



Mansfield Shire

Council Meeting

Tuesday 28 November 2023 5:00 pm
ZOOM

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

Our aspiration for our Shire and its community

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

Councillors

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

Officers

Kirsten Alexander, Chief Executive Officer
Melissa Crane, General Manager Infrastructure & 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. Acting Chairperson

13. Outgoing Mayor Speech

14. Determination of Mayoral Term

15. Election of Mayor

16. Election of Deputy Mayor

17. 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.

18. Officer reports

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

18.2-18.4 Officer reports are presented to the Council, where required.

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

Planning and Environment

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

A Council position is adopted on the matters considered.

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

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

A Council position is adopted on the matters considered.

19. Council resolutions report

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

20. Advisory and Special Committee reports

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

21. 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.

22. 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.

23. Presentation of confidential reports

24. Reopen meeting to members of the public

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

25. Close of meeting

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

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Agenda

1. Opening of the meeting

2. Present

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

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

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

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

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

3. Apologies

The Chair will call on the CEO for any apologies.

4. Statement of commitment

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

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

5. Acknowledgement of Country

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

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

6. Disclosure of conflicts of interest

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

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

7. Confirmation of minutes

Recommendation

THAT the Minutes of the Mansfield Shire Council meeting held on 17 October 2023 and 31 October 2023 be confirmed as an accurate record.

8. Representations

9. Notices of motion

Nil

10. Mayor's report

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

It was great to pass both the Station Precinct Masterplan and the Botanic Park Masterplan at the October Council meeting. The community input into these Masterplans has been fantastic and both projects will enhance and add incredible liveability to our beautiful and thriving Shire.

This past year has been one of strong progress as an organisation. Staffing has been a significant challenge following the pandemic, but we are now seeing a more settled and cohesive workforce. We have strong financial results, despite the challenging economic environment with CPI running at 7% and rising waste costs. An underlying surplus of \$700,000 (2.7%) was achieved in 2022/23 reflecting the collective commitment of the whole organisation to manage costs and operate effectively. This has been done with an average rate increase of only 1.7% over the last three years.

Council delivered \$8 million of capital works projects, and as the Shire grows, we will make sure our assets continue to meet our community's needs. Completion of the \$10 million IMPACT Route, improved footpaths, the final stage of the Heavy Vehicle Alternate Route, the High Street carpark and planning for our outlying communities will be the major focus of 2024.

Planning will continue for our future infrastructure growth through a \$350,000 grant from the Victorian Government's Streamlining for Growth program to develop an Infrastructure Plan for the Mansfield township. The plan will cover our Shires needs for growth in roads, water, waste energy and communication and bring in a much-needed developer contribution plan.

It has been an honour and privilege to be Mayor for the past two years, and I'm really proud of the new Chief Executive Officer and her team in what they have been able to achieve under some very challenging conditions. I'd also like to thank my fellow Councillors for the trust and support, they have shown me show me and wish the best to the new Mayor in the final year of this Council.

Cr James Tehan
Mayor

Recommendation

THAT COUNCIL receive the Mayor's report for the period 18 October 2023 to 22 November 2023.

11. Reports from council appointed representatives

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

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

Recommendation

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

12. Acting Chairperson

Pursuant to the provisions of Section 61 of the *Local Government Act 2020* and the *Mansfield Shire Council Governance Rules 2020*, the Chief Executive Officer shall act as Chairperson until the election of the Mayor is concluded.

13. Outgoing Mayor Speech

The opportunity is provided for the outgoing Mayor to address Council.

14. Determination of Mayoral Term

File Number	E502	Responsible Officer	Chief Executive Officer, Kirsten Alexander
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Purpose

The purpose of this report is to determine the term of office for the Mayor of Mansfield Shire Council.

Executive Summary

In accordance with section 25 of the *Local Government Act 2020* (the Act), Council must elect a Councillor to be the Mayor.

The term of Mayor is determined by the Council. The Mayor can be elected for a one year or two year term, however as the Victorian local government elections are scheduled for 26 October 2024, it is recognised that the Mansfield Shire Mayoral term must expire on that date.

