable the subdivision into lots reflective of General Residential zoned land.

An assessment of the native vegetation was previously included in planning permit P071447V/15 and as a result the vegetation is permitted to be removed and has been offset in accordance with the requirements of Clause 52.17 Native Vegetation.

Therefore, any impacts to existing native vegetation cannot be included in the assessment of the proposed subdivision and development.

There is potential opportunity for the permit applicant to retain and include some of the existing native vegetation within the proposed Road Reserves, as the native vegetation on the subject land has not yet been removed.

- **Lack of Public Open Space**

The submissions received objecting to the proposed subdivision raised concerns regarding a lack of proposed new public open space. This has been assessed and considered appropriate as the subject site would have direct access to the existing footpath network within Stockmans Rise which connects to the Great Victorian Rail Trail and Mansfield Mullum Wetlands, which provide access to the Mansfield Township. Furthermore, the subject land is considered to be within walking distance of many outdoor recreation facilities, including the Mansfield Golf Club, Mansfield Tennis Club, Lords Reserve, Mansfield Swimming Pool, and Mansfield Recreation Reserve, therefore not requiring any new public open space within the subject land. It is also noted that the recently adopted Mansfield Open Space Strategy has not identified this area for additional open space provision. The original 'Stockmans Rise' subdivision, from Withers Lane, provided a public open space land contribution of the existing reserve which satisfies the requirement to include this proposed development.

A full assessment of all concerns raised is contained in the Delegate Report at Attachment 1.

Recommendation

THAT COUNCIL, having considered all matters under Section 60 of the *Planning and Environment Act 1987*, determine to issue a Notice of Decision to Grant a Permit for Planning Application P135/22 for a *Multi-Lot Staged Subdivision (76 Lots) of land and use and development of land for a Childcare Centre* on Lot B PS749838M Parish of Mansfield, commonly addressed as 57 Stock Route, Mansfield, subject to the pending consent of the Department of Transport and Planning and the following conditions:

Amended Plans Required

1. Prior to the commencement of works and certification of the plan of subdivision, 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 scale and be generally in accordance with those submitted with the application, but modified to show:
 - a. Amended plan of subdivision that reconfigures lot layout to remove the battle-axe shaped lots and proposed Lots 1, 2, 3, and 4.
 - b. Proposed staging of the subdivision, including the Childcare Centre.
 - c. Provision of 36 car parking spaces for the childcare centre.
 - d. Waste storage and collection areas for the childcare centre.
 - e. All plant and equipment for the childcare centre, screened from public view and suitably baffled.
 - f. Details of all reports per Conditions 3-8 and 29-33 of this permit.
2. Prior to the commencement of works and certification, an amended Traffic Impact Assessment must be submitted in accordance with the relevant guidelines considering the closure to through traffic on Stock Route, from Maroondah Highway. This report must address traffic and access issues arising from the proposed development, the adjoining proposed development of 27 Lots and additional traffic by Heavy Vehicle Alternative Route on Dead Horse Lane / Stock Route intersection, Midland Highway/Dead Horse Lane and Maroondah Highway/Withers Lane. The report will also identify a list of any mitigation works required at the intersections.

Endorsed Plans

3. The use, development and subdivision 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.

Childcare Centre - Prior to commencement of works

4. Prior to the commencement of works, a stormwater management plan to the satisfaction of the Responsible Authority must be submitted to and approved by the responsible authority. The stormwater system must be designed to meet the objectives of Clause 53.18 of the Mansfield Planning Scheme and be designed to:
 - a. Restrict flows to pre-developed levels.
 - b. Meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999).
 - c. Contribute to cooling, improving local habitat and providing attractive and enjoyable spaces.

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

5. Prior to the commencement of works, a Waste Management Plan must be submitted to and approved by the Responsible Authority. When approved the WMP will be endorsed and will then form part of the permit.

The Waste Management Plan must provide for the following matters:

- a. Details on the number, volume and location of waste receptacles.
- b. How appropriate management of the waste and recycling will be ensured.
- c. Detail of the bin storage area showing path of access, hard waste areas etc.
- d. Detail of the frequency of waste collections.
- e. Swept paths demonstrating access and egress for the largest expected waste collection vehicle to the waste storage area. If waste is to be collected within car parks, collection vehicles must enter and exit forward facing.
- f. Include a notation that any drainage at bin wash areas will be to a sewerage outlet only (not stormwater).

All waste collection must be undertaken in accordance with the endorsed Waste Management Plan 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.

6. Prior to the commencement of works, a detailed landscape plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and must show:

- a. Details of surface finishes of pathways and driveways.
- b. A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
- c. Landscaping and planting within all open areas of the site.
- d. Suitable landscaping and plantings along the Stock Route (eastern) boundary.

All species selected must be to the satisfaction of the responsible authority. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the responsible authority, including that any dead, diseased or damaged plants are to be replaced.

7. 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.

8. Prior to the commencement of works, a Bushfire Emergency Management Plan (BEMP) must be submitted to and approved by the Responsible Authority. Once approved, the BEMP will be endorsed and will then form part of the permit.

The BEMP must be developed in accordance with AS 3745-2010 Planning for emergencies at facilities and specifically describe the emergency management arrangements that will be implemented to reduce the risk of bushfire and should address the following matters:

- a. Describe property and business details.
- b. Identify the purpose of the BEMP stating that the plan outlines procedures for:

- i. Closure of premises on any day with a Fire Danger Rating of Code Red.
- ii. Evacuation (evacuation from the site to a designated safer off-site location).
- iii. Shelter-in-place (remaining on-site in a designated building)
- c. Review of the BEMP
- d. Outline that the plan must be reviewed and updated annually prior to the commencement of the declared Fire Danger Period
- e. Include a Version Control Table
- f. Detail the staff responsibilities for implementing the emergency procedures in the event of a bushfire and the triggers for acting. For example, when the facility will be closed and the circumstances under which guests and patrons will shelter in place or evacuate.
- g. Emergency contact details
- h. Bushfire monitoring procedures
 - i. Details the use of radio, internet and social networks that will assist in monitoring potential threats during the bushfire danger period.
 - ii. Describe and show (include a map) the area to be monitored for potential bushfire activity.

