



Mansfield Shire

Council Meeting

Tuesday 12 December 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 Steve Rabie (Mayor)
Cr Mark Holcombe (Deputy Mayor)
Cr James Tehan
Cr Paul Sladdin
Cr Rohan Webb

Officers

Kirsten Alexander, Chief Executive Officer
Melissa Crane, General Manager Infrastructure & Planning
Julie Williams, General Manager Business & Economic Development

Order of Business

1. Opening of the meeting

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

2. Present

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

3. Apologies

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

4. Statement of commitment

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

5. Acknowledgement of Country

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

6. Disclosure of conflicts of interest

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

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

7. Confirmation of minutes

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

8. Representations

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

9. Notices of Motion

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

10. Mayor's report

The Mayor provides a report on his activities.

11. Reports from council appointed representatives

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

12. Public question time

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

13. Officer reports

13.1 Council considers a report from the Chief Executive Officer on the current operations, activities and projects undertaken with each department over the past month

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

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 Tehan
- Councillor Webb

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

The Deputy Mayor 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 Tehan
- Councillor Sladdin
- Councillor Webb

7. Confirmation of minutes

Recommendation

THAT the Minutes of the Mansfield Shire Council meeting held on 28 November 2023 and 5 December 2023 be confirmed as an accurate record.

8. Representations

9. Notices of motion

Nil

10. Mayor's report

Mayor Steve Rabie will present the monthly Mayor's report to the Council as follows:

I firstly wanted to thank my fellow Councillors for electing me to Mayor. It is a privilege and an honour being trusted to lead the Shire and I look forward to working with the CEO and Council Executive team over the remainder of this Council term. And thank you to the community members I have met since my appointment to Mayor and for your words of congratulations. This hasn't gone unnoticed.

I attended, along with Deputy Mayor Cr Holcombe and Cr Tehan, the Memorial Service on Saturday 2 December to honour the four Samoan farm workers who tragically lost their lives in the recent car accident in Piries. Australian High Commissioner to Samoa, HE Emily Luck, attended the service.

Council awarded Waratah Construction the contract for the Gooleys Bridge Barrier Replacement project as part of Councils Bridges Renewal Program. Gooleys Bridge, located on the Eildon-Jamieson Road, requires the existing timber barriers to be replaced with new steel barriers following a Level 3 bridge inspection identifying the barriers as a safety risk.

After careful consideration and learning from the experiences of other councils across the state, Council meetings will transition from online to hybrid meetings in February 2024. This is the best available use of technology combined with the "old style" in person meetings allowing Councillors, Council officers, and the community to attend in person or online from anywhere in the world. Council understands that 43% of our ratepayers do not live locally, and we want to make it easy for them to engage with Council.

Lastly, on behalf of Council, we wish everyone a Merry Christmas and remind the community to stay safe on the roads over the busy New Year period.

*Cr Steve Rabie
Mayor*

Recommendation

THAT COUNCIL receive the Mayor's report for the period 29 November 2023 to 6 December 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 Steve Rabie ▶ Cr James Tehan ▶ Cr Mark Holcombe |
| Mansfield Shire CEO Employment Matters Committee | <ul style="list-style-type: none"> ▶ Mayor Cr Steve Rabie ▶ Cr James Tehan ▶ 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 Steve Rabie |
| Mansfield Shire Council Audit and Risk Committee | <ul style="list-style-type: none"> ▶ Mayor Cr Steve Rabie ▶ Cr Mark Holcombe |
| Municipal Association of Victoria (MAV) | <ul style="list-style-type: none"> ▶ Mayor Cr Steve Rabie ▶ Substitute - Deputy Mayor Cr Mark Holcombe |
| Rural Councils Victoria (RCV) | <ul style="list-style-type: none"> ▶ Mayor Cr Steve Rabie ▶ Cr James Tehan |

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
- ▶ Statutory Planning
- ▶ Building Services
- ▶ Regulatory Services
- ▶ Waste Services
- ▶ Revenue Services
- ▶ Field Services
- ▶ Community Health and Wellbeing
- ▶ Visitor Services (Tourism & Events, VIC and Library)
- ▶ Communications
- ▶ Digital Transformation Project

Recommendation

THAT COUNCIL receive and note the Chief Executive Officer's report for the period 29 November 2023 to 6 December 2023.

Support Attachments

1. CEO Monthly Report – November 2023 [13.1.1 - 45 pages]

13.2. Infrastructure and Planning Directorate

13.2.1. P100/23 - 32 Chenery Street Mansfield

| | | | |
|--------------------|-------------------|----------------------------|---|
| File Number | DA3443 P100/23 | Responsible Officer | Coordinator Statutory Planning, Nicole Embling |
| Purpose | | | |

The purpose of this report is to seek Council’s determination of application P100/23, lodged for the development of land for alterations and additions to an existing dwelling, two (2) additional dwellings, and alteration of access to a road in the Principal Road Network.

This application is being referred to Council for a determination as the number of outstanding objections (six) exceeds delegation.

| Executive Summary | |
|------------------------------------|---|
| <i>Application Details</i> | |
| APPLICANT | C Bono C/- Taylor’d Home 13 Tara Drive FRANKSTON VIC 3199 |
| PROPOSAL | Development of land for additions and alterations to an existing dwelling, two (2) additional dwellings, and alteration of access to a road in the Principal Road Network |
| APPLICATION LODGED | 22 June 2023 |
| NOTICE AND SUBMISSIONS | Six (6) objections outstanding |
| <i>Property Details</i> | |
| PROPERTY ADDRESS | 32 Chenery Street MANSFIELD VIC 3722 |
| LAND DESCRIPTION | Lot 5 of Plan of Subdivision 011829 Certificate of Title Volume 05345 Folio 816 |
| ENCUMBRANCES | Nil |
| EASEMENTS | Nil |
| LAND AREA | 975 m ² |
| EXISTING USE | Single Dwelling |
| <i>Planning Provisions</i> | |
| ZONE | Clause 32.08 General Residential Zone – Schedule 1 (GRZ1) |
| OVERLAYS | Nil |
| MUNICIPAL PLANNING STRATEGY | Clause 02.03-1 – Settlement Clause 02.03-4 – Natural resource management Clause 02.03-5 – Built environment and heritage Clause 02.03-6 – Housing |
| PLANNING POLICY FRAMEWORK | Clause 11.01-1S – Settlement |

| | |
|---|---|
| | <p>Clause 11.01-1L – Settlement (Mansfield Township)</p> <p>Clause 14.02-1S – Catchment planning and management</p> <p>Clause 14.02-1L – Catchment Planning and Management</p> <p>Clause 14.02-2S – Water Quality</p> <p>Clause 15.01-1S – Urban Design</p> <p>Clause 15.01-1L – Urban Design in Mansfield Township CBD</p> <p>Clause 15.01-2S – Building 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 16.01-2S – Housing Affordability</p> <p>Clause 18.02-4S – Roads</p> |
| PARTICULAR PROVISIONS | <p>Clause 52.06 – Car Parking</p> <p>Clause 52.29 – Land Adjacent to the Principal Road Network</p> <p>Clause 53.18 – Stormwater Management in Urban Development</p> <p>Clause 55 – Two or more dwellings on a lot and residential buildings</p> |
| GENERAL PROVISIONS | Clause 65.01 – Approval of an Application or Plan |
| <i>Permit Triggers</i> | |
| CLAUSE 32.08-6 (GRZ1) | A permit is required to construct a dwelling if there is at least one dwelling existing on the lot. |
| CLAUSE 52.29-2 LAND ADJACENT TO THE PRINCIPAL ROAD NETWORK | A permit is required to create or alter access in a Transport Zone 2. |

Subject Land

The site is rectangular in shape and is approximately 975sqm in area with direct frontage to Chenery Street on the west boundary. The land is currently occupied with a single storey dwelling and associated domestic outbuilding (shed), and there is existing vehicle access to Chenery Street by a concrete crossover. The site is bound on the north, east and west boundaries by a 1.8m high solid fence of metal (Colorbond). The site has existing connections to reticulated electricity, telecommunications, water and sewage.



Figure 1: Photograph of the Subject Land from Chenery Street, provided by Applicant

The land is in the General Residential Zone and no Overlays apply, with the land adjoining the Chenery Street Road Reserve. This road reserve is in the Transport Zone 2, as part of the Principal Road Network managed by the Department of Transport.

The subject land adjoins one property to the north, established with an existing single dwelling, a large vacant property to the east (rear), and two properties to the south, one of which is established with a single dwelling and the other is a very long property with a dwelling, which is more than 65m from the shared boundary. All of the surrounding properties are also in the General Residential Zone and are generally developed for residential purposes with a mixture of single and multi-dwelling developments and some double-storey dwellings.



Figure 2: Subject land and surrounds

Proposal

The planning permit application proposes to remove the existing shed and carport attached to the dwelling to develop a double-storey residential building behind the existing dwelling which would include a two-bedroom and one-bathroom dwelling on the ground floor with access to a single-carport, and the upper storey would include a four-bedroom and two-bathroom dwelling with access via stairs and a double-carport below. The residential building proposes a shared laundry facility on the ground floor

The plans submitted include the proposed internal alterations to the existing dwelling which do not require a planning permit, but are relevant as the proposed carparking, a double-carport, is included to ensure the requirements of the Mansfield Planning Scheme in relation to carparking onsite are met. The existing dwelling is proposed to be renovated and would become a four-bedroom and two-bathroom dwelling maintaining the existing entrance on the north elevation.

The application is supported by a Landscaping Plan detailing non-permeable areas and opportunities for native planting around the boundary.