Key Issues

The determination of the Mayoral term must precede the election of the Mayor.

Recommendation

THAT COUNCIL determine that the Mayoral term will end at 6:00 am 24 October 2024.

Support Attachments

Nil

Considerations and Implications of Recommendation

Sustainability Implications

Not Applicable

Community Engagement

Not Applicable

Collaboration

Not Applicable

Financial Impact

Not Applicable

Legal and Risk Implications

Not Applicable.

Regional, State and National Plans and Policies

Not Applicable

Innovation and Continuous Improvement

Not Applicable

Alignment to Council Plan

Theme 3: A Trusted, Effective and Efficient Council

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

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

Governance - Disclosure of Conflicts of Interest

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

15. Election of Mayor

File Number	E502	Responsible Officer	Chief Executive Officer, Kirsten Alexander
Purpose			

This report provides advice on the process for the election of the Mayor of Mansfield Shire.

Executive Summary

The *Local Government Act 2020* (the Act) requires Council to elect a Councillor to be Mayor, at a meeting open to the public, by an absolute majority of all Councillors elected to the Council. The Act also requires the Chief Executive Officer to Chair the election of the Mayor.

The role of the Mayor and the specific powers of the Mayor are set out in the Act and include:

- (a) chair Council meetings; and
- (b) be the principal spokesperson for the Council; and
- (c) lead engagement with the municipal community on the development of the Council Plan; and
- (d) report to the municipal community, at least once each year, on the implementation of the Council Plan; and
- (e) promote behaviour among Councillors that meets the standards of conduct set out in the Councillor Code of Conduct; and
- (f) assist Councillors to understand their role; and
- (g) take a leadership role in ensuring the regular review of the performance of the Chief Executive Officer; and
- (h) provide advice to the Chief Executive Officer when the Chief Executive Officer is setting the agenda for Council meetings; and
- (i) perform civic and ceremonial duties on behalf of the Council.

In accordance with Council's Governance Rules, the Chief Executive Officer must facilitate the election of the Mayor in accordance with the provisions of the Act. The election of Mayor must be carried out by a show of hands or such other visual or audible means as the Chief Executive Officer determines.

Nominations are to be in writing in a form prescribed by the Chief Executive Officer and seconded by another Councillor. The nominee is to be provided with an opportunity to accept or decline the nomination.

Once nominations for the office of Mayor have been received, provisions will govern the election of the Mayor as per Chapter 2 Part B of the *Mansfield Shire Council Governance Rules 2022*.

Key Issues

Council is required to elect a Mayor at a meeting open to the public. The successful Councillor will be Mayor of Mansfield Shire until the conclusion of the term of office, as previously determined by Council.

After the Mayor is elected, the Mayor will assume the Chair for the remainder of the meeting, including the election of the Deputy Mayor.

Recommendation
THAT pursuant to the provisions of sections 25 and 26 of the <i>Local Government Act 2020</i> , THE COUNCIL appoints Cr _____ as Mayor of Mansfield Shire for a term ending at 6:00am 26 October 2024, no later than the scheduled meeting of 28 November 2023.
Support Attachments
Nil

Considerations and Implications of Recommendation

Sustainability Implications

Not Applicable

Community Engagement

Not Applicable

Collaboration

Not Applicable

Financial Impact

In accordance with section 39 of the Act, a Mayor is entitled to receive from the Council an allowance as a Mayor.

On 7 March 2022, in accordance with section 23A of the *Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019* (Vic) (VIRTIPS Act), the Tribunal made the Allowance payable to Mayors, Deputy Mayors and Councillors (Victoria) Determination No. 01/2022.

The Determination applies to all Mayors, Deputy Mayors and Councillors (Council members) in all 79 Victorian Councils.

The Tribunal is required to make an annual adjustment to the values of allowances. On 30 June 2023, the Tribunal made the Allowance payable to Mayors, Deputy Mayors and Councillors (Victoria) Annual Adjustment Determination 2023. This Determination adjusts the values of allowances with effect from 1 July 2023.