Childcare Centre – Operating and amenity

- 9. Prior to the commencement of the use authorised by this permit, all works required as per the endorsed plans (including but not limited to the built form, stormwater drainage, accessways and landscaping) must be completed to the satisfaction of the Responsible Authority.
- 10. Except with the prior written consent of the Responsible Authority, the Childcare Centre must only operate between:
 - a. 6:00am – 6:30pm Monday to Friday.
- 11. Waste collection must only be undertaken between:
 - a. 7am – 6pm Monday to Friday; and
 - b. 7am – 1pm Saturdays.
- 12. Prior to the commencement of use, the permit holder must implement all recommendations of the Renzo Tonin and Associates Acoustic Report, reference MD921-01F01.
- 13. 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.
- 14. The use must at all times comply with EPA Publication 1826 *Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues* (or as amended).
- 15. Prior to the commencement of the use authorised by this permit, the area set-aside for vehicle access and movement through the site, 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 coat;
 - d. drained;
 - e. line marked to indicate each car space and all access lanes; and

- 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.
16. The loading and unloading of goods, including waste collection must be carried out entirely within the boundaries of the subject land.
17. Outdoor lighting must be designed, baffled and located to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.
18. 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.
19. 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.
20. The stormwater management system must be maintained in good working order at all times to the satisfaction of the Responsible Authority.
21. The external materials of the Childcare Centre, 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.

Subdivision Conditions – Prior to Certification

22. The plan of subdivision submitted for certification must include a notice of restriction, to the effect that:
 - a. The land must not be further subdivided unless each proposed lot provides a minimum frontage to a street of 15 metres
 - b. Any development on the land must not consist of or include:
 - i. Tiled roofing
 - ii. Colorbond fencing, or similar
 - iii. Fencing forward of the front façade of the dwelling
 - iv. Any fencing higher than 1.8m from natural ground levelThe restriction must not include provisions that allow for written consent to vary its requirements.
23. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
24. All existing and proposed easements and sites for existing or required utility services and roads 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.
25. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.
26. Prior to certification of the plan of subdivision for each stage, road names must be submitted to and approved by the Responsible Authority. Until such time as these road

names are approved, they should not be shown on any plans submitted for endorsement or certification.

27. Prior to the commencement of works or certification of the plan of subdivision (whichever occurs first), the owner or developer must submit to the Responsible Authority a written report and photos of any existing/prior damage to public infrastructure. The report must detail the condition of kerb & channel, footpath, seal, streetlights, signs and other public infrastructure fronting the property and abutting at least two properties either side of the development.
28. Unless identified within the written report, any damage to infrastructure will be attributed to the development. The permit holder must pay for any damage caused to the Councils assets/Public infrastructure caused as a result of the development permitted by this permit, prior to the issue of a Statement of Compliance or at a later time as may be agreed by the Responsible Authority.
29. Prior to the certification of the plan of subdivision, the permit holder must either:
 - a. Demonstrate that each internal road provides sufficient width for waste collection vehicles to collect waste and turn/exit with no reversing manoeuvres; or
 - b. Create temporary turning areas (including easements over private land where required) to ensure that waste collection vehicles can service each lot with no reversing manoeuvres.If the submitted plans show that waste collection is dependent on through roads being constructed through the abutting lot (Lot A PS905370), such roads must be constructed prior to the issue of a Statement of Compliance for the subdivision.
30. Prior to the certification of the plan of subdivision, all design drawings must be submitted to Council for approval. All works must be designed in accordance with the Infrastructure Design Manual (IDM) and to the satisfaction of Council. All works constructed or carried out must be in accordance with these plans to the satisfaction of the Responsible Authority.
31. Prior to the certification of the plan of subdivision, construction and drainage plans and computations to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. All works constructed or carried out must be in accordance with those plans to the satisfaction of the Responsible Authority.

The plans must include:

 - a. A detailed drainage and detention design for the subdivision. The capacity of detention system must cater for any flows through the site and detain a 1% AEP event. The proposed design must meet current best practice performance objectives contained in *Urban Stormwater – Best Practice Environmental Management Guidelines*.
 - b. On-site detention by use of rainwater tanks or similar detention system(s) designed by a suitably qualified engineering consultant to ensure no net increase in stormwater discharge from predevelopment levels by the proposed development.
 - c. Measures to enhance stormwater discharge quality from the development including output from “MUSIC” with design calculation summaries of the treatment elements.
 - d. A maintenance plan for all stormwater treatment assets.
32. Prior to the certification of the plan of subdivision, a Site Management Plan (SMP) is to be submitted and approved by Council. The SMP must contain at minimum:
 - a. Protection of significant native vegetation during the construction of roads, reticulated services and other infrastructure.

- b. Prevention of adverse environmental impacts on existing waterways including through run-off and siltation.
 - c. Procedures to ensure access by construction vehicles during the construction does not impact the amenity of the surrounding neighbourhood.
 - d. Measures in accordance with EPA Victoria Publication 960 *Doing it right on subdivisions: Temporary environmental protection measures for subdivision construction sites*.
33. Prior to the certification of the plan of subdivision, a detailed landscape plan must be submitted to and approved by the Responsible Authority. When approved, the landscape plan will be endorsed and will then form part of the permit. The landscape plan must be drawn to scale with dimensions must be provided. The landscape plan must be consistent with the construction plans for the development and must show:
- a. New planting, including their layout to be provided in any road reserves and municipal reserves;
 - b. Detailed planting schedule of all proposed trees, shrubs and groundcovers, including botanical names, common names, pot sizes, sizes at maturity and quantities of each plant. The plant schedule should be based on the recommended planting schedule documented in the Revegetation Guide for the Goulburn Broken Catchment as published by the Goulburn Broken Catchment Management Authority;
 - c. The removal of all existing disused structures, foundations, pipelines or stockpiles and the eradication of weeds;
 - d. All trees planted as part of the landscape works must have a minimum height of 2.0 to 2.5m at the time of planting unless otherwise agreed by the Responsible Authority;
 - e. The supply and spread of sufficient topsoil and sub soil if required on the proposed areas of open space to provide a stable, free draining surface and hydro-seeding of proposed grass areas (including within the drainage reserve/s);
 - f. Soil quality and planting techniques in median or verge tree planting zones along arterial roads (including service road nature strips) that will support full growth of medium to large trees;
 - g. Mechanisms for the exclusion of vehicles;
 - h. All proposed open space, streetscape embellishments such as installation of pathways, garden beds, seating, shelters, picnic facilities, boardwalks, tree planting, signage, drinking fountains, irrigation systems, playgrounds, artwork, retaining walls, protective fencing (temporary and permanent), wetlands and ornamental water bodies (including within the drainage reserve); and
 - i. Detailed designs for all stormwater treatment features such as bio-retention systems consistent with the submitted Stormwater MUSIC modelling.