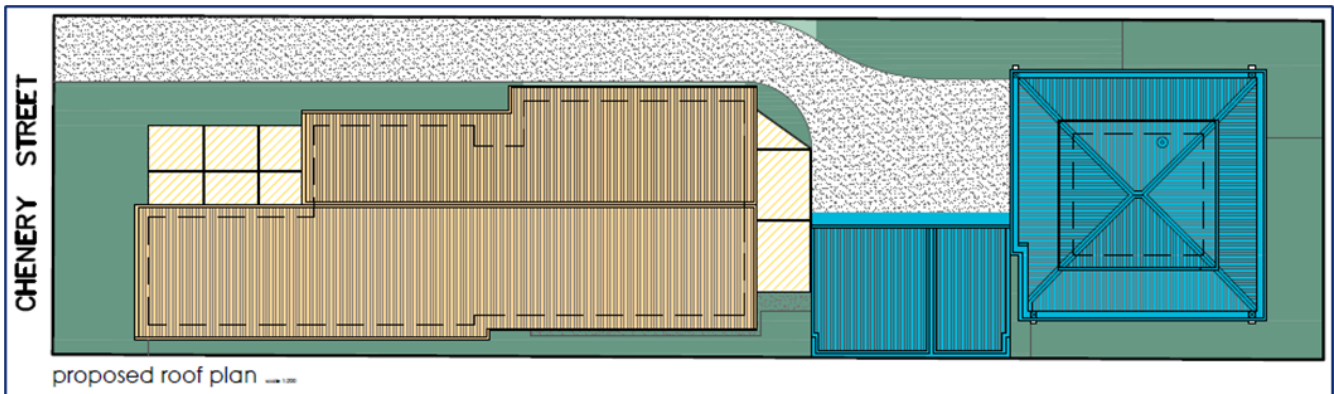


Figure 3: Site Layout Plan



internal west elevation

Figure 4: 3D Artist Impression of the residential building as viewed from the internal driveway

Key Issues

External Authorities

| Referral Authority | Type of Referral | Response |
|---|------------------|-------------------------------------|
| Goulburn Valley Water (GVW) | For Comment | No objections subject to conditions |
| Department Transport and Planning (DTP) | Determining | No objections subject to conditions |

Internal Authorities

| Department | Response |
|-------------|--|
| Engineering | No objections subject to conditions |
| Environment | No objections, with some minor recommended changes to tree species |

Public Notice

The application was on Public Notice from 24 July until 14 August 2023 with a sign on site and letters sent to the adjoining and nearby property owners and occupiers, including ten (10) properties.

Following the public notice period six (6) objections were received. The objections raise concerns regarding:

- Traffic flows and additional parking on Chenery Street
- Noise
- Visual amenity impacts from Overlooking
- Buildings Overshadowing adjoining properties

- Stormwater discharge
- Neighbourhood Character
- Property Values

A detailed assessment of the objections is below.

Council hosted a Consultative Meeting with the permit applicant and objectors on 9 October 2023 to discuss the objector concerns. Following the meeting the applicant provided amended plans addressing some of the key concerns regarding overlooking.

| Objections | Officer Comments |
|---------------------------------------|---|
| <i>Traffic and congestion impacts</i> | DTP and Council's Engineering team have reviewed the application and determined that it is an acceptable response having regard to road safety and the capacity of existing road infrastructure, subject to appropriate permit conditions. Although traffic volumes along the surrounding road network would increase by virtue of the proposed use and development, the expected total traffic volumes would be lower than the nominal maximums considered appropriate for these streets. |
| <i>Insufficient car parking</i> | The development satisfies the parking requirements of Clause 52.06 of the Mansfield Planning Scheme. In <i>Phoenix 9403 Pty Ltd v LaTrobe CC [2016] VCAT 275 (26 February 2016)</i> , Member Watson contended that, where car parking was provided in accordance with the Scheme there is no ambit of discretion to provide more than this. Further, the car parking spaces and vehicle accessways have been designed to accord with the relevant design standards for car parking at Clause 52.06-9 of the Mansfield Planning Scheme and/or the relevant sections of the Australian Standard AS2890 series. It is noted that periodic and appropriate use of street parking is protected by Council's Community Local Law. Enforcement action is available to Council in the event of illegal parking. |
| <i>Noise pollution impacts</i> | The proposal is for a residential development in a residential zone. Noise emissions would be commensurate with residential activity in residential zones. Anything beyond this is subject to compliance under other legislation. |
| <i>Privacy / overlooking</i> | The proposal meets the relevant overlooking provisions of Clause 55 (ResCode) of the Mansfield Planning Scheme. In considering privacy for a residential development, in <i>Smith v Hobsons Bay CC Red Dot [2010] VCAT 668 (12 May 2010)</i> , Member Dwyer commented that: a) privacy was not unlawfully or arbitrarily impugned upon where a development was in compliance with the overlooking objective of ResCode; b) the overlooking objective inherently provided an element of non-arbitrary regulatory discretion for acceptable intrusions to the right to privacy; and c) in the pursuit of privacy, the wider property rights of the other party may be unnecessarily impugned upon as a consequence. |

| Objections | Officer Comments |
|--|--|
| | Accordingly, while there is no doubt that this is a legitimate concern of objectors, this is not a basis in which to refuse the application from a planning perspective. |
| <i>Overshadowing</i> | The proposal meets the relevant overshadowing provisions of Clause 55 (ResCode) of the Mansfield Planning Scheme. Overshadowing is taken on the extent that it is on 22 September each year, which is considered the appropriate time of the year to ascertain whether overshadowing is acceptable or not. The proposed use and development is appropriately separated from abutting properties and other dwellings. As discussed in this report and having considered Planning Practice Note 88, the degree of overshadowing is considered to be low. No unreasonable overshadowing on POS would result from the proposed development, as demonstrated by the shadow diagrams submitted. |
| <i>Stormwater discharge onto neighbouring properties</i> | The site is serviced by all reticulated infrastructure, which appears to have sufficient capacity to accommodate the development. Permit conditions would ensure that the development is appropriately accommodated. |
| <i>Neighbourhood character impacts</i> | <p>The surrounding area is characterised by single dwellings on a lot interspersed with higher density development such as units and townhouses. The proposed development would not be dissimilar to this and is consistent with the preferred character and density of the area given its location, planning policy and zoning. The MPS contemplates infill development and densification, stating at Clause 02.03-5 that <i>'infill and medium density development will challenge the urban character of some areas in town but key attributes such as their spacious garden settings and identified heritage buildings should remain and be protected'</i>.</p> <p>The development proposed would also maintain the existing front setback, the existing dwelling and the landscaped front gardens, whilst recessing the new building behind the existing dwelling at the rear of the lot. This reduces the visual impact (if any) of development from the public realm and ensures that the prevailing character is not grossly impacted. Accordingly, it is considered to be consistent with the evolving and preferred character for the area.</p> |
| <i>Disrupted view</i> | <p>Some objections contend impacts to existing view lines as grounds for objection. Relevantly, in <i>Middleton v Mornington Peninsula SC [2016] VCAT 1164</i>, the Member found that:</p> <p><i>14. One important factor that needs to be considered in determining whether the infringement upon a viewline is reasonable is the legitimacy of the expectation that the viewline will remain. Many views are enjoyed fortuitously simply because they are over private property which has not been developed. If the applicable planning controls permit development of that property the expectation of retention of the view is really no more than a hope.</i></p> |

| Objections | Officer Comments |
|--|---|
| | No planning controls relating to view lines apply to the subject land. As such, it is not a planning consideration in this matter and cannot be used as grounds for refusal. |
| <i>Property devaluation</i> | As held by the Victorian Civil and Administrative Tribunal, property values are not a relevant planning consideration and, therefore, not a matter of planning consideration in this matter and cannot be used as grounds of refusal. |
| <i>Likely occupation of housing for short term rentals (e.g. AirBnB)</i> | The likely occupation of dwellings, whether it be owner-occupied or rented in some form, is not a planning consideration. There is no provision in the Mansfield Planning Scheme nor the <i>Planning and Environment Act 1987</i> which warrants consideration of this at this point in time. The applicant has applied for the development of dwellings and, accordingly, Council must assess based on what has been applied for. Furthermore, the use of the land for a dwelling does not require planning permission. There is no planning justification to consider that conventional residential activities would be unreasonable in this context. It is noted that should the use of the land change to another use, such as group accommodation, a planning permit will be required. Likewise, should a subdivision be proposed a planning permit would also be required at that time. |

Officer Assessment

Having assessed the application against the relevant clauses of the Mansfield Planning Scheme, it is considered that the proposal responds appropriately to the requirements of the Scheme with respect to development in the General Residential Zone, Particular Provisions relating to car parking, alteration of access to a road in the principal transport network, stormwater management, ResCode, and the General Provisions. The proposal will provide for an appropriate intensification of use of the land that is supported by planning policy and the relevant planning controls, subject to appropriate conditions. A detailed delegate assessment report is attached.

Recommendation

THAT COUNCIL issue a Notice of Decision to Grant a Permit for Planning Application P100/23 to allow for the development of land for additions and alterations to an existing dwelling, two (2) additional dwellings on a lot and alteration of access to a road in a Transport Zone 2 on Lot 5 of Plan of Subdivision 011829, commonly addressed as 32 Chenery Street, Mansfield, subject to the following conditions:

Amended Plans

1. Prior to the commencement of any development, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application submitted, but modified to show:
 - a. All car parking and vehicle accessway areas treated with an all-weather seal in accordance with Condition 9 of this permit.

- b. A corner splay or area at least 50 per cent clear of visual obstructions extending at least 2.00 metres along the frontage road from the edge of an exit lane and 2.50 metres along the exit lane from the frontage, to provide a clear view of pedestrians on the footpath of the frontage road, in accordance with the requirements of Clause 52.06-9 – Design Standard 1 of the Mansfield Planning Scheme.

Endorsed Plans

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

External Cladding

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

Landscaping

4. Before the use starts or prior to the occupancy of any of the developments approved by this permit, or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
5. The landscaping shown on the endorsed plans must be maintained for the life of the use and development to the satisfaction of the Responsible Authority, including that any dead, diseased, dying or damaged plants are to be replaced with like for like replacements of the same or greater size.

Engineering

6. Any damage to Council managed assets (such as roads and stormwater infrastructure) as a result of the development must be repaired at the cost of the developer to the satisfaction of the Responsible Authority.
7. All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991) to the satisfaction of the Responsible Authority.
8. Appropriate measures must be implemented throughout the construction stage of development to rectify and/or minimise mud, crushed rock or other debris being carried onto public roads or footpaths from the subject land to the satisfaction of the Responsible Authority.
9. Prior to the commencement of use, or by such later date as is approved by the Responsible Authority in writing, the following works must be completed in accordance with the endorsed plans and to the satisfaction of the Responsible Authority:
 - a. All stormwater is to be contained to the pre-development runoff equivalent using detention water tanks or similar and then shall be discharged to the legal point of stormwater discharge;
 - b. The car parking spaces, access lanes, driveways and associated works and landscaping shown on the plan must be:
 - i. constructed and available for use in accordance with the plan approved by the responsible authority; and
 - ii. formed to such levels and drained so that they can be used in accordance with the plan; and
 - iii. treated with an all-weather seal or some other durable surface; and
 - iv. line-marked or provided with some other adequate means of showing the car parking spaces; and
 - v. be of sufficient dimension to accommodate emergency vehicles and be sufficient to meet CFA access requirements.

10. Access to the property must be via the existing crossover only, unless with the written consent of the Responsible Authority.
11. The common property access must have a Council approved engineered pavement composition and have a sealed surface.
12. Interrupted overland flow from this development must not be allowed to impact on the adjacent lots.