The Determination sets a base allowance for each Council member. The value of the base allowance payable to a Council member varies depending on the role (Mayor, Deputy Mayor or Councillor) and the Council allowance category assigned to the Council as specified in the Determination. Mansfield Shire Council is a Category 1.

Table 1: Value of the base allowance for Mayors, by Council allowance category, 1 July 2023 until 17 December 2023

Council allowance category	Value of allowance (\$ per annum)
Category 1	79,492
Category 2	102,650
Category 3	126,958
Category 4 – Melbourne City Council	253,920

Table 2: Value of the base allowance for Mayors, by Council allowance category, 18 December 2023 until 17 December 2024

Council allowance category	Value of allowance (\$ per annum)
Category 1	81,641
Category 2	105,424
Category 3	130,390
Category 4 – Melbourne City Council	260,782

Legal and Risk Implications

Sections 25 and 26 of the Act govern the election of the Mayor and when the Mayor is to be elected.

Section 20 of the Act provides for when the office of the Mayor becomes vacant.

The process for electing the Mayor is to be conducted in accordance with the Mansfield Shire Governance Rules 2022.

Regional, State and National Plans and Policies

Not Applicable

Innovation and Continuous Improvement

Not Applicable

Alignment to Council Plan

Theme 3: A Trusted, Effective and Efficient Council

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

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

Governance - Disclosure of Conflicts of Interest

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

16. Election of Deputy Mayor

File Number	E502	Responsible Officer	Mayor
Purpose			

This report provides advice on the process for the election of the Deputy Mayor of Mansfield Shire.

Executive Summary

The *Local Government Act 2020* (the Act) states Council may establish an office of Deputy Mayor. Council's *Governance Rules* outline the process for the election of a Deputy Mayor.

Under the Act, the Deputy Mayor must perform the role of the Mayor and may exercise any of the powers of the Mayor if—

- (a) the Mayor is unable for any reason to attend a Council meeting or part of a Council meeting; or
- (b) the Mayor is incapable of performing the duties of the office of Mayor for any reason, including illness; or
- (c) the office of Mayor is vacant.

The Deputy Mayor does not hold any other additional powers or functions.

In accordance with the *Mansfield Shire Governance Rules*, the election of the Deputy Mayor must be by a show of hands or such other visual or audible means as the Chief Executive Officer determines at a meeting open to the public.

The process for the election of a Deputy Mayor is the same as the process for the election of Mayor, i.e., in accordance with Council's *Governance Rules*.

The successful Councillor will hold the position of Deputy Mayor until the term of office for the Mayor concludes, as previously determined by Council.

Key Issues

The Act and Council's *Governance Rules* provide for the position of Deputy Mayor and govern the process for the election. Should Council proceed to elect a Deputy Mayor, the successful Councillor would hold the position of Deputy Mayor until the Mayoral term of office concludes, as previously determined by Council.

Recommendation

THAT COUNCIL appoints Cr _____ as Deputy Mayor of Mansfield Shire for a term ending at 6:00am 26 October 2024, no later than the scheduled meeting of 28 November 2023.

Support Attachments

Nil

Considerations and Implications of Recommendation

Sustainability Implications

Not Applicable

Community Engagement

Not Applicable

Collaboration

Not Applicable

Financial Impact

On 7 March 2022, in accordance with section 23A of the *Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019* (Vic) (VIRTIPS Act), the Tribunal made the Allowance payable to Mayors, Deputy Mayors and Councillors (Victoria) Determination No. 01/2022.

The Determination applies to all Mayors, Deputy Mayors and Councillors (Council members) in all 79 Victorian Councils.

The Tribunal is required to make an annual adjustment to the values of allowances. On 30 June 2023, the Tribunal made the Allowance payable to Mayors, Deputy Mayors and Councillors (Victoria) Annual Adjustment Determination 2023. This Determination adjusts the values of allowances with effect from 1 July 2023.