Subdivision Conditions – Works requirements

34. The extent and depth of any proposed lot filling must be denoted on the design plan. Where depths of fill on allotments exceed 300 mm, those areas are to be clearly differentiated from areas where the depths of fill are less than 300 mm.
35. Where the depth of fill exceeds 300mm, the fill is to be compacted in accordance with the requirements of Table 204.131 Compaction Requirements Scale C of VicRoads Technical Specification 204 and shaped to match existing site levels. Geotechnical test results are to be submitted to Council's Engineering Department for confirmation that the required compaction has been achieved.

36. Where fill is imported onto the site, written records are to be provided to Council's Engineering Department to confirm the source of the fill and to provide evidence that the soil is not contaminated.
37. All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).
38. All services must avoid root zones of existing retained trees. Where services cannot be placed to avoid the root zone, boring and/or hand digging must be undertaken to minimise root damage to the satisfaction of the Responsible Authority.
39. Temporary barriers must be erected around the drip line of existing trees and maintained during construction to the satisfaction of the Responsible Authority.
40. Prior to the commencement of works, the permit holder must provide to the Responsible Authority the name of the project coordinator appointed to oversee the works and notification of commencement date of the works.
41. All pavement is to be constructed in accordance with the Infrastructure Design Manual (IDM) and a suitably qualified CPEng, National Engineering Registered (NER) engineer, to the satisfaction of the Responsible Authority.
42. All design plans and specifications must be detailed in accordance with the IDM to the satisfaction of the Responsible Authority and will be valid for a period of 12 months only after approval. Following the expiry date design plans must be resubmitted for review and accepted prior to works commencing.
43. Traffic calming treatments must be installed within the subdivision in accordance with Austroads and the Traffic Impact Assessment Report requirements to achieve a target speed of 50km/hr.
44. Temporary court bowls or road dead ends shall be fully fenced, appropriately signed, shaped, drained, and be of all-weather construction (minimum pavement thickness 100mm, class 4 FCR), with a minimum turning radius of 10m. Prior to installation of a temporary court bowl, formal agreement with the neighbouring property must be achieved if applicable. Maintenance of the temporary court bowl will remain the responsibility of the developer during the applicable maintenance period.
45. All road, road related areas and public open spaces / reserves within the new subdivision shall be provided with public lighting in accordance with the minimum requirement for Category P lighting guidelines and light technical parameters in AS/NZS 1158.3.1 and as approved by the Responsible Authority. All public lighting must incorporate the use of energy efficient globes (i.e. T5).
46. All road intersections must be signed and line marked to be compliant with VicRoads Traffic Engineering Manual Volume 2.
47. All new powerlines within the subdivision must be underground.

Subdivision Conditions – Prior to Statement of Compliance

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

External Road Infrastructure

49. Prior to the issue of a Statement of Compliance, the permit holder must construct the Stock Route, where Stock Route adjoins the subject land, to a minimum standard of Access Street – per IDM standard, including:
 - a. Sealed 2 way carriageway with minimum 7.3m lane width;
 - b. A Basic Left Turn and Basic Right Turn lane into Stockmans Rise and the proposed Childcare Centre;
 - c. On-street car parking on the western side of the Stock Route; and
 - d. Provision of a 1.5m footpath on the western side of the Stock Route
50. Prior to the issue of a Statement of Compliance, the remainder of Stock Route on the North side of the development connecting to Dead Horse Lane will remain an unsealed road, but must be upgraded with improved horizontal and vertical alignments, widened, re-sheeted with drainage improvements to the satisfaction of the responsible authority.
51. The Stock Route, south of the subject land, is to be closed to through traffic from Maroondah Highway. The closure will be completed by the relevant authorities, at the request of the permit holder.
Prior to the issue of a Statement of Compliance appropriate signage is to be placed at the intersection of Stock Route and the new internal road to identify the road closure, or no-through traffic, to the satisfaction of the Responsible Authority

Internal Road Infrastructure

52. Before the use and development hereby permitted starts, all design drawings must be submitted to Council for approval.
 - a. All roads, road reserve, court bowls, footpaths, on street parking, kerb and channeling are to be designed in accordance with the Infrastructure Design Manual (IDM) and to the satisfaction of the Council.
53. All pavement is to be constructed in accordance with the Infrastructure Design Manual (IDM) and by a suitably qualified CPEng, National Engineering Registered (NER) engineer, to the satisfaction of the Responsible Authority.
54. Concrete footpaths must be provided on both sides of all the roads and must be connected to existing footpaths.
55. Traffic calming treatments must be installed in accordance with Austroads.
56. All road, road related areas and public open spaces / reserves within the new subdivision shall be provided with public lighting in accordance with the minimum requirement for Category P lighting guidelines and light technical parameters in AS/NZS 1158.3.1 and as approved by the Responsible Authority. All public lighting must incorporate the use of energy efficient globes (i.e. T5).
57. All road intersections, shall be signed and line marked to be compliant with VicRoads Traffic Engineering Manual Volume 2.
58. Prior to the issue of a Statement of Compliance, all nature strips must be seeded and fertilised and grass must be established to the satisfaction of the Responsible Authority
59. The landscaping shown on the approved landscaping plan must either:
 - a. Be established prior to the issue of the Statement of Compliance and maintained for a twelve (12) month period thereafter to the satisfaction of the responsible authority; or
 - b. A monetary contribution as determined by the responsible authority made to provide for the above-mentioned landscaping and maintenance.
60. Prior to the issue of Statement of Compliance under the Subdivision Act 1988 for the subdivision, the permit holder must provide to the Responsible Authority:
 - a. A contribution in accordance with Clause 53.01 (Public Open Space and Subdivision) of the Mansfield Shire Planning Scheme at time of payment, or Certification of the plan in the case of a land contribution; and

- b. Any costs associated with valuation of the land including valuers fees.
The permit holder must make a request to Council to commence the process.

61. Prior to the issue of a Statement of Compliance, the permit holder must enter into an agreement with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act 1987, to the effect that:

- a. Any dwelling constructed must provide a rainwater tank with a capacity not less than 15,000 litres. The rainwater tanks must be installed and connected to the toilet cistern, laundry and garden taps.
- b. The floor level of any new dwelling must be a minimum of 300mm above the 1% AEP (100yr) flood level as specified by the Goulburn Broken Catchment Management Authority.

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

62. The waste pad shown on any approved construction plans must be installed to the satisfaction of the Responsible Authority.