Goulburn Valley Water

13. Payment of new customer contribution charges for water supply to the development, such amount being determined by the Corporation at the time of payment.
14. Provision of separate water supply meters to each tenement within the development, located at the property boundary and to the satisfaction of Goulburn Valley Region Water Corporation.
15. Payment of new customer contributions charges for sewerage services to the development, such amount being determined by the Corporation at the time of payment.
16. Provision of a new sewerage connection point within the development and cutting and sealing of the existing sewerage connection point, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation.
17. Connection of all sanitary fixtures within the development to reticulated sewerage, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation. All works required are to be carried out in accordance with AS 3500.2 - 'Sanitary plumbing and drainage', and to the satisfaction of the Corporation's Property Services Department.
18. All structures must be constructed clear of any easement in favour of the Corporation, and one metre laterally clear of the Corporation's assets. In addition, structure foundations must be appropriate to not impose loads onto Corporation assets and comply with Corporation requirements. It is recommended that you engage a licensed surveyor to confirm the location and alignment of any existing sewer assets. Goulburn Valley Water will assist on site with accessing sewer maintenance structures, upon request.

Head, Transport for Victoria (Department of Transport and Planning)

19. Only one access will be permitted from the subject land to Chenery Road as shown on the plan (TP03, dated 20 June 2023) appended to the application.
20. Prior to the occupation of the dwelling, the access must be constructed and sealed to the satisfaction of the Responsible Authority and at no cost to Head, Transport for Victoria.
21. The driveway must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety (e.g. by spilling gravel onto the roadway).

Permit Expiry

22. This permit will expire if one of the following circumstances applies:
 - a. The buildings and works have not substantially commenced within two (2) years of the date of this permit.
 - b. The development is not completed within four (4) years of the date of this permit.In accordance with Section 69 of the *Planning and Environment Act 1987*, an application may be submitted to the Responsible Authority for an extension of the periods referred to in this condition.

NOTATIONS

- 1) This permit does not authorise the commencement of any building works. Building approval must be obtained prior to the commencement of any approved works.
- 2) Before any earthworks are undertaken, it is recommended that you contact 'Dial Before You Dig' on 1100.

- 3) Prior to commencement of any building and civil works, and application must be made to Council to obtain a Legal Point of Stormwater Discharge.
- 4) Any failure to comply with the conditions of this permit may result in action being taken to have an Enforcement Order made against some or all persons having an interest in the land and may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.

Goulburn Valley Water

- 5) Should the applicant wish to subdivide each tenement onto separate titles in the future, provision of appropriate servicing arrangements to facilitate a future subdivision proposal should be investigated as part of this development. The applicant should contact the Corporation to discuss any future proposals for this development.

Head, Transport for Victoria (Department of Transport and Planning)

- 6) Separate consent for works within the road reserve and the specifications of these works may be required under the *Road Management Act*.

Support Attachments

2. Delegate Assessment Report [**13.2.1.1** - 38 pages]
3. Appendix 1 - Clause 55 Assessment [**13.2.1.2** - 21 pages]
4. Submitted Plans [**13.2.1.3** - 28 pages]
5. Submitted Planning Policy Report [**13.2.1.4** - 11 pages]
6. Submitted Site and Neighbourhood Description [**13.2.1.5** - 7 pages]
7. CONFIDENTIAL - GVW Referral Response [**13.2.1.6** - 4 pages]
8. CONFIDENTIAL - Objections [**13.2.1.7** - 28 pages]
9. CONFIDENTIAL - Consultative Meeting Minutes [**13.2.1.8** - 7 pages]
10. CONFIDENTIAL - Additional Late Objection [**13.2.1.9** - 3 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 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 and had a notice of application placed on the site, 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 \$2,278.20 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 Notice of Decision to Grant a Permit be issued the submitters may seek a review of Councils decision at the VCAT, or 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, 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 3.2 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.

13.2.2. Statutory Planning Services Review - Annual Update

| | | | |
|--------------------|-------|----------------------------|---|
| File Number | E6358 | Responsible Officer | Coordinator Statutory Planning, Nicole Embling |
| Purpose | | | |

To provide Councillors with a progress update on the implementation of Road Map actions associated with the Statutory Planning Services Review over the past 12 months.

Executive Summary

The Statutory Planning Services Review was completed in 2020 and progress updates have been occurring annually since then. A further 12 months have passed since the previous update, and this report outlines the actions that have been undertaken in the Statutory Planning Unit (SPU) since the last update, summarised as follows:

- All staff have had annual performance reviews completed, identifying training needs and opportunities for further skills development.
- An external mentorship program has been established (funded through the Regional Planning Hub) for some members of staff as required to support specialist knowledge areas.
- The planning unit is currently staffed in accordance with the organisational structure, with overflow work being undertaken by consultant planners funded by the Regional Planning Hub.
- Continuous improvement of templates for report writing and external letters has occurred.
- Electronic processes for review of delegated work have been improved and implemented.
- Planning Software improvement through Project CODI is underway, including testing of the Greenlight Program, which is expected to be implemented by June 2024.
- Consultative Meetings for applications with unresolved issues (objections) are being hosted and are well received.
- Guidelines for public notice in the local newspaper have been adopted to ensure transparency of applications with potential to have a broader impact on the community.

Key Issues

A road map was established with a timeline to support the practical and successful implementation of the recommended actions from the Statutory Planning Unit (SPU) review. Council received the review report and associated Road Map at the 15 September 2020 Council Meeting.

A progress update for actions completed to date is provided as follows:

| No. | Finding | Response |
|-----|---|--|
| 1 | SPU does not have an agreed and shared purpose and is currently | SPU has an agreed Mission and Team Charter. Council has committed additional resources to the Strategic Planning Unit, to increase resourcing from 1.0FTE to now include a Planning Support Officer, |

| No. | Finding | Response |
|-----|---|---|
| | lacking a focus on strategic planning. | <p>working at 0.6FTE. The team performs at a high level with significant output and has cleared the backlog of strategic work over the year and is implementing an ambitious strategic planning program. Over the past 12 months this has included delivery of the following:</p> <ul style="list-style-type: none"> • Completion of the Bonnie Doon Plan. • Completion of the Merton Plan. • Completion of the Station Precinct Masterplan. • Completion of the Botanical Park Masterplan. • Commencement of the Goughs Bay Plan. • Commencement of the Mansfield Infrastructure Plan. • Commencement of the Mansfield High Street Urban Design Guidelines. • Commencement of strategic work for the protection of significant trees. • Completion of Amendment C54mans – Rezoning of land at 104 Dead Horse Lane. • Submission for ministerial approval of Amendment C55mans – Redgum Rise Estate flooding realignment. • Request for Authorisation of Amendment C56mans – Mansfield Township Approaches. • Request for Authorisation of Amendment C57mans – The Planning Scheme Review, 2022. • Request for Authorisation of Amendment C59mans – Moorey Street Environment Audit Overlay Removal. • Preparation of Amendment C60mans – The Mansfield Planning Strategy. • Preparation of Amendment C61mans – The Bonnie Doon Plan and Merton Plan. • Preparation of Amendment C62mans – Environmental Significance Overlay Review. |
| 2 | The previous structure of SPU did not support operational requirements due to the span of control expected of the Development Services Manager and lack of clear accountability within the SPU team | <p>Following the restructure in 2020, which addressed this action, the following responsibilities remain under the Manager Planning and Environment:</p> <ul style="list-style-type: none"> • Statutory Planning • Strategic Planning • Environment Programs • Waste • Property Management <p>In the last 12 months the Planning Compliance program was added to the portfolio of the Senior Coordinator Community Safety.</p> |
| 3 | Significant issues with the capacity of the Development Services Manager has consideration downstream impacts on the SPU team including | <p>The current structure of the Statutory Planning Team is as follows:</p> <ul style="list-style-type: none"> • Coordinator Statutory Planning 1.0FTE <ul style="list-style-type: none"> ○ Planning Officer 0.8FTE ○ Planning Officer 1.0FTE ○ Planning Support Officer 0.6FTE ○ Planning Administration Officer 1.0FTE |

| No. | Finding | Response |
|-----|--|--|
| | an inability to adequately delegate tasks, develop team, performance manage and perform both statutory and strategic planning responsibilities | There has been a significant increase in workload over the last two years. Council has received assistance from the Regional Planning Hub to have delegate reports completed by an external planning consultant, especially during times of lesser staff resources. Council officers review the projected level of applications being lodged and processed by the team against the available resources to determine ongoing staffing requirements. It is expected that the current Planning Support Officer role will migrate to a Planning Officer 1.0FTE by March 2024, in accordance with the Organisational Structure. |
| 4 | The current team culture within SPU features siloes, poor behaviours, lack of respect and support | The team are continuing to work well together, and actively engaged with improving both processes and procedures. These works have delivered improved outcomes for customers in terms of time frames for enquiries and permits. Additional SPU team meetings are being conducted weekly to ensure management of workloads and positive communication. |
| 5 | Planning application and communication processes are not clearly defined, nor do they meet operational requirements regarding stakeholder satisfaction, quality and timeliness. | Timeframes for issuing permits have improved and more detail on this is provided later in this report. Improved rigour has been applied to planning assessments to ensure better compliance with the purpose and intent of the Mansfield Planning Scheme. Consultative Meetings with parties have continued, to work with both applicants and objectors to find appropriate and balanced resolutions for planning applications. |
| 6 | Systems are largely manual, and one person is responsible for managing the database for applications. The VicSmart system enables streamlined applications, particularly for subdivisions within the SPEAR system. | The SPU is successfully operating electronically and with the expected implementation of the Greenlight Program in 2024 further process improvement and productivity is expected. |
| 7 | Stakeholder engagement is haphazard, communication is infrequent and customer service is inconsistent. | Processes have been updated, and will continue to be developed, to provide more regular updates to permit applicants. The “Duty Planner” system is still operating with a planner available for call and counter enquiries every day |

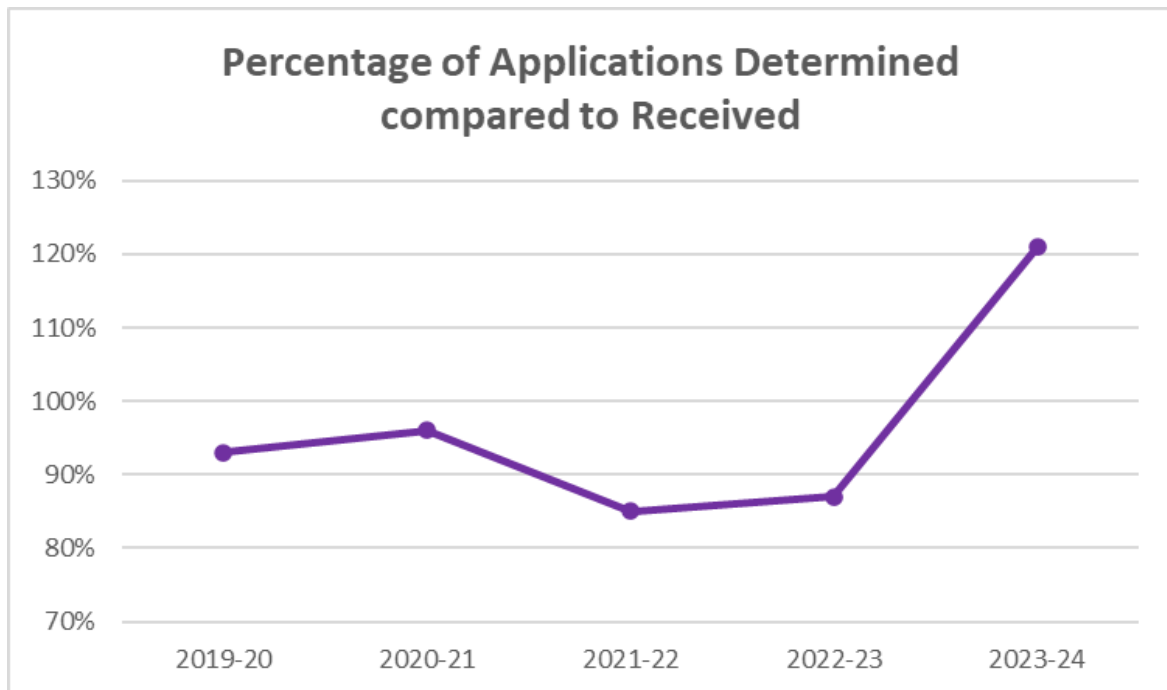
There are a range of parameters that can be used to measure the overall performance for the unit, including performance statistics and the Local Government Community Satisfaction (LGCS) survey.