The Determination sets a base allowance for each Council member. The value of the base allowance payable to a Council member varies depending on the role (Mayor, Deputy Mayor or Councillor) and the Council allowance category assigned to the Council as specified in the Determination. Mansfield Shire Council is a Category 1.

Table 5: Value of the base allowance for Deputy Mayors, by Council allowance category, 1 July 2023 until 17 December 2023

Council allowance category	Value of allowance (\$ per annum)
Category 1	39,746
Category 2	51,325
Category 3	63,480
Category 4 – Melbourne City Council	126,959

Table 6: Value of the base allowance for Deputy Mayors, by Council allowance category, 18 December 2023 until 17 December 2024

Council allowance category	Value of allowance (\$ per annum)
Category 1	40,819
Category 2	52,713
Category 3	65,195
Category 4 – Melbourne City Council	130,391

Legal and Risk Implications

Not Applicable

Regional, State and National Plans and Policies

Not Applicable

Innovation and Continuous Improvement

Not Applicable

Alignment to Council Plan

Theme 3: A Trusted, Effective and Efficient Council

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

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

Governance - Disclosure of Conflicts of Interest

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

17. 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.

18. Officer reports

18.1. 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
- ▶ Finance
- ▶ New Initiatives
- ▶ Statutory Planning
- ▶ Building Services
- ▶ Regulatory Services
- ▶ Leasing and Licensing
- ▶ Waste Services
- ▶ Revenue Services
- ▶ Field Services
- ▶ Community Health and Wellbeing
- ▶ Visitor Services (Tourism & Events, Economic Development, VIC and Library)
- ▶ Communications
- ▶ Digital Transformation Project

Recommendation

THAT COUNCIL receive and note the Chief Executive Officer's report for the period 17 October 2023 to 15 November 2023.

Support Attachments

1. CEO Monthly Report - 28 November [18.1.1.1 - 52 pages]

18.2. Infrastructure and Planning Directorate

18.2.1. Planning Scheme Amendment C57mans Additional Resolution of Council

File Number	E10629	Responsible Officer	Strategic Planning Officer, Oscar Yencken
Purpose			

To update Council on discussions with the Department of Transport and Planning and seek an additional resolution of Council to request authorisation from the Minister for Planning to exhibit Amendment C57mans, the Mansfield Planning Scheme Review.

Executive Summary

The proposed planning scheme amendment implements recommendations from the Planning Scheme Review undertaken in September 2022, part of a regular review process required every four years under the *Planning and Environment Act 1987*. The amendment also includes the implementation of the Mansfield Open Space Strategy (MOSS).

At the meeting of Council on 27 June 2023 Council resolved to request authorisation from the Minister for Planning to exhibit the amendment. Although not included in the attachments for the June 2023 meeting, the provisions being proposed in relation to the Mansfield Open Space Strategy are in accordance with the documents presented to Council for adoption of the strategy at the meeting on 21 February 2023. At this meeting Council resolved to adopt the Mansfield Open Space Strategy 2023 and the associated Contributions Plan and to commence preparation of a planning scheme amendment to implement the recommendations of the strategy.

Following submission of the amendment documents for review and extended discussions with the Department of Transport and Planning (DTP), an additional resolution of Council has been requested. This is because it is the view of DTP officers that a local policy should be altered to clarify under what circumstances land-based versus cash-based open space contributions should be required, which is represented by a new local policy at Clause 16.02-6L.

Key Issues

The Regional Planning Hub at the Department of Transport and Planning (DTP), in collaboration with Council officers undertook the planning scheme review. The recommendations include aligning the existing Mansfield Planning Scheme ordinance with the Ministerial Direction for the form and content of planning schemes, incorporating elements from the Council Plan, updating factual data, adding references to Traditional Owners and Country, implementing the Mansfield Open Space Strategy, and prioritizing strategic work based on the review findings.