63. Altered overland flow paths must pass through the designed routes within reserves for municipal purposes or within easements to the satisfaction of the Responsible Authority.

64. All stormwater infrastructure such as retardation and treatment facilities must be completed to the satisfaction of the Responsible Authority.

All infrastructure will remain the responsibility of the developer for a period of two (2) years following the issue of a Statement of Compliance for the subdivision. The stormwater infrastructure must be maintained to a standard acceptable to the Responsible Authority.

65. Prior to the issue of Certificate of Practical Completion and subsequent Statement of Compliance, the Developer is to lodge a security bond to the Responsible Authority for 5% of the total actual documented cost of the engineering works based on actual tender fees. This bond will be released following a satisfactory inspection, 52 weeks after a Certificate of Practical Completion is issued.

66. Prior to the issue of a Statement of Compliance, the permit holder must pay to the Responsible Authority a cash contribution of:

- a. 0.75% of the total actual documented cost of the engineering works for the checking of engineering plans associated with the development approved herewith.
- b. 2.50% of the total actual documented cost of the engineering works for the supervision of works associated with the development approved herewith.

67. Following completion of all works, and prior to issuing of the Statement of Compliance, "as constructed" drawings must be submitted and accepted by the Council. The preferred format of the drawings are AutoCAD *.DWG or *.DXF. Drainage drawings to DSpec requirements must also be provided prior to issuing of the Statement of Compliance.

68. The owner of the land must enter into an agreement with:

- a. A telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
- b. A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media

Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

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

Ausnet Services

70. The Plan of Subdivision submitted for certification must be referred to AUSNET ELECTRICITY SERVICES PTY LTD in accordance with Section 8 of the Subdivision Act 1988.
71. The applicant must –
- a. Enter in an agreement with AUSNET ELECTRICITY SERVICES PTY LTD for supply of electricity to each lot on the endorsed plan.
 - b. Enter into an agreement with AUSNET ELECTRICITY SERVICES PTY LTD for the rearrangement of the existing electricity supply system.
 - c. Enter into an agreement with AUSNET ELECTRICITY SERVICES PTY LTD for rearrangement of the points of supply to any existing installations affected by any private electric power line which would cross a boundary created by the subdivision, or by such means as may be agreed by AUSNET ELECTRICITY SERVICES PTY LTD.
 - d. Provide easements satisfactory to AUSNET ELECTRICITY SERVICES PTY LTD for the purpose of "Power Line" in the favour of "AUSNET ELECTRICITY SERVICES PTY LTD" pursuant to Section 88 of the Electricity Industry Act 2000, where easements have not been otherwise provided, for all existing AUSNET ELECTRICITY SERVICES PTY LTD electric power lines and for any new power lines required to service the lots on the endorsed plan and/or abutting land.
 - e. Obtain for the use of AUSNET ELECTRICITY SERVICES PTY LTD any other easement required to service the lots.
 - f. Adjust the position of any existing AUSNET ELECTRICITY SERVICES PTY LTD easement to accord with the position of the electricity line(s) as determined by survey.
 - g. Set aside on the plan of subdivision Reserves for the use of AUSNET ELECTRICITY SERVICES PTY LTD for electric substations.
 - h. Provide survey plans for any electric substations required by AUSNET ELECTRICITY SERVICES PTY LTD and for associated power lines and cables and executes leases for a period of 30 years, at a nominal rental with a right to extend the lease for a further 30 years. AUSNET ELECTRICITY SERVICES PTY LTD requires that such leases are to be noted on the title by way of a caveat or a notification under Section 88 (2) of the Transfer of Land Act prior to the registration of the plan of subdivision.
 - i. Provide to AUSNET ELECTRICITY SERVICES PTY LTD a copy of the plan of subdivision submitted for certification that shows any amendments that have been required.

- j. Agree to provide alternative electricity supply to lot owners and/or each lot until such time as permanent supply is available to the development by AUSNET ELECTRICITY SERVICES PTY LTD. Individual generators must be provided at each supply point. The generator for temporary supply must be installed in such a manner as to comply with the Electricity Safety Act 1998.
- k. Ensure that all necessary auditing is completed to the satisfaction of AUSNET ELECTRICITY SERVICES PTY LTD to allow the new network assets to be safely connected to the distribution network.

Country Fire Authority

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

Goulburn Valley Water

- 73. Payment of new customer contribution charges for water supply to the development, such amount being determined by the Corporation at the time of payment;
- 74. Provision of a reticulated water supply and associated construction works to each allotment within the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation; (The works may include, but not be limited to water main upgrade/extension, construction of a water booster pumping station, storage or tanks and trunk mains);
- 75. Water Supply network augmentation works are required;
- 76. Provision of one water tapping per lot at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation;
- 77. Payment of new customer contributions charges for sewerage services to the development, such amount being determined by the Corporation at the time of payment;
- 78. Provision of reticulated sewerage and associated construction works to each allotment within the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation; (The works may include, but not be limited to sewer main upsizing/duplication and pump station upgrades);
- 79. Provision of easements in favour of the Goulburn Valley Region Water Corporation over all existing and proposed sewer mains located within private property;
- 80. Pursuant to Section 36 of the Subdivision Act, if the Corporation considers that, for the economical and efficient subdivision and servicing of the land covered by the Application for Permit, it requires the owner of the land to acquire an easement over other land in the vicinity. That is, any land not owned by the Developer through which a sewerage extension servicing the development is to be located, easements shall be created in favour of the Corporation;

81. The operator under this permit shall be obliged to enter into an Agreement with Goulburn Valley Region Water Corporation relating to the design and construction of any sewerage or water works required. The form of such Agreement shall be to the satisfaction of Goulburn Valley Water. A copy of the format of the Agreement will be provided on request;
82. The plan of subdivision lodged for certification is to be referred to the Goulburn Valley Region Water Corporation pursuant to Section 8(1) of the Subdivision Act, 1988.

Permit Expiry

83. This permit as it relates to subdivision will expire if one of the following circumstances applies:
 - a. The plan of subdivision for the first stage is not certified within two (2) years of the date of this permit.
 - b. The plan of subdivision for each subsequent stage is not certified under the Subdivision Act 1988 within two (2) years of the previous stage.
 - c. The subdivision is not completed within five (5) years of the date of certification. 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*.
84. This permit as it relates to use and development 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. The development is not completed and the use commenced within four (4) years of the date of this permit.
 - c. The use ceases for a period of two (2) or more years. 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*.