In the LGCS survey for 2023, Council received a score of 41 for Planning & Building Permits, compared to 40 in 2020 and 36 in 2019. Although this score was less than the prior year (a score of 50 was achieved in 2022), a statewide decline in the LGCS scores was observed in

2023. The results for Town Planning Policy reflected a similar trend, with a score of 46 in 2023, down from 54 in 2022. In addition to the statewide trends, it is considered that some of the significant development pressures in Mansfield Shire, the increased application workload and the subsequent community concerns that arise from development and population growth, have influenced this result. Council officers will continue to work to improve satisfaction with the service.

In terms of the planning permit statistics, the following is noted:

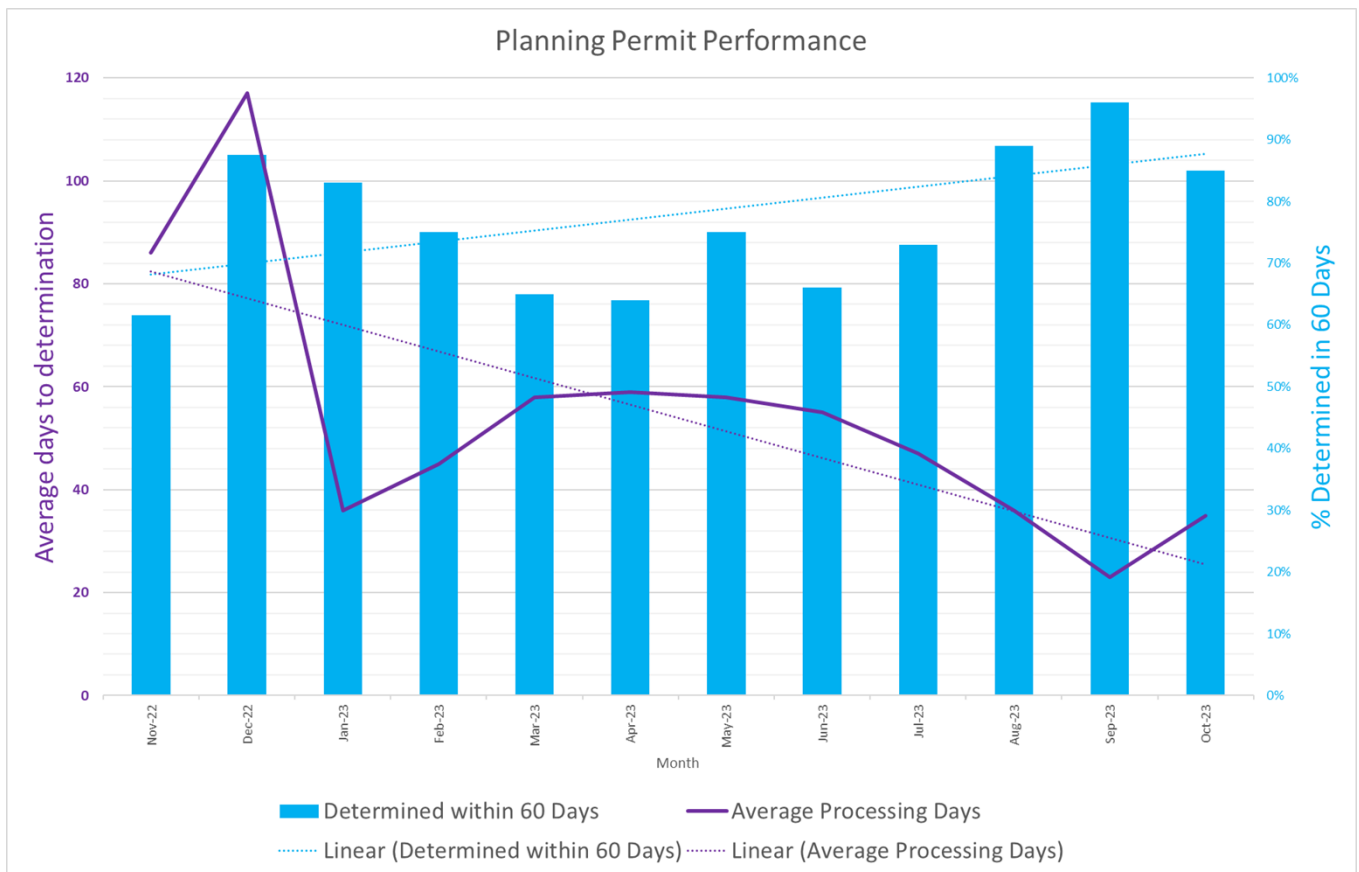
- In 2022, 284 new applications were received, which was 20% more than the year before. For 2023 year to date, Council has received 211 applications.
- Council has already received \$69 million worth of applications which is a significant increase from approximately \$52 million for the whole of 2022.
- Since July 2023 a significant effort has been made to improve timeframes and complete more applications each month than received, with immediate results. For the 2023-24 Financial Year so far, 92 applications have been received and 112 have been determined. This is the first time this has happened in the last 5 years, as shown on the Chart below.



The two key indicators for performance in Statutory Planning are:

1. The number of permits issued within the statutory time frame of 60 days.
2. The average number of days to issue a planning permit.

The chart below details performance against both of these statistics over the past year.



The trendlines on this chart demonstrate that the number of applications being determined within statutory timeframes is increasing, while the elapsed time to issue permits is decreasing.

With more applications being determined within 60 days, and the average days to determine a permit significantly reducing, the performance over the last year demonstrates an improved outcome for the community. What is not reflected in these statistics are the impacts of the increased level of complexity of the applications. The fact that the planners are achieving a reduction in the number of open applications, while still dealing with this increased level of complexity, is a reflection on the improvements made to the processes and culture of the department to deliver good outcomes.

Planners would normally issue approximately 70 permits per annum if that is their predominant role, with a Coordinator looking to issue approximately 30. With the current resources in the team, this would allow for the processing of approximately 240 permits per annum. With current application levels, it is considered that resourcing in the Planning team is appropriate at this point in time.

Planning permit activity reporting per financial year is available from 2015-16, and the following is provided for information on how Mansfield Shire has performed over time:

| | 2015/16 | 2016/17 | 2017/18 | 2018/19 | 2019/20 | 2020/21 | 2021/22 | 2022/23 |
|--|---------|---------|---------|---------|---------|---------|---------|---------|
| Applications received | 230 | 204 | 171 | 184 | 191 | 222 | 283 | 250 |
| Permits issued | 186 | 181 | 172 | 159 | 145 | 194 | 234 | 221 |
| Total est. of costs for issued permits | \$23.2M | \$26.9M | \$27.7M | \$23.3M | \$20.3M | \$33.7M | \$60.6M | \$46M |
| Average gross days to determination | 106 | 117 | 124 | 94 | 71 | 91 | 88 | 130 |

| | | | | | | | | |
|---|-----|-----|-----|-----|-------|-------|-------|-----|
| Average Statutory Days to determination | 73 | 84 | 82 | 63 | 51 | 59 | 61 | 125 |
| Completed within 60 days | 61% | 42% | 47% | 72% | 64.2% | 61.1% | 89.6% | 67% |
| VicSmart completed within 10 days | NA | NA | NA | NA | 68.4% | 82.1% | 95.9% | 50% |

The above data shows that both the number of permits being submitted, and the value of works has been steadily increasing since 2017, with the most significant growth occurring in the last three (3) years.

Council officers have been working to even out the variance throughout each year to provide greater certainty for customers, and to decrease the average time to determine an application. The focus going forward for the unit will be on reducing the elapsed time for dealing with applications and to reduce the number of open applications.

| |
|---|
| Recommendation |
| THAT COUNCIL receive and note the Statutory Planning Services Review progress update. |
| Support Attachments |
| Nil |

Considerations and Implications of Recommendation

Sustainability Implications

This report demonstrates the improvements undertaken in the Statutory Planning Unit. While none have any specific sustainability implications, the overall improvement in the area will result in an improved outcome for planning permit applicants, which will have ongoing economic and social benefits.

Community Engagement

Engagement was undertaken as part of the Statutory Planning Services Review. Further engagement has been undertaken with industry stakeholders throughout the year to improve service provision.

Collaboration

Not Applicable

Financial Impact

The Planning Unit has maintained resources in accordance with the organisational structure over the last year, but the increased workload associated with the increased number and complexity of permits has impacted on time taken to issue permits.

The Review recommended the introduction of new Planning software. This was also identified as a need in Council’s endorsed Digital Transformation Strategy (being delivered through

Project CODI) which has now been funded through the Victorian Government's Business Acceleration Fund.

Legal and Risk Implications

There are no specific policy considerations at this point, however, all works on the processes with the SPU have given due consideration to council's legislative obligations under the *Planning and Environment Act 1987*

Regional, State and National Plans and Policies

Not Applicable

Innovation and Continuous Improvement

The review and resultant action plan provide for innovation and continuous improvement in the Statutory Planning Unit, which have been demonstrated through the results detailed in this report.