The proposed planning scheme amendment was recommended from the Mansfield Planning Scheme Review, required to be undertaken by Council every four years under Section 12(B) of the *Planning and Environment Act 1987* (the Act).

The Regional Planning Hub at DTP has been funded to assist rural and regional councils with planning work such as this review. Many rural and regional councils have requested assistance from the Hub to prepare their planning scheme reviews.

The Regional Planning Partnerships Team partnered with Redink Planning to develop a methodology, procedure, and templates to enable planning scheme reviews to be undertaken more easily. This included developing a methodology that enabled a thorough and quick understanding on how the scheme is performing against various indicators and identifying 'big rocks' to focus on to improve the scheme. It also included marking up the planning scheme ordinance with the recommended changes to enable the review to be progressed as a planning scheme amendment without further work being required apart from the preparation of the Explanatory Report and List of Changes.

The planning scheme review made the following recommendations:

1. *Prepare a planning scheme amendment or amendments to:*
 - a. *Incorporate the policy neutral changes to align the ordinance with the Ministerial Direction on the Form and Content of Planning Schemes.*
 - b. *Incorporate elements from the Council Plan that were missed during the PPF Translation and make other updates to factual data.*
 - c. *Amend the MPS at 02.01 Context to include appropriate reference to Traditional Owners and Country.*
 - d. *Include new policy to implement the:*
 - i. *Mansfield Shire Council Plan 2021 – 2025*
 - ii. *Mansfield Open Space Strategy 2021*
 - iii. *Mansfield Planning Strategy 2022*
 - iv. *Mansfield Commercial and Industrial Use Strategy 2021*
 - v. *Activating Lake Eildon: Lake Eildon Masterplan 2020*
 - e. *Include an updated Clause 74.02 Further strategic work that prioritises the strategic work program based on the findings of this review and prioritisation of the strategic planning work*
2. *Prepare a planning scheme amendment to Implement the findings of the Mansfield Planning Strategy.*

Amendment C57mans implements all parts of the first recommendation. Work has also commenced on a planning scheme amendment to implement the findings of the Mansfield Planning Strategy (the second part of the recommendations) as a separate amendment.

As previously advised to Council, the only part of the recommended changes not to be implemented as part of this amendment are changes proposed to the Special Use Zone for Mountain Bay. Council officers determined not to implement that element as the wording changes looked to change the operation and nature of the zone.

A copy of the proposed amendment is attached to this report, and the changes are summarised below:

Planning Scheme Ordinance

1. Amends Clause 02.01 (Settlement) and 02.03-7 (Economic Development) to acknowledge the Traditional Owners of Mansfield Shire and include a strategic direction related to the *Lake Eildon Masterplan, May 2020.*

2. Amends Clauses 11.01-1L-01 (Mansfield Township), 11.01-1L-02 (Other Local Areas) 12.05-2L (Significant landscapes, ridgelines and alpine approaches), 13.03-1L (Floodplain management), 15.01-1L (Urban design in Mansfield Township CBD), and 16.01-3L (Rural residential development) to accord with section 7(5) of the *Planning and Environment Act, 1987* (The Act) for the form and content of planning schemes.
3. Inserts new Clause 17.01-1L (Diversified Economy - Mansfield) to provide strategic directions for commercial and industrial development in the Mansfield Township.
4. Amends Clause 18.01-3L (Sustainable personal transport) to include strategies from the MOSS.
5. Inserts new Clause 19.02-6L (Open Space - Mansfield) to insert local strategies to achieve the planning outcomes sought by MOSS.
6. Amends Clause 19.03-1L (development and infrastructure contributions plans) to introduce strategies from the MOSS.
7. Amends the Schedule 1 and Schedule 2 to Clause 35.03 (Rural Living Zone) to accord with section 7(5) of The Act.
8. Amends the Schedule 1 to Clause 35.06 (Rural Conversation Zone) to accord with section 7(5) of The Act.
9. Amends the Schedule to Clause 35.07 (Farming Zone) to accord with section 7(5) of The Act.
10. Amends the Schedule 1 to Clause 42.01 (Environmental Significance Overlay) to correct a spelling error.
11. Amends the Schedule 1, Schedule 2, and Schedule 3 to Clause 43.04 (Development Plan Overlay) to accord with section 7(5) of The Act.
12. Amends the Schedule 1 and Schedule 2 to Clause 44.06 (Bushfire Management Overlay) to accord with section 7(5) of The Act.
13. Amends the Schedule to Clause 53.01 (Open Space Contribution and Subdivision) to specify contributions for public open space recommended by MOSS.
14. Amends the Schedule to Clause 72.08 (Background Documents) to include the *Mansfield Open Space Strategy* a background document.
15. Amends the Schedule to Clause 74.02 (Further Strategic Work) to update the list of further strategic work as recommended by The Review.