Support Attachments

1. Delegate Report - 57 Stock Route Mansfield [13.2.2.1 - 60 pages]
2. Application Documents - 57 Stock Route Mansfield [13.2.2.2 - 9 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 \$2,958.60 was received for the application.

Legal and Risk Implications

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

Regional, State and National Plans and Policies

Not Applicable

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 3.2 Enhance township character

Strategy 3.4 Plan for and encourage appropriate housing

Governance - Disclosure of Conflicts of Interest

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

13.2.3. Planning Permit Application P179016BA/21 - Multi lot staged subdivision - 57 Stock Route Mansfield

File Number	DA7737 P179016BA/21	Responsible Officer	Statutory Planner, Sehaj Bath
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Purpose

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

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

The application is being referred to Council for determination as more than four (4) objections were received.

Executive Summary

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

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

Since the grant of the original permit P179016B/21, Planning Scheme Amendment C45mans was gazetted into the Mansfield Planning Scheme, which rezoned the land from Low Density Residential Zone (LDRZ) to General Residential Zone (GRZ) and deleted the Development Plan Overlay (DPO) from the land. This change has removed the requirement for a minimum lot size of 2,000m² for subdivision.

As a result of the rezoning, the amended subdivision proposal can be considered by Council, and would comprise a combination of general residential lots, with areas between 566m² - 1,437m² and a majority of lots between 675-750m². No alterations to the road layout or drainage are proposed as a result of this amendment.

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

Key Issues

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

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

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

2. *Location of footpath.*

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

3. *Density/character of area.*

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

4. *Interface with wetlands/drainage reserve.*

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

5. *Evidence of pre-European habitation.*

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

Recommendation

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

Endorsed Plans

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

Public Open Space

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

The permit holder must make a request to Council to commence the process involved with this condition.

Telecommunications

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

Landscaping

5. Prior to the certification of the plan of subdivision, a detailed landscape plan for that stage must be submitted to and approved by the Responsible Authority. When approved, the landscape plan will be endorsed and will then form part of the permit. The landscape plan must be drawn to scale with dimensions provided.

The landscape plan must be consistent with the construction plans for the development and must show:

 - a. New planting, including their layout to be provided in any road reserves and municipal reserves, where applicable;
 - b. Detailed planting schedule of all proposed trees, shrubs and groundcovers, including botanical names, common names, pot sizes, sizes at maturity and quantities of each plant. The plant schedule should be based on the recommended planting schedule documented in the *Revegetation Guide for the Goulburn Broken Catchment* as published by the Goulburn Broken Catchment Management Authority;
 - c. The removal of all existing disused structures, foundations, pipelines or stockpiles and the eradication of weeds;
 - d. All trees planted as part of the landscape works must have a minimum height of

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

Engineering conditions

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

External Road Infrastructure

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

request of the permit holder.

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

Internal road infrastructure

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

Earthworks

19. The extent and depth of all proposed lot filling is to be denoted on the design plan. Where depths of fill on allotments exceed 300 mm, those areas are to be clearly differentiated from areas where the depths of fill are less than 300 mm. Where the depth of fill exceeds 300mm, the fill is to be compacted in accordance with the

requirements of Table 204.131 Compaction Requirements Scale C of VicRoads Technical Specification 204 and shaped to match existing site levels, to the satisfaction of the Responsible Authority.

Drainage

20. Before the certification of the plan of subdivision, construction and drainage plans, and computations to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. All works constructed or carried out must be in accordance with those plans to the satisfaction of the Responsible Authority. The plans must include:

- a. On-site detention by use of rainwater tanks or similar detention system(s) designed by a suitably qualified engineering consultant to ensure no net increase in stormwater discharge from predevelopment levels by the proposed development.
- b. Measures to enhance stormwater discharge quality from the development including output from MUSIC, STORM updated or similar with design calculation summaries of the treatment elements.
- c. A maintenance plan for all stormwater treatment assets.
- d. The detention and treatment system must be designed to allow access for maintenance vehicles.
- e. Altered overland flow paths must pass through the designed routes within reserves for municipal purposes or within easements. No overland flow shall be allowed to impact on the adjacent lots.
- f. Demonstrate that the proposed lots are flood free in a 1 % AEP storm event.
- g. Rainwater tanks must be provided for each lot with a capacity as per IDM requirement and agreed with the Council. The tanks must be installed and connected to toilet system, laundry washing machine taps and garden watering. Plumbing details must be provided with the design drawings.

21. Prior to the issue of a Statement of Compliance, the permit holder must enter into an agreement with the Responsible Authority pursuant to Section 173 of the *Planning and Environment Act 1987*, to the effect that:

- a) A rainwater tank with a minimum capacity as per the approved construction and drainage plan must be provided to each dwelling and connected to internal toilets and laundries and include an outlet for garden watering to the satisfaction of the Responsible Authority.

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

Signage, Street Furniture and Services

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

Asset Protection

23. Prior to the certification of the plan of subdivision, a Site Management Plan (SMP) is to be submitted and approved by Council. The SMP will contain at minimum:

- a) Protection of significant native vegetation during the construction of roads, reticulated services and other infrastructure.
- b) Prevention of adverse environmental impacts on existing waterways including

through run-off and siltation.

- c) Procedures to ensure access by construction vehicles during the construction does not impact the amenity of the surrounding neighbourhood.
 - d) Measures in accordance with EPA Victoria Publication 960 Doing it right on subdivisions: Temporary environmental protection measures for subdivision construction sites.
24. Any damage to Council managed assets such as roads, footpaths, street trees and stormwater infrastructure, must be repaired at the cost of the developer to the satisfaction of the Responsible Authority
25. All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).
26. All services must avoid root zones of existing trees. Where services cannot be placed to avoid the root zone, boring and/or hand digging must be undertaken to minimise root damage to the satisfaction of the Responsible Authority.
27. Temporary barriers must be erected around the drip line of existing trees and maintained during construction to the satisfaction of the Responsible Authority.