Alignment to Council Plan

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

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

Strategy 6.2 Building organisational capacity through its people

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

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

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

Governance - Disclosure of Conflicts of Interest

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

13.2.3. Mansfield Little Athletics Association Licence Agreement

| | | | |
|--------------------|--------|----------------------------|---|
| File Number | AG1420 | Responsible Officer | Manager Planning & Environment, Maya Balvonova |
| Purpose | | | |

To seek Council approval to enter into a license agreement for the use of the Lords Reserve with the Mansfield Little Athletics Association, for a period of 5 years with two (2) further terms of 1 year, commencing from 1 October 2023.

Executive Summary

The Mansfield Little Athletics Association, comprised of approximately 50 passionate athletes, has played an integral role in Mansfield Little Athletics since approximately 1974, nearly 50 years ago, utilising the Lords Ground Reserve on Monday and Friday afternoons. Despite this longstanding presence, the club has not had a formal license agreement in place to cover this use.

The proposed agreement aims to formalise the club's ongoing use of the Lords Ground Reserve, creating certainty for their members through securing the club's continued use of the Reserve through a license agreement with Council.

Productive discussions have taken place with the club, and they are aware of the need for a financial contribution for their usage of Lords Ground Reserve, in accordance with Council's Property Leasing and Licensing Policy 2022.

To secure the club's continued presence, it is proposed to offer Mansfield Little Athletics Association a license agreement as outlined in this report.

The Fee Structure

The fee structure has been calculated based on the same evaluation process used for calculation of fees for other sporting grounds based on the land valuation and would attract an annual charge of \$15,200 (ex GST) prior to discount.

In accordance with Council's Property Leasing and Licensing Policy 2022, it is considered appropriate to categorise the club as follows:

- Category 5 - Other (Council reserves the right to enter into an agreement and negotiate the terms and conditions, annual rent, and operating subsidy on a case-by-case basis), with 5% of the market value to be charged as \$760.00 (ex GST), proportionately reduced for 5 months usage to \$316.66 (ex GST).

As part of the discussions with the Club, Council officers found that although Little Athletics is technically a sporting club, they are volunteer based but also reliant on grant funding. In addition, their fee structure is only able to cover annual operating costs, as they align with the Little Athletics Victoria guidelines. The resulting recommendation is for a license fee of \$316.66 (ex GST) to be paid annually for the athletics season from October to March each year, with an annual CPI increase, effective from the commencement date on 1 October 2023.

Key Issues

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

To address these requirements, a notice of intention to enter a license will be placed in the Mansfield Courier to provide public notification for an identified period prior to executing the license.

Recommendation

THAT COUNCIL:

1. Approve the proposed license agreement for use of the Lords Ground Reserve with the Mansfield Little Athletics Association, for a period of 5 years with two (2) further terms of 1 year, with a commencement date from 1 October 2023.
2. Sets the annual licence fee for Mansfield Little Athletics Association at \$316.66 (excluding GST), with an annual CPI increase to be applied to the fees.
3. Provides public notification of the intention to enter a licence agreement with the above-mentioned party.
4. Authorises the Chief Executive Officer to execute the license agreement on completion of the public notification process.

Support Attachments

1. Licence Agreement - Mansfield Athletics [13.2.3.1 - 19 pages]

Considerations and Implications of Recommendation

Sustainability Implications

Not Applicable

Community Engagement

Community Engagement will be undertaken in accordance with Council's Community Engagement Policy by placing a notice of intention to enter into a license agreement with the Mansfield Athletics Association in the Mansfield Courier and on Council's website.

Collaboration

Not Applicable

Financial Impact

The proposed license states that the Rent shall be increased by CPI on each anniversary of the Commencement Date during the Term and each anniversary of the Commencement Date during any Further Term. The proposed license will also include a clause that will allow for a review of the rent at the end of each term. The proposed license is in accordance with existing budget allocations.

Legal and Risk Implications

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

Regional, State and National Plans and Policies

Not Applicable

Innovation and Continuous Improvement

Not Applicable

Alignment to Council Plan

Theme 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

Theme 3: A Trusted, Effective and Efficient Council

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

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

Governance - Disclosure of Conflicts of Interest

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

13.2.4. Delatite Cricket Club License

| | | | |
|--------------------|--------|----------------------------|---|
| File Number | AG1257 | Responsible Officer | Manager Planning & Environment, Maya Balvonova |
| Purpose | | | |

To seek Council endorsement for the revised terms of the proposal to enter into a license agreement with the Delatite Cricket Club, for a period of 1 year with one (1) further term of 1 year, with the commencement date set for 1 October 2023.

Executive Summary

At the Council meeting held on 19 September 2023, Council resolved as follows:

THAT COUNCIL:

1. *Endorses the proposal to enter into a license agreement for use of the Lords Ground Reserve with the Mansfield Croquet Club, for a period of 5 years with two (2) further terms of 5 years, with a commencement date from 1 September 2023.*
2. *Endorses the proposal to enter into a license agreement for the Lords Ground Reserve and the Mansfield Recreational Reserve with the Delatite Cricket Club, for a period of 5 years with one (1) further term of 5 years, with a commencement date from 1 October 2023.*
3. *Receives an annual license fee from Mansfield Croquet Club of \$152 (ex GST) and an annual license fee of \$2,771 (ex GST) from the Delatite Cricket Club, with an annual CPI increase to be applied to the fees.*
4. *Provides public notification of the intention to enter a license agreement with the abovementioned parties.*
5. *Endorses the Chief Executive Officer executing the license agreements on completion of the public notification process.*

Following this resolution, further discussions with the Delatite Cricket Club have been held to finalise the license agreement for their use of the Mansfield Recreational Reserve and Lords Ground Reserve.

During these discussions, the Club highlighted some financial and organisational considerations that they wished to have further considered. In response, Council officers conducted a thorough review of the proposed license agreement and are now recommending an adjustment to the annual license fee and the term of the license.

Key Issues

The proposed license arrangements continue to aim to secure the club’s continued usage of the Lords Grounds Reserve and the Mansfield Recreation Reserve, in a supportive environment for club members.

Council officers have had a number of productive conversations with the Delatite Cricket Club, and they acknowledge that they will need to pay for the usage of the Reserves in a manner consistent with the Property Leasing and Licensing Policy. Following further conversations with

the Club, and the provision of additional information in relation to the substantial investments made by the Delatite Cricket Club over nearly four decades to improve the Lords Reserve facilities for both cricket and general use, a revised discount structure is proposed. It is proposed to apply the following fee structure:

The fee structure has been calculated based on the same evaluation process used for other sporting grounds and would attract an annual charge of \$15,200 for Lords Reserve and \$29,050 for the Mansfield Recreation Reserve, prior to any discounts being applied.

The original resolution applied a license fee of 17% of the market rate for Lords Reserve and 14% for Mansfield Recreation Reserve. However, upon review it was determined that the club should be considered as a Category 5 – Other, where Council reserves the right to enter into an agreement and negotiate the terms and conditions, annual rent and operating subsidy on a case-by-case basis.

In alignment with the proposed license for the Mansfield Little Athletics Club, a license fee of 5% of the market rate is proposed for the Delatite Cricket Club, with consideration to the following factors:

1. The Club, although a sporting club, is volunteer based and the current fee structure supports family affordability. The Club have emphasised that any fee increase may pose financial challenges for families and potentially decrease participation, particularly given current cost-of-living pressures.
2. Over nearly four decades the Club has continued to invest in the maintenance and upgrade of the Lords Reserve grounds and facilities.

It is now proposed to categorise the club as follows:

- Category 5 - Other (Council reserves the right to enter into an agreement and negotiate the terms and conditions, annual rent, and operating subsidy on a case-by-case basis), with 5% of the market value to be charged.

This is represented as the following charges per reserve:

- For Lords Ground Reserve - as \$760.00 (ex GST), proportionately reduced for 5 months usage to \$316.66 (ex GST).
- For Mansfield Recreation Reserve – as \$1,452.50 (ex GST), proportionately reduced for 5 months usage to \$605.20 (ex GST)

The proposed annual fee structure, set at \$921.86 (ex GST), is designed to ensure the sustainability of both the Delatite Cricket Club and the shared facilities of Council. It recognises and appreciates the contribution of Delatite Cricket Club to our community.

This fee will grant Delatite Cricket Club priority usage hours of the facilities, as delineated below:

Lords Ground Reserve

- The priority use for up to three weekday afternoon/evening bookings per week, typically being Mondays, Tuesdays, and Thursdays.
- The priority use for home weekend competition games, typically being on Saturdays from 8am till 8pm.

Mansfield Recreational Reserve

- The priority use for one weekday afternoon/evening bookings per week, typically Wednesday.

- The priority use for home weekend competition games, typically being on Saturdays from 8am till 8pm.

In the interest of maintaining fairness and transparency, an annual CPI increase will be applied, commencing from the agreement's start date on 1 October 2023. The license agreement will be in place for the term of 1 year and will be reviewed annually.

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

To address these requirements, a notice of intention will be placed in the Mansfield Courier, with submissions open for the required period.

Recommendation

THAT COUNCIL:

1. Endorses the proposal to enter into a license agreement for Lords Ground Reserve and Mansfield Recreational Reserve with the Delatite Cricket Club, for a period of 1 year with one (1) further term of 1 year, with a commencement date from 1 October 2023.
2. Receives an annual license fee of \$921.86 (ex GST) with an annual CPI increase to be applied to the fees.
3. Provides public notification of the intention to enter a license agreement with the above-mentioned party.
4. Endorses the Chief Executive Officer executing the license agreements on completion of the public notification process.

Support Attachments

1. Final Licence Agreement - Mansfield Shire Council and Delatite Cricket Club [13.2.4.1 - 24 pages]

Considerations and Implications of Recommendation

Sustainability Implications

Not Applicable

Community Engagement

Community Engagement will be undertaken in accordance with Council's Community Engagement Policy by placing a notice of intention to enter into license agreements with the Delatite Cricket Club in the Mansfield Courier and on Council's website.

Collaboration

Not Applicable

Financial Impact

The proposed license states that the Rent shall be increased by CPI on each anniversary of the Commencement Date during the Term and each anniversary of the Commencement Date during any Further Term. The proposed license will also include a clause that will allow for a review of the rent at the end of each term. The proposed license is in accordance with existing budget allocations.

Legal and Risk Implications

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

Regional, State and National Plans and Policies

Not Applicable

Innovation and Continuous Improvement

Not Applicable

Alignment to Council Plan

The following strategies are relevant to this report:

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

Theme 3: A Trusted, Effective and Efficient Council

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

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

Governance - Disclosure of Conflicts of Interest

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

13.2.5. Amendment C55mans Redgum Drive, Mansfield

| | | | |
|--------------------|--------|----------------------------|---|
| File Number | E10052 | Responsible Officer | Strategic Planning Officer, Oscar Yencken |
| Purpose | | | |

To provide Councillors with the results of exhibition for Amendment C55mans, being for the rezoning of land in Redgum Drive, Mansfield, and to seek a resolution of Council to adopt the amendment and submit for approval to the Minister for Planning to be incorporated into the Mansfield Planning Scheme. A copy of the amendment as proposed to be submitted for approval is attached to this paper.