Amendment C57mans is required to implement the *Mansfield Planning Scheme Review*, November 2022. The review is required to check that the Planning Scheme is consistent with any directions or guidelines issued by the Minister for Planning under section 7(5) of The Act, identify policy and strategy gaps and make recommendations to improve the operation of the planning scheme.

The review involved a comprehensive audit of the Mansfield Planning Scheme and the effectiveness of the Local Planning Policy Framework, and the previous Mansfield Planning Scheme review from 2015.

Since the previous review, Mansfield Shire adopted and completed Amendment C53mans which translated the Local Planning Policy Framework for the Mansfield Planning Scheme into the new format introduced by Amendment VC148. Amendment C53mans largely considered many areas usually covered by a planning scheme review, meaning that there are less significant changes proposed by Amendment C57mans.

The amendment makes changes to ensure that the Mansfield Planning Scheme is written in accordance with section 7(5) of The Act for form and content of planning schemes.

The amendment also implements relevant policies and ordinance changes proposed in documents previously adopted but not yet implemented into the Mansfield Planning Scheme. The following documents informed the Planning Scheme Review, and are proposed to be inserted as background documents in the Schedule to Clause 72.08 (Background Documents):

- *The Mansfield Open Space Strategy*, January 2023
- *The Mansfield Open Space Strategy Open Space Contributions Plan*, January 2023
- *The Mansfield Planning Strategy*, 2021

Additional documents also informed the preparation of the review and have policies to be implemented into the Mansfield Planning Scheme. However, these documents do not include information which is directly relevant to the planning scheme and are therefore not appropriate to be included as background documents in accordance with the recommendations of the *Practitioners Guide to Victoria's Planning Schemes*, 2022. Documents which have informed the review but are not proposed to be implemented as background documents are as follows:

- *The Mansfield Council Plan*, 2021
- *The Mansfield Commercial and Industrial Land Use Strategy*, 2021
- *The Activating Lake Eildon Masterplan*, 2020
- *The Taungurung Country Plan*, 2016
- *The Gunaikurnai Whole of Country Plan*, 2015

Not all elements of these documents are included to be implemented as part of the review; the extensive scope of the Mansfield Planning Strategy means that it will be implemented through a separate proposed planning scheme amendment (C60mans).

Amendment C57mans introduces recommendations from the *Mansfield Open Space Strategy*, and *Mansfield Open Space Strategy Open Space Contributions Plan* January 2023 by inserting new local policies for open space and sustainable transport and introducing open space provision requirements into the Schedule to Clause 53.01. The updated amendment documents include a new local policy in the Open Space section of the scheme, Clause 19.02.6L. The policy will:

- Discourage “in kind” contributions for works such as recreation equipment and other facilities, unless provided in large, integrated, developments.
- Seek cash contributions for public open space in most circumstances and ensure that new development makes an appropriate contribution to the public open space needs for the community.

The Open Space Contributions are required to ensure that community benefit is gained relative to the scale of development in Mansfield Shire. Within the MOSS, public open space gaps were identified, noting that each residence should have access to public open space within a 400-metre distance. Seven areas within Mansfield Township were identified as being required for future open space to provide adequate residential amenity. The value of each of these open spaces was calculated, in addition to the relative costs to construct these spaces including appropriate community infrastructure.