Administration, Permits, Fees and Charges

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

Ausnet Electricity Pty Ltd

34. The Plan of Subdivision submitted for certification must be referred to AUSNET ELECTRICITY SERVICES PTY LTD in accordance with Section 8 of the Subdivision Act 1988.
35. The applicant must:

- a. Enter in an agreement with Ausnet Electricity Services Pty Ltd for supply of electricity to each lot on the endorsed plan.
- b. Enter into an agreement with Ausnet Electricity Services Pty Ltd for the rearrangement of the existing electricity supply system.
- c. Enter into an agreement with Ausnet Electricity Services Pty Ltd for rearrangement of the points of supply to any existing installations affected by any private electric power line which would cross a boundary created by the subdivision, or by such means as may be agreed by Ausnet Electricity Services Pty Ltd.
- d. Provide easements satisfactory to Ausnet Electricity Services Pty Ltd for the purpose of "Power Line" in the favour of "Ausnet Electricity Services Pty Ltd" pursuant to Section 88 of the Electricity Industry Act 2000, where easements have not been otherwise provided, for all existing Ausnet Electricity Services Pty Ltd electric power lines and for any new power lines required to service the lots on the endorsed plan and/or abutting land.
- e. Obtain for the use of Ausnet Electricity Services Pty Ltd any other easement required to service the lots.
- f. Adjust the position of any existing Ausnet Electricity Services Pty Ltd easement to accord with the position of the electricity line(s) as determined by survey.
- g. Set aside on the plan of subdivision Reserves for the use of Ausnet Electricity Services Pty Ltd for electric substations.
- h. Provide survey plans for any electric substations required by Ausnet Electricity Services Pty Ltd and for associated power lines and cables and executes leases for a period of 30 years, at a nominal rental with a right to extend the lease for a further 30 years. Ausnet Electricity Services Pty Ltd requires that such leases are to be noted on the title by way of a caveat or a notification under Section 88 (2) of the Transfer of Land Act prior to the registration of the plan of subdivision.
- i. Provide to Ausnet Electricity Services Pty Ltd a copy of the plan of subdivision submitted for certification that shows any amendments that have been required.
- j. Agree to provide alternative electricity supply to lot owners and/or each lot until such time as permanent supply is available to the development by Ausnet Electricity Services Pty Ltd. Individual generators must be provided at each supply point. The generator for temporary supply must be installed in such a manner as to comply with the Electricity Safety Act 1998.
- k. Ensure that all necessary auditing is completed to the satisfaction of Ausnet Electricity Services Pty Ltd to allow the new network assets to be safely connected to the distribution network.

Country Fire Authority

36. Prior to the issue of a Statement of Compliance under the Subdivision Act 1988 the following requirements must be met to the satisfaction of the CFA:

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

Note –CFA’s requirements for identification of hydrants are specified in ‘Identification of Street Hydrants for Firefighting Purposes’ available under publications on the CFA web site (www.cfa.vic.gov.au)

37. Roads must be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable road width.
- a. The average grade must be no more than 1 in 7 (14.4%) (8.1 degrees) with a maximum of no more than 1 in 5 (20%) (11.3 degrees) for no more than 50 meters. Dips must have no more than a 1 in 8 (12%) (7.1 degree) entry and exit angle.
 - b. Curves must have a minimum inner radius of 10 metres.
 - c. Have a minimum trafficable width of 3.5 metres and be clear of encroachments for at least 0.5 metres on each side and 4 metres above the access way.
 - d. Roads more than 60m in length from the nearest intersection must have a turning circle with a minimum radius of 8m (including roll-over kerbs if they are provided) T or Y heads of dimensions specified by the CFA may be used as alternatives.

Goulburn Valley Water

38. The applicant must arrange:
- a. Payment of new customer contribution charges for water supply to the development, such amount being determined by the Corporation at the time of payment;
 - b. Provision of a reticulated water supply and associated construction works to each allotment within the development, at the developer’s expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation;
 - c. Provision of one water tapping per lot at the developer’s expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation;
 - d. Payment of new customer contributions charges for sewerage services to the development, such amount being determined by the Corporation at the time of payment;
 - e. Provision of reticulated sewerage and associated construction works to each allotment within the development, at the developer’s expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation;
 - f. Provision of easements in favour of the Goulburn Valley Region Water Corporation over all existing and proposed sewer mains located within private property;
 - g. The operator under this permit shall be obliged to enter into an Agreement with Goulburn Valley Region Water Corporation relating to the design and construction of any sewerage or water works required. The form of such Agreement shall be to the satisfaction of Goulburn Valley Water. A copy of the format of the Agreement will be provided on request;
 - h. The plan of subdivision lodged for certification is to be referred to the Goulburn Valley Region Water Corporation pursuant to Section 8(1) of the Subdivision Act, 1988.

Goulburn Murray Water

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

Expiry

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

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

Date of amendment	Brief description of amendment	Responsible Authority
dd/mm/yyyy	This permit has been amended pursuant to Section 74 of the <i>Planning and Environment Act 1987</i> , having regard to the following: <ol style="list-style-type: none"> a) Amend what the permit allows to include staging. b) Condition 2, contribution for Public open space to be in accordance with Clause 53.01 of Mansfield Planning Scheme. c) Addition of two conditions (10 & 11) related to upgrade of Stock Route and closure of access from Maroondah Highway. d) Revision of condition requiring design drawings: requirement to show removal of temporary court bowl; reinstatement of nature strip; road and footpath connection to Stockmans Drive (previously Condition 11b). e) Deletion of conditions requiring a temporary court bowl (previously Conditions 11e and 11f). f) Additional Condition (13g) to require the existing temporary court bowl be returned to a natural state. g) Amended Condition requiring maintenance of temporary court bowl, to instead remove the existing temporary court bowl (previously Condition 12). 	Mansfield Shire Council

	<ul style="list-style-type: none"> h) Revision of two drainage conditions associated with drainage plans and computations; and requiring rainwater tank through section 173 agreement (previously Condition 19). i) Revision of condition requiring site management plan (previously Condition 21). j) Addition of a new sub-condition as per Goulburn Valley Water's revised consent to the amendment (Condition 38c). k) Revision of a condition as per Goulburn Murray Water's revised consent to the amendment (previously Condition 37). l) Amend permit expiry to allow for staging of the development. m) Renumbered all the conditions pertaining to the addition of new conditions. 	
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Support Attachments

1. Amendment Delegate Report - 57 Stock Route [13.2.3.1 - 47 pages]
2. Application Documents - 57 Stock Route [13.2.3.2 - 1 page]
3. Original Permit and Endorsed Plans - 57 Stock Route Mansfield [13.2.3.3 - 14 pages]

Considerations and Implications of Recommendation

Sustainability Implications

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

Community Engagement

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

Collaboration

Not Applicable

Financial Impact

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

Legal and Risk Implications

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

Regional, State and National Plans and Policies

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

Innovation and Continuous Improvement

Not Applicable

Alignment to Council Plan

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

Strategy 3.3 Improve roads, drainage and footpaths

Strategy 3.4 Plan for and encourage appropriate housing

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. Amendment C56mans Alpine Approaches

File Number	E10617	Responsible Officer	Strategic Planning Officer, Oscar Yencken
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Purpose

To seek a resolution of Council to request Authorisation from the Minister for Planning to prepare and exhibit amendment C56 to the Mansfield Planning Scheme.