Executive Summary

Amendment C55mans is a proponent driven amendment which proposes the rezoning of part of the land in Redgum Drive, Mansfield, from Urban Floodway Zone to General Residential Zone Schedule 1, and includes changes to the extent of the Flood Overlay and Land Subject to Inundation Overlay.

This amendment aligns with the area's revised flood levels, attributable to the earthworks associated with the development of Redgum Drive. The shift from Urban Floodway Zone reflects the reduced flood risk and will allow the residential development of this land. The amendment went through a public exhibition process, receiving submissions from referral agencies, private submitters, and the Country Fire Authority. These submissions included concerns about flood risk, traffic impacts, and native vegetation preservation. Council officers worked with all submitters to resolve their concerns, and subsequently all objections have now been withdrawn.

The amendment is consistent with the Mansfield Township Framework Plan, promoting orderly and sustainable residential development, whilst maintaining a balance with environmental concerns.

Key Issues

Following the authorisation of Amendment C55mans, Council officers prepared and exhibited the amendment. The amendment rezones land at Redgum Drive, Mansfield to recognise changes in the AHD flood levels due to earthworks undertaken for the approved development of Redgum Drive. The amendment will change the land from Urban Floodway Zone to General Residential Zone Schedule 1 as the land is no longer prone to significant flooding and allows for residential development.

Council received a total of eight submissions, with four coming from referral agencies and three from private submitters and one late submission received on 24 November 2023, from the Country Fire Authority. The three private submissions raised objections about the amendment, citing concerns about the adequacy of evidence demonstrating that the land in question was not subject to flooding. A comprehensive list of these submissions and an assessment of them has been included as an attachment to this report. It is worth noting that, following discussions with

Council officers, the details of amendment were clarified, leading to the withdrawal of all objections.

During these discussions, it became evident that the submitters' concerns primarily revolved around the previously approved development plan for Redgum Rise Estate. These concerns are outlined in this report for Council's information, and some appear to have arisen due to the final stages of the development not being completed in tandem with the earlier stages. Key concerns centre around potential traffic impacts and the preservation of native vegetation. Although the development plan for this site was previously approved, Council officers have engaged with community members to provide information on these matters.

In terms of the history of approval for vegetation removal on the site, only one tree was originally approved for removal in 2008. This is identified in the table below as Tree 3. The permit was amended in early 2020 following detailed design of the proposed roads. It is noted that in the years since the permit was first issued, planning considerations around tree removal changed so that trees considered to be impacted as part of a development now need to be deemed lost and are required to be offset as part of the planning process; this resulted in the amended permit to reflect this change in State planning policy.

Five of these trees were included within proposed lots and the previously approved development provides an exemption from permit requirements for removal in the future. Council officers will request that the developer leave these trees within the lots and leave the future removal of them to the discretion of future landowners. The remaining five trees are within a public space (road reserve or reserve). Previously, trees may have remained for a period time of time in a public space as part of the development but would often become dangerous or die due to the impact from the development, necessitating removal later. Current planning provisions require this assessment to be done up front and offset trees accordingly.

Figure 1, below, shows the trees on the subject site. It is noted that the permit, issued in 2008 and amended in 2020, allows for the removal of 10 trees (marked red and blue) and the retention of 10 trees (marked green). Further engagement with the developer has resulted in the proposed retention of an additional 2 trees, marked as A and B on the below plan:

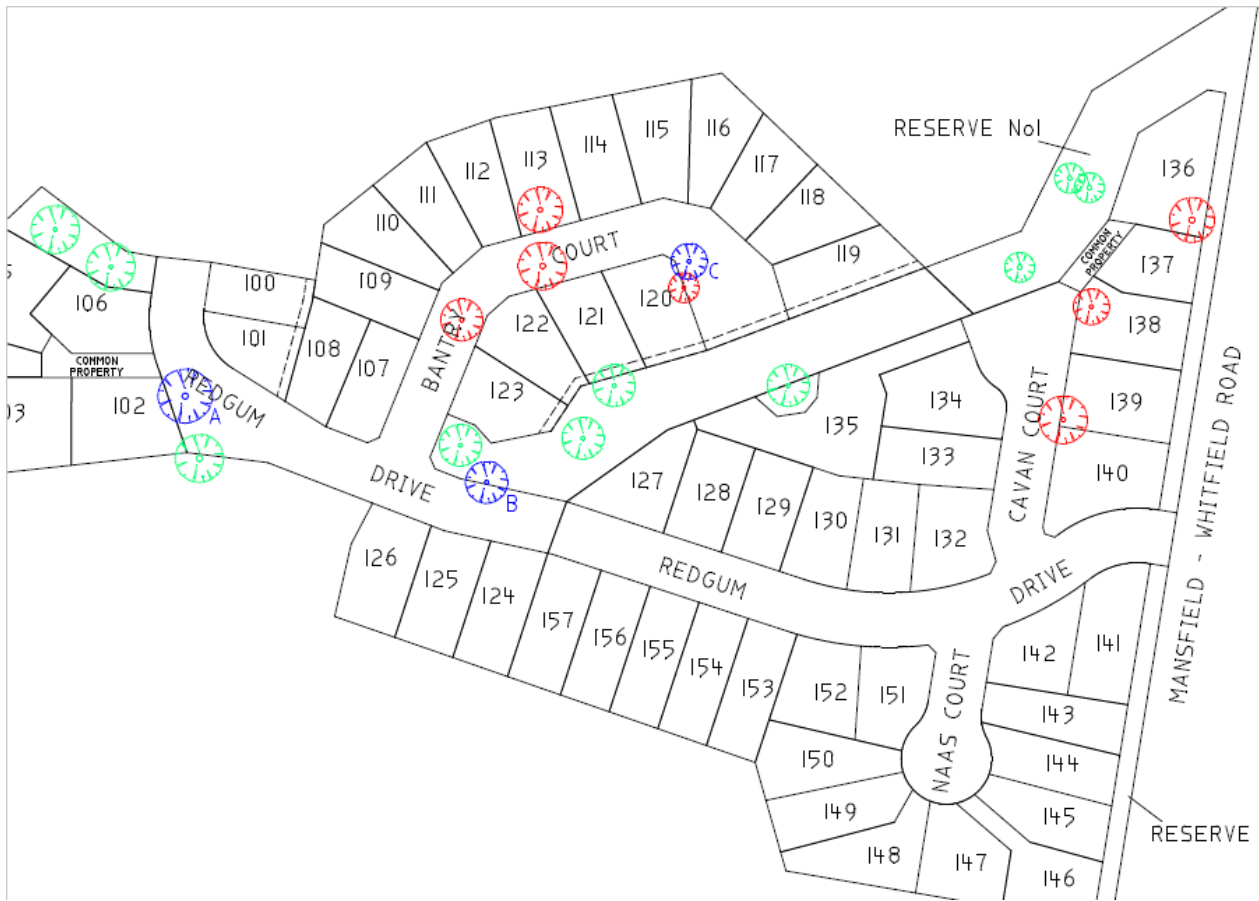


Figure 1: Trees on subject site

The arborist reports submitted with the application noted the following in relation to these trees:

| Tree No. | Location | Type of Tree | Diameter | Outcome |
|----------|---------------------------|--------------|----------|---|
| 1 | Reserve adj. Lot 106 | Redgum | 136cm | Retained in original permit |
| 2 | Reserve adj. Lot 106 | Redgum | 128cm | Retained in original permit |
| 3 | Road Reserve adj. Lot 102 | Redgum | 179cm | Approved for removal in original permit, retained through negotiation with applicant. |
| 4 | Road Reserve adj. Lot 102 | Redgum | 188cm | Retained in original permit |
| 5 | Reserve adj. Lot 123 | Redgum | 132cm | Retained in original permit |
| 6 | Reserve adj. Lot 123 | Redgum | 165cm | Retained in original permit |
| 7 | Reserve adj. Lot 121 | Redgum | 141cm | Retained in original permit |
| 8 | Road Reserve adj. Lot 120 | Redgum | 124cm | Approved for removal in amended permit |
| 9 | Road Reserve adj. Lot 120 | Redgum | 130cm | Approved for removal in amended permit |
| 10 | Reserve adj. Lot 135 | Redgum | 187cm | Retained in original permit |
| 11 | Reserve adj. Lot 136-138 | Redgum | 95cm | Retained in original permit |

| Tree No. | Location | Type of Tree | Diameter | Outcome |
|----------|---------------------------|--------------|----------|---|
| 12 | Reserve adj. Lot 136-138 | Redgum | 141cm | Retained in original permit |
| 13 | Reserve adj. Lot 136-138 | Redgum | 105cm | Retained in original permit |
| 14 | Edge of reserve, marked B | Redgum | 130cm | Approved for removal in original permit, retained through negotiation with applicant. |
| 15 | Road Reserve, adj Lot 122 | Redgum | 130cm | Approved for removal in amended permit |
| 16 | Road reserve adj Lot 131 | Redgum | 175cm | Approved for removal in amended permit |
| 17 | Tree on Lot 113 | Redgum | 134cm | Approved for removal in amended permit |
| 18 | Tree on Lot 136 | Redgum | 175cm | Approved for removal in amended permit |
| 19 | Tree on Lot 138 | Redgum | 133cm | Approved for removal in amended permit |
| 20 | Tree on Lot 139/140 | Redgum | 127cm | Approved for removal in amended permit |

Under section 22 of the *Planning and Environment Act, 1987*, Council may consider a late submission, and the Country Fire Authority have submitted requesting that evidence and a comprehensive assessment of bushfire risk be undertaken for the amendment as it applies to a bushfire prone area.

The submission from the Country Fire Authority strongly recommends that Mansfield Shire Council assess the bushfire hazards associated with the site. Council officers have undertaken an assessment and are satisfied that all bushfire concerns have been adequately addressed. Council officers have contacted the Country Fire Authority with additional information, including previous advice given by the CFA to Council which supports the approved development plan for the area.

The existing planning permit P0221C/08 contains existing conditions imposed by the Country Fire Authority to manage the development. The proposed rezoning aligns with and is required to enable the development approved by planning permit P0221C/08. As this permit has previously been considered and conditions placed on it by the Country Fire Authority, it is considered that the rezoning adequately aligns with existing bushfire policy.

Having pursued the planning scheme amendment in accordance with the requirements of the *Planning and Environment Act 1987* on behalf of the proponent and having no unresolved submissions the amendment is ready for adoption and approval by the Minister for Planning.

Recommendation

THAT COUNCIL:

1. Having been authorised by the Minister for Planning to prepare Amendment C55mans to the Mansfield Planning Scheme under Section 8A(4) of the *Planning and Environment Act 1987* ('the Act');
2. Having prepared and exhibited Amendment C55mans to the Mansfield Planning Scheme under Section 19 of the Act;
3. Having considered all submissions to Amendment C55mans under Section 22 of the Act;
4. Mansfield Shire Council resolves to:
 - a. Adopt Amendment C55mans to the Mansfield Planning Scheme, in accordance with Section 29 of the Act, without changes.

Support Attachments

1. Mansfield C55mans Explanatory Report Adoption [13.2.5.1 - 8 pages]
2. Mansfield C 55 mans Instruction Sheet Adoption [13.2.5.2 - 1 page]
3. Mansfield C55mans List of Submissions Exhibition [13.2.5.3 - 12 pages]
4. Mansfield C55mans Assessment of Submissions Exhibition [13.2.5.4 - 4 pages]
5. Mansfield C 55 mans 003 Isio-fo Map 12 Adoption [13.2.5.5 - 1 page]
6. Mansfield C 55 mans 004 zn Map 12 Adoption [13.2.5.6 - 1 page]
7. Mansfield C 55 mans 002 d-Isio-fo Map 12 Adoption [13.2.5.7 - 1 page]

Considerations and Implications of Recommendation

Sustainability Implications

Climate Change:

The amendment ensures that development respects floodplain management, reducing potential climate-related risks.

Economic:

The amendment supports residential development, which is vital for the local economy, particularly in the context of Mansfield's growing need for key worker housing.

Environmental:

Environmental considerations are central to the amendment, with measures to protect floodplains and maintain ecological integrity. Contact has been made with the developer to seek the retention of native vegetation as outlined in the report.

Social:

The amendment considers the social implications of land use and development, facilitating orderly growth and catering to the projected population needs.

Community Engagement

Community engagement was conducted in alignment with Council's Community Engagement Policy. This involved public exhibition and addressing submissions, ensuring that community views were considered and integrated into the planning process. Exhibition of this amendment was undertaken in accordance with section 19 of the *Planning and Environment Act, 1987*.

Collaboration

Not Applicable

Financial Impact

The cost of this amendment is being paid for by the proponent. All internal resourcing costs are accounted for in Council's existing strategic planning budget.

Legal and Risk Implications

Not Applicable

Regional, State and National Plans and Policies

The planning scheme amendment has been prepared and exhibited in accordance with the requirements of the Planning and Environment Act, 1987.

Innovation and Continuous Improvement

Not Applicable

Alignment to Council Plan

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

Strategy 3.4 Plan for and encourage appropriate housing

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

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

Governance - Disclosure of Conflicts of Interest

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

13.3. Community and Corporate Services Directorate

13.3.1. Outlying Community Infrastructure Fund

| | | | |
|--------------------|--------|----------------------------|--|
| File Number | E10669 | Responsible Officer | Coordinator Community Development, Clare Berghofer |
| Purpose | | | |

To provide Council with an overview of the Outlying Communities Infrastructure Fund applications and to seek Council endorsement of recommendations for funding.

Executive Summary

To support the Council Plan objective for vibrant liveability by enhancing township character (Strategic Objective 3.2), an allocation of \$75,000 was approved for the Outlying Communities Infrastructure Fund in the 2023-24 Budget. The fund opened on 8 September 2023 and closed on 23 November 2023.

This is the fourth round of the Council funded grant. Feedback from the community has been positive, with the grant providing support to community groups to enable them to actively undertake projects to improve their own communities. The grant enables community-led projects, which in turn attract significant community in-kind investment and support, empowering community groups to deliver projects of benefit to them, with the support of Council.

Over the past four years, projects funded by the grant have seen direct benefit to outlying communities across Mansfield Shire, including the delivery of a community playground, camp drafting facilities, relocation of community arts facility and improvements to facilities at recreation reserves with spectator seating, social spaces, and toilet facilities.

The fund guidelines state eligible projects must:

- Demonstrate ongoing community benefit
- Take place in an outlying community within the Mansfield Shire (not within Mansfield township as per the Planning Scheme)
- Deliver capital improvement to:
 - Buildings
 - Facilities, or
 - Publicly accessible land managed/maintained for community benefit
- Be completed 12 months from the agreement signing date

Council has received increased interest for this funding round, with 10 eligible submissions referred to the assessment panel for consideration. In total officers received interest from 25 community groups in 16 outlying community areas, with 32 potential projects discussed. Council officers engaged with six outlying communities who were new to the grant process this year (Ancona, Macs Cove, Sawmill Settlement, Peppin Point, Howqua and Maindample) over potential projects.

From the initial enquiries, there were 22 projects that did not progress to the final assessment stage for the following reasons:

- 13 projects were paused by the submitting group for reasons including lack of resources or more time needed for a submission.
- 4 projects were out of scope with respect to the funding guidelines (for example some of the projects were not for infrastructure).
- 4 projects were not in outlying regions
- 1 project was unable to progress further as it required more funding than could be provided through the program.

Council has responded to all community groups with potential projects or submissions that were ineligible against the Fund Guidelines to advise that Council has recorded each project or submission and will continue to monitor alternative sources of funding (grants) to support their projects.

The fund received ten eligible applications for projects, requesting total funding of \$159,600.

| Organisation name | Project Name | Grant request (\$) |
|--|--|--------------------|
| Merton Recreation & Memorial Hall Reserves Inc | Multiuse Ball Play Court for Merton Community Play Park | \$20,000 |
| Ancona Hall Committee Incorporated (registered as Borodomanin Mechanics Institute) | Rejuvenating Ancona Hall for community use & inclusivity | \$20,000 |
| Matlock Cemetery Trust | Public facilities improvement project | \$10,343 |
| Howqua Inlet Community - auspiced by Jamieson Community Group & Assoc. Bodies. Inc | The Howqua Inlet Community Trail | \$20,000 |
| Goughs Bay Area Progress Association | Goughs Bay Playground | \$20,000 |
| Peppin Hub Incorporated | Peppin Hub Community Centre | \$14,633 |
| Woods Point Progress Association | Woods Point Goldfield's Museum Building Restoration | \$8,660 |
| McCormack Park Grounds Management Committee Inc | Safe and Secure Perimeter Fencing | \$20,000 |
| RAOB Woods Point Lodge No 194 (Grand Lodge of Victoria Inc) | Emergency power supply for township resilience | \$15,000 |
| Mansfield Motorcycle Club | Mansfield Motorcycle Club Water Tank, Pump & Fencing | \$10,964 |
| | | \$159,600 |

The Assessment Panel:

As per the Fund Guidelines, applications were assessed initially by Council Officers to ensure applications are complete and meet the eligibility requirements. If the application is deemed eligible, it is then examined in more detail against the assessment criteria.

An internal multi-disciplinary assessment panel have assessed the eligible applications to propose recommendations to Council on allocation of funding. Officers from across Council were consulted where specialist advice is required in formulating recommendations.

| CRITERIA | WEIGHTING |
|--|-----------|
| demonstrated link to funding objective with clear evidence of demand for the project and the ongoing benefits to community | 50% |
| detailed project planning and demonstrated capacity to deliver project successfully | 40% |
| community contribution | 10% |

Additional weighting may be applied by the assessment panel to ensure the even distribution of funds across the Mansfield Shire’s geographical area.

Overview and Recommendations:

Officers have reviewed ten (10) projects and made the following recommendations:

| Project Name | Grant request (\$) | Funding Allocated | Recommendation | Officer Recommendation |
|--|--------------------|-------------------|----------------|---|
| Multiuse Ball Play Court for Merton Community Play Park | \$20,000 | \$ - | Not Fund | Although a worthy project, the total funding required, and need for additional funding to complete the project resulted in a lower ranking for this project. The project may attract funding through other sources. (Application made to Tiny Towns Fund for Merton Skatepark project). |
| Rejuvenating Ancona Hall for community use & inclusivity | \$20,000 | \$15,000 | Partially Fund | Well justified application with clearly demonstrated link to funding objectives and will be of great benefit to achieving a more connected community. Council proposes to provide an in-kind donation of an unused water tank including delivery, which will reduce full funding costs and maximise the use of existing assets. |
| Matlock Cemetery Public facilities improvement project | \$10,342.88 | \$10,342.88 | Fund Fully | Clearly demonstrated link to funding objectives by providing clear evidence of demand for the project and the ongoing benefit so the community through a new rotunda and heritage signage. Good community contribution and links well to the Council Plan. Applied in 2022 but were not successful in that round. |
| The Howqua Inlet Community Trail | \$20,000 | \$10,000 | Partially Fund | Demonstrated link to funding objectives by providing clear evidence of demand for the project and the ongoing benefit so the community. Good community contribution and links well to the Council Plan. Recommended to partially fund this application to get it to a shovel ready stage and then include it into Council's future capital works program. |

| Project Name | Grant request (\$) | Funding Allocated | Recommendation | Officer Recommendation |
|--|--------------------|-------------------|----------------|--|
| Goughs Bay Playground | \$20,000 | \$17,286 | Partially Fund | Demonstrated link to funding objectives, with evidence of demand for the project and the ongoing benefits to community. Location to be determined through Council Strategic Planning process and community engagement. Recommended to partially fund, with the opportunity for a small community contribution. |
| Peppin Hub Community Centre | \$14,633 | \$2,710.40 | Partially Fund | Recommendation to fund the signage component of the project. The fencing component was given a lower ranking against the funding criteria. |
| Woods Point Goldfield's Museum Building Restoration | \$8,660 | \$8,660 | Fund Fully | Clearly demonstrated link to funding objectives by providing clear evidence of demand for the project and the ongoing benefit to the community. Good community contribution and links well to the Council Plan. |
| McCormack Park Merrijig – Safe and Secure Perimeter Fencing | \$20,000 | \$ - | Not Fund | Although a worthy application, the project was ranked as a lower priority in relation to the funding objectives; evidence of demand for the project and the ongoing benefits to community were not as strong as other applications and the project may have alternative funding options: eg Tiny Towns |
| Woods Point Lodge Emergency power supply for township resilience | \$15,000 | \$ - | Not Fund | Provision of emergency power supply is important; however, the project requires further scoping. Potential alternative funding options available including Tiny Towns and officers will work through the Resilience project to assist with opportunities. |
| Mansfield Motorcycle Club Water Tank, Pump & Fencing | \$10,964 | \$10,964 | Fund Fully | Provision of a Water Tank and Pump will be of benefit to community users and will also reduce costs to Council when Horse events require watering of McCormack Park as a shared piece of equipment. |
| | \$159,599.88 | \$74,963.28 | | |

Key Issues

Ten (10) eligible applications were received from community groups.