Executive Summary

The proposed amendment to the planning scheme aims to implement the recommendations of the Township Approaches Planning Controls and Guidelines Study, Mansfield, June 2018. The objectives of the study were to identify the preferred future character of the four Mansfield township approaches, ensure that future development has a positive impact on the township's amenity and environment, and clearly define the township approaches through built form and landscaping treatments.

The amendment involves amending the Design and Development Overlay Schedules 1 and 2, inserting a new Schedule 3 for the four Alpine Approaches, and applying this schedule to areas of commercial, industrial, and farming zones along these approaches.

The amendment is based on extensive background research and community input to ensure that the proposed controls support the preferred character of the township approaches. The Township Approaches Planning Controls and Guidelines Study, Mansfield, June 2018, forms the basis for the preparation of the Design and Development Overlay schedules proposed by this amendment.

Key Issues

The amendment is required to implement the Township Approaches Planning Controls and Guidelines Study, Mansfield, June 2018 with objectives to:

- Identify the preferred future character of the four (4) township approaches.
- Ensure future development makes a positive impact on the amenity and environment within the township approaches.
- Ensure future development within the four (4) township approaches has regard to their local context and reinforces the valued character of the township.
- Clearly define township approaches through built form and landscaping treatments within the private realm.
- Provide clear, logical and useful guidelines for all – including, but not limited to developers, residents, Council officers and Councillors.

Strategic planning work was commenced in 2017 to investigate the recent development impacts to these four (4) main approaches and seek community comment. Community input was sought to ensure that any proposed control would support the preferred character of the approaches.

This amendment follows on from extensive background research and strategic assessment. The established preferred character for the four (4) township approaches are protected and

enhanced through the establishment and refinement of existing design and development controls that shape commercial/industrial land uses.

The amendment implements the industrial, commercial and farming development guidelines in accordance with the recommendations of the Township Approaches Planning Controls and Guidelines Study, June 2018 by:

- Amending the Design and Development Overlay Schedule 1.
- Amending the Design and Development Overlay Schedule 2.
- Inserting a new Design and Development Overlay Schedule 3 to the four Alpine Approaches within Mansfield Township.
- Applying the Design and Development Overlay Schedule 3 to areas of Commercial, Industrial and Farming Zones along the four Alpine Approaches within Mansfield Township (Planning scheme maps 9DDO, 11DDO, 12DDO).

The amendment applies to the four approaches to the Mansfield township, shown in the map below:



Recommendation

THAT COUNCIL:

1. Request under Section 8A (2) and (3) of the Planning and Environment Act 1987 that the Minister for Planning authorise Mansfield Shire Council to prepare Amendment C56 to the Mansfield Planning Scheme.
2. Notify the Minister for Planning that when it exhibits Amendment C56, Mansfield Shire Council intends to give full notification of the amendment under Section 19 of the Planning and Environment Act 1987 for a minimum statutory exhibition period of one month.
3. When authorised by the Minister for Planning, exhibit Amendment C56 to the Mansfield Planning Scheme under Section 19 of the Planning and Environment Act 1987.

Support Attachments

1. Mansfield C56 Explanatory Report Background [13.2.4.1 - 6 pages]
2. Mansfield C56 Instruction Sheet Background [13.2.4.2 - 1 page]
3. C 56 mans Proposed DDO areas Mansfield Shire Council [13.2.4.3 - 1 page]
4. Mansfield C56 mans 43 02s DDO1 Draft ordinance Authorisation [13.2.4.4 - 7 pages]
5. Mansfield C56 mans 43 02s DDO2 Draft ordinance Authorisation [13.2.4.5 - 6 pages]
6. Mansfield C56 mans 43 02s DDO3 Draft ordinance Authorisation [13.2.4.6 - 6 pages]
7. Mansfield C56 Strategic Assessment Guidelines Checklist Background [13.2.4.7 - 9 pages]

Considerations and Implications of Recommendation

Sustainability Implications

This amendment seeks to introduce changes and pathways for further enhancement of the environmental values of the four (4) township approaches. The two (2) schedules to the Design and Development Overlay will result in an increase over time of mature canopy cover in both the private and public domains along the township approaches. The community of Mansfield places a large social value on its unique township approaches. These corridors welcome all visitors to the region and form a key gateway to the Victorian High Country beyond. As such, the community and Council have sought to shape these corridors along a defined preferred character individual to each route. In developing these controls as a community, the residents of Mansfield have invested significant social capital into their vision for the area. This amendment takes this community vision and places a range of design and development controls around aspects to ensure that these corridors are shaped in the direction the community wishes for them to head, building further social cohesion and pride amongst the township's residents. Overall, this project has significant community social benefits.

Significant cultural and built heritage sites are located within the township approaches. The development controls contained with the two (2) Design and Development Overlays seek to conserve these sites or ensure that future development does not negatively impact on their value for future generations to enjoy.

Tourism is a large contributor to the local economy, both through providing accommodation, services to the nearby ski fields, and through Mansfield's key location as a gateway to the wider Victorian High Country. The township's appeal to tourists is in part influenced by its historic and unique country town feel.

Community Engagement

If authorised, the amendment will undergo an exhibition process in accordance with the *Planning and Environment Act 1987*, following an extensive community engagement process that was undertaken in the development of the Township Approaches Planning Controls and Guidelines Study, Mansfield, June 2018.

Collaboration

Not Applicable

Financial Impact

Is accounted for in Council's strategic planning budget.

Legal and Risk Implications

A planning scheme amendment is required to be formally exhibited under Section 19 of the *Planning and Environment Act 1987*, with notification being given to potentially affected agencies, groups and landowners.

A Council resolution is required to seek authorisation from the Minister for Planning for Council to formally prepare the amendment, and when authorised, to exhibit the amendment. Exhibition would take place for a minimum statutory period of one month, with advertising to potentially affected agencies, groups and landowners. Once exhibition has taken place, the proposal will then be reported to Council for:

- Consideration of any submissions;
- Referral of any submissions that cannot be resolved to an independent panel for consideration;
- Resolution, which is either adoption with or without changes or abandonment

Regional, State and National Plans and Policies

If authorised, the amendment will introduce changes to the Mansfield Planning Scheme with proposed controls to support the preferred character of the township approaches

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.

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

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

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

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

Strategy 3.1 Protect natural vistas and farmlets

Strategy 3.2 Enhance township character

Strategy 3.4 Plan for and encourage appropriate housing

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. Audit and Risk Committee Charter Review 2023

File Number	E9616	Responsible Officer	Manager Business & Performance, Tony Cooper
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Purpose

To seek Council endorsement of the updated Audit and Risk Committee Charter (Charter).

Executive Summary

The Charter is reviewed on a regular basis to ensure that it is current and supporting best practice.

At the Audit and Risk meeting held in November 2022 a brief was presented to the Committee with recommended updates and changes to the Charter. As part of this process, best practice was considered including a review of other Audit and Risk Committee Charters.

The Audit and Risk Committee reviewed the updated Charter and provided comments to the Manager Business and Performance for inclusion. Feedback was received from several members of the Committee and a further updated version of the Charter was distributed to the Committee for review in January 2023.

The Committee provided a further inclusion under section 4.3 (e) related to the suggested Cyber Security inclusion.

The Audit and Risk Committee endorsed the updated Charter at its meeting of 27 February 2023. The updated Charter is presented to Council for endorsement.

Key Issues

The primary changes to the Charter include:

- Widening of the purpose to highlight the Committee’s obligation to inform Council in a timely manner.
- Additional authority for the Committee members to meet in the absence of Council officers.
- The inclusion of the Committee’s oversight of Cyber Security.
- The inclusion of any complaints and management responses to them, received by regulatory and integrity bodies.
- General updates in Section 6 – Nomination of membership, Section 7 - Term of Appointment and Section 10 - Meetings of the Committee.
- Appendix B – inclusion of the Risk Matrix.

Recommendation

THAT COUNCIL endorse the updated Audit and Risk Committee Charter.

Support Attachments

1. DRAFT Audit and Risk Committee Charter 2023 [13.3.1.1 - 13 pages]

Considerations and Implications of Recommendation

Sustainability Implications

Not applicable

Community Engagement

Not Applicable

Collaboration

Not Applicable

Financial Impact

Not Applicable

Legal and Risk Implications

The revision of the Charter ensures an effective functioning committee which is a key component of Council's risk management framework. The Charter has been benchmarked with other Audit and Risk Committee Charters ensuring best practice is followed.

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 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.

13.3.2. Review of Mansfield Council Instrument of Delegation - S6

File Number	E2478	Responsible Officer	Interim Coordinator Governance & Risk, Jane Carter
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Purpose

To seek Council endorsement of the revised Instrument of Delegation: Schedule S6 Instrument of Delegation to Council Staff.

Executive Summary

Delegations to undertake a specific duty or power in accordance with a specific section of an Act of Parliament are essential to enable Council staff to carry out professional duties, particularly in areas which involve enforcement, such as Planning, Local Laws, Environmental Health, Animal Management, Parking Control and Road Management.

Council subscribes to a delegations and authorisations service produced by the legal firm, Maddocks. The firm reviews all legislation that impacts upon local government in Victoria, and distributes an updated schedule of delegations, reflecting recent legislative changes. This is provided on a six-monthly basis. This template is used by many Victorian councils and reflects common practice within the industry.

Drawing on these updates, the Instruments of Delegation are updated periodically as legislation is amended, or new legislation is introduced which impacts upon the operations of Council.

Key Issues

Council maintains registers of staff who have delegations to purchase goods (in accordance with the Mansfield Shire Council Procurement Policy and Guidelines), or who exercise particular authority on behalf of the Council or the CEO under a variety of Acts, including the *Local Government Act 1989* and *2020*.

These Instruments outline the staff who act on behalf of Council or the Chief Executive Officer.

Due to recent legislative changes, this report seeks Council endorsement of the revised Schedule S6 Instrument of Delegation - Members of Staff. A tracked changes version is also attached identifying the changes made to this Instrument of Delegation

Recommendation

THAT COUNCIL:

1. Revokes the existing Schedule 6 - Instrument of Delegation from Council to Members of Council Staff previously endorsed by Council on 21 September 2021.
2. Endorses the Schedule 6 – Instrument of Delegation from Council to Members of Council Staff dated 21 March 2023.
3. Approves Mayor Cr James Tehan to sign and Deputy Mayor Cr Steve Rabie to witness the signing of Schedule S6 Instrument of Delegation - Members of Staff.

Support Attachments

1. S6 Instrument of Delegation – Members of Staff [13.3.2.1 - 71 pages]
2. Tracked Changes - S6 Instrument of Delegation - Members of Staff [13.3.2.2 - 72 pages]

Considerations and Implications of Recommendation

Sustainability Implications

Not Applicable

Community Engagement

Not Applicable

Collaboration

Not Applicable

Financial Impact

Council has an annual subscription for the Maddocks delegations and authorisations service that is included in Council's operational budget allocations. Appropriate delegations and authorisations allow Council and Council staff to operate effectively within legislative frameworks.

Legal and Risk Implications

The review and update of Council's Instruments of Delegation and Instruments of Appointment and Authorisation contribute to Council's risk minimisation initiatives with regard to non-compliance with statutory legislation.

All officers with delegated powers will be asked to familiarise themselves with the new delegations, once approved by Council, as a further means of mitigating risk in relation to delegated powers.

Council has a statutory obligation under s11 of the Local Government Act 2020 to review the delegations it makes to Council staff.

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

Strategy 6.2 Building organisational capacity through its people

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 14 March 2023.
Support Attachments
1. Action Report as at 14 March 2023 [14.1.1 - 5 pages]

15. Advisory and Special Committee reports

15.1. Audit & Risk Committee Meeting Agenda & Minutes

The Agenda & Minutes of the Mansfield Shire Audit and Risk Committee, held 27 February 2023, are attached for the Councils information.

Recommendation
THAT COUNCIL receive the Agenda & Minutes of the Mansfield Shire Audit and Risk Committee meeting held 27 February 2023.
Support Attachments
1. Audit & Risk Committee Meeting Agenda - 27 February 2023 [15.1.1 - 48 pages]
2. Audit & Risk Committee Meeting Minutes - 27 February 2023 [15.1.2 - 7 pages]

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. Award of Waste and Recycling Collection and Processing Contract(s)

Confidential

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

18.2. Tender Award: Tipper Truck and Water Cart

Confidential

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

18.3. Purchase of Land for Car Park Access

Confidential

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

19. Reopen meeting to members of the public

Recommendation

THAT COUNCIL reopen the meeting to members of the public.

20. Close of meeting