Seven (7) are recommended for funding through the Outlying Communities Infrastructure Fund as follows:

- Ancona Hall Committee Incorporated for \$15,000 to Rejuvenating Ancona Hall for community use, including provision by council of a re-located water tank (in kind) as part of this project.
- Matlock Cemetery Trust for \$10,342.88 to the Matlock Cemetery Public facilities improvement project.
- Howqua Inlet Community - auspiced by Jamieson Community Group & Associated Bodies. Inc. for \$10,000 to the Howqua Inlet Community Trail project to get this to a shovel ready point through design and planning.
- Goughs Bay Area Progress Association for \$17,286 to Goughs Bay Playground project.
- Peppin Hub Incorporated for \$2,710.40 to Peppin Hub Community Centre signage project.
- Woods Point Progress Association for \$8,660.00 to Woods Point Goldfield’s Museum Building Restoration project.
- Mansfield Motorcycle Club for \$10,964 for works including a water tank and pump to be used by all members of McCormack Park.

Recommendation

THAT COUNCIL:

1. Receives the assessment panel recommendations for the Outlying Communities Infrastructure Fund 2023-24.
2. Endorse the Outlying Communities Infrastructure Fund officer recommendations to:
 - a. Fund Ancona Hall Committee Incorporated for \$15,000 to Rejuvenating Ancona Hall for community project and approve the in-kind donation of an unused water tank including delivery onsite to reduce full funding costs.
 - b. Fund Matlock Cemetery Trust for 10,342.88 to the Matlock Cemetery Public facilities improvement project.
 - c. Fund Howqua Inlet Community - auspiced by Jamieson Community Group & Associated Bodies Inc for \$10,000 to the Howqua Inlet Community Trail project.
 - d. Fund Goughs Bay Area Progress Association for \$17,286 to Goughs Bay Playground project.
 - e. Fund Peppin Hub Incorporated for \$2,710.40 to Peppin Hub Community Centre signage project.
 - f. Fund Woods Point Progress Association for \$8,660.00 to Woods Point Goldfield’s Museum Building Restoration project.
 - g. Fund Mansfield Motorcycle Club for \$10,964 for works including a water tank and pump to be used by all members of McCormack Park.

Support Attachments

Nil

Considerations and Implications of Recommendation

Sustainability Implications

Not Applicable

Community Engagement

Community Engagement has been undertaken in accordance with Council's Community Engagement Policy.

Collaboration

Not Applicable

Financial Impact

All work to assess the applications has been undertaken internally by Council Officers within existing staff resources. The grant funding is accounted for in the FY2023-24 Budget.

Legal and Risk Implications

The delivery risks associated with each of the submissions were considered as part of the evaluation process.

Regional, State and National Plans and Policies

Not Applicable

Innovation and Continuous Improvement

The guidelines for this fund are reviewed against community feedback each year to ensure continuous improvement.

Alignment to Council Plan

Theme 1: Connected and Healthy Community Strategic Objective 2: Activities that promote connection and fitness of our people and visitors
Strategy 2.2 Create an environment where community and clubs can recreate, socialise, and contribute to the health and wellbeing of the community
Theme 2: Vibrant Liveability Strategic Objective 3 Future focused: Intelligent land use and infrastructure
Strategy 3.2 Enhance township character

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. Conflict of Interest Policy

| | | | |
|--------------------|--------|----------------------------|--|
| File Number | E513/3 | Responsible Officer | Interim Coordinator Governance & Risk, Jane Carter |
|--------------------|--------|----------------------------|--|

Purpose

To seek Council endorsement of the draft Conflict of Interest Policy.

Executive Summary

The Conflict of Interest Policy is a new policy. The policy provides guidance on the specific circumstances that give rise to a conflict of interest and clarifies the types of interests that constitute a conflict of interest, the process that must be followed and the consequences or actions that may be taken for failing to comply with the requirements of the *Local Government Act 2020*.

Key Issues

Council provides a diverse range of services and is trusted with a range of decision-making powers to govern in the best interests of the local community. These powers must be exercised properly and impartially, with integrity and in accordance with the Local Government Act 2020. Conflicts of interest create potential risks and should therefore be identified and managed appropriately to ensure continued transparency, accountability, and integrity, and to protect the public interest.

At present guidance on conflict of interest is captured within Council’s Code of Conduct and the process for onboarding new employees. The form for declaration of a conflict of interest also includes the Local Government Act 2020 requirements and provides further guidance.

The new Conflict of Interest Policy has been developed to provide an organisation wide policy that provides guidance on the specific circumstances that give rise to a conflict of interest. The Policy clarifies the types of interests that constitute a conflict of interest, and the requirements for managing conflicts. It was developed in response to internal audit recommendations and good practice recommendations from the Victorian Auditor General’s Office (VAGO) regarding the management of conflict of interests to prevent fraud and corruption.

The Conflict of Interest Policy complements Council’s Governance Rules, which came into effect on 1 September 2020 and were updated in 2022.

Recommendation

THAT COUNCIL endorses the new Conflict of Interest Policy.

Support Attachments

1. Conflict of Interest Policy 2023 [13.3.2.1 - 5 pages]

Considerations and Implications of Recommendation

Sustainability Implications

Not Applicable

Community Engagement

Direct community engagement has not been undertaken over the development of the Conflict of Interest Policy, as it implements and responds to requirements already present in the Local Government Act 2020.

In developing the policy consideration has been given to recommendations arising from internal audits of Council processes, including information management, procurement and fraud and corruption. Consideration has also been given to VAGO recommendations in relation to managing conflicts of interest to mitigate fraud and corruption risk. Public notification of the new Policy will be provided through Council's Mansfield Matters page in the Mansfield Courier and on Council's website.

Collaboration

Not Applicable

Financial Impact

All work to create the policy has been undertaken internally by Council Officers within existing staff resources.

Legal and Risk Implications

Reputation Risk: Recognising and declaring interests, whether they are actual, potential, or perceived, mitigates risk and reputational damage to Council. Conflict of interest identification and declaration is essential to maintaining transparency, equity and impartiality when undertaking decision making and the functions of Council. Consistency in the approach and handling of conflicts of interest maintains public confidence that a Councillor, Delegated Committee member or employee of Council will not act prejudicially or improperly.

Regional, State and National Plans and Policies

Is in accordance with the Local Government Act 2020.

Innovation and Continuous Improvement

Not Applicable

Alignment to Council Plan

Theme 3: A Trusted, Effective and Efficient Council

Strategic Objective 8 A consultative Council that represents and empowers its community
Strategy 8.1 Increase community trust in Council to make informed decisions with "no surprises"

Governance - Disclosure of Conflicts of Interest

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

13.3.3. Annual Report

| | | | |
|--------------------|--------|----------------------------|-------------------------------|
| File Number | E11037 | Responsible Officer | Mayor, Councillor Steve Rabie |
| Purpose | | | |

To present Council’s Annual Report 2022-23, following receipt of the final audit reports from the Victorian Auditor General’s Office.

Executive Summary

The *Local Government Act 2020* (LGA 2020) requires the Annual Report to be presented by the Mayor. The Annual Report contains a report of operations, which gives an overview of Council’s performance against the Council Plan 2021-2025, and a financial report, which contains the audited financial statements and a performance statement.

Following consideration by the Audit and Risk Committee of the financial report and performance statement (statements) and the draft audit reports received from the Victorian Auditor General’s Office (VAGO) on 27 November 2023, the audited statements were approved by Council at an Additional Meeting of Council on 5 December 2023. Council’s Annual Report has now been updated to include the final VAGO audit reports and the certified statements.

Key Issues

Section 98 of the LGA 2020 requires Council to prepare an Annual Report for each financial year that contains a report on the operations of the Council, audited performance statement and audited financial report.

Council approved the in-principle financial and performance statements at the Council Meeting held on 31 October 2023. No changes have been made to the statements as compared to the ones previously presented at the 31 October 2023 Council meeting. The audited statements and the final audit reports from VAGO have been reviewed by Council’s Audit and Risk Committee and the Committee has endorsed the audited statements for Council certification.

The audited statements have been certified by two Councillors authorised by Council, in accordance with the resolution of the Additional Meeting of Council on 5 December 2023. The VAGO audit reports have been incorporated in the statements within the Annual Report. No other substantive changes have been made to the Annual Report as compared to the version presented at the Council Meeting held on 31 October 2023.

The Annual Report contains all information required by the LGA 2020, and *Local Government (Planning and Reporting) Regulations 2020*.

| |
|--|
| Recommendation |
| <p>THAT COUNCIL:</p> <ol style="list-style-type: none"> 1. In accordance with section 100 of the Local Government Act 2020, Council receives and notes the Annual Report 2022-23 as presented; and 2. Delegates to the Chief Executive Officer the authority to correct any errors including typographical in the operations report that do not materially alter the underlying message of the report. |
| Support Attachments |
| Nil |

Considerations and Implications of Recommendation

Sustainability Implications

Not Applicable

Community Engagement

The Annual Report presents comprehensive information to our community about Council’s operations and performance during the 2022-23 financial year and will be made available for reference by the community on Council’s website.

Collaboration

Not Applicable

Financial Impact

The Annual Report containing audited Financial Statements and Performance Statement for the year ended 30 June 2023 shows that Council is financially sustainable and that Council services are being delivered within expected parameters.

Legal and Risk Implications

The Audit and Risk Committee was presented with the Financial Statements and Performance Statement and received a briefing from Council’s auditors following their review of these documents.

Regional, State and National Plans and Policies

Section 100 of the Local Government Act 2020 contains a requirement stating that the Mayor must report on the implementation of the Council Plan by presenting the Annual Report at a Council Meeting open to the public within four months of the end of the financial year. The draft Annual Report was presented to Council on 31 October 2023 and included information on the implementation of the Council Plan in addition to the in-principle Financial and Performance Statements, pending completion of the VAGO audit and receipt of their final audit reports.

Innovation and Continuous Improvement

Council used internal officers to prepare and compile the report rather than employing an external designer to maximise cost-efficiencies in preparation of the Annual Report. Council will not print hard copies of the report except on an as-needs basis.

Alignment to Council Plan

Theme 3: A Trusted, Effective and Efficient Council

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

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

Governance - Disclosure of Conflicts of Interest

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

14. Council Meeting Resolution Actions Status Register

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

| |
|---|
| Recommendation |
| THAT COUNCIL receive and note the Mansfield Shire Council Meeting Resolution Actions Status Register as at 6 December 2023. |
| Support Attachments |
| Nil |

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 November 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 November 2023. |
| Support Attachments |
| 1. Audit and Risk Committee Agenda - 27 November 2023 [15.1.1 - 55 pages] 2. Audit and Risk Committee Minutes - 27 November 2023 [15.1.2 - 6 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. Citizen Awards 2024

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.

18.2. Potential Sale of Land

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. Project CODI Information Management Pricing Update

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