Subdivisions by lot yield were totalled between 2016 to 2021 to determine the percentage of each size of subdivision across Mansfield Shire (in terms of the number of lots created) and are as follows:

- 2-4 lots: 86%
- 5-9 lots: 8%
- 10+ lots: 6%

On this basis, a sliding scale has been proposed to capture open space contributions in accordance with the scale of development. The scale employs principles of equity and cost apportionment through various types of subdivisions within the Shire by recognising that residential developments are different to Commercial or Industrial type subdivisions and that different scales of subdivision should provide varying degrees of open space provision. These amounts should be in accordance with the expected future growth of an area and the contributions received from them should be expended into the improvement of those areas. The amendment aims to achieve fair contributions through proposing the following open space contribution brackets:

- 2-4 lots: 5% in line with the *Subdivision Act, 1988*
- 5-9 lots: 6%
- 10+ lots: 7.5%
- Mixed Use, Commercial or Industrial: 5%, in accordance with the *Precinct Structure Planning Guidelines*, prepared by the Growth Areas Authority.

Recommendation

THAT COUNCIL

1. Request under Section 8A (2) and (3) of the *Planning and Environment Act 1987* ('the Act') that the Minister for Planning authorise Mansfield Shire Council to prepare Amendment C57mans to the Mansfield Planning Scheme.
2. Notify the Minister for Planning that when it exhibits Amendment C57mans Mansfield Shire Council intends to give full notification of the amendment under Section 19 of the Act for a minimum statutory exhibition period of one month.
3. When authorised by the Minister for Planning, exhibit Amendment C57mans to the Mansfield Planning Scheme under Section 19 of the Act.

Support Attachments

1. Mansfield C57mans Explanatory Report Authorisation [18.2.1.1 - 10 pages]
2. Mansfield C57mans Instruction Sheet Authorisation [18.2.1.2 - 2 pages]
3. Mansfield C 57 mans Mansfield Open Space Strategy Contributions Plan January 2023 Authorisation [18.2.1.3 - 24 pages]
4. Mansfield C 57 mans Mansfield Open Space Strategy January 2023 Authorisation [18.2.1.4 - 30 pages]
5. Mansfield C 57 mans Open Space Preliminary Report and Principles Report 2021 Authorisation [18.2.1.5 - 46 pages]
6. Mansfield C57mans MOSS contribution calculation explanations [18.2.1.6 - 3 pages]
7. Mansfield C 57 mans Mansfield Planning Scheme Review Final Report Authorisation [18.2.1.7 - 248 pages]
8. Mansfield C57mans Strategic Assessment Guidelines Checklist Authorisa [18.2.1.8 - 5 pages]
9. Mansfield C 57 mans Combined Ordinances Tracked Changes [18.2.1.9 - 131 pages]

Considerations and Implications of Recommendation

Sustainability Implications

Not Applicable

Community Engagement

Community engagement will be undertaken in accordance with Section 19 of the Planning and Environment Act 1987 when the amendment is exhibited.

Collaboration

Not Applicable

Financial Impact

The Planning Scheme Review was prepared by the Regional Planning Hub at no cost to Council. The work to prepare and submit the amendment is accounted for in the existing budget for strategic planning.

Legal and Risk Implications

Strategic Risk: This amendment is necessary to address strategic risk where gaps and inconsistencies in the Mansfield Planning Scheme have been identified through the Planning Scheme Review.

Regional, State and National Plans and Policies

Is in accordance with the State Policy, ministerial directions set under the Planning and Environment Act 1987.

Innovation and Continuous Improvement

This amendment forms part of Council's continuing need to improve the policies and regulations used to govern development in Mansfield Shire through its planning scheme. The amendment will clarify grey areas within the scheme, allowing for all its users to make informed decisions.

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

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

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

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

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

Governance - Disclosure of Conflicts of Interest

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

18.2.2. Mansfield Police Stables Lease Agreement Proposal

File Number	E10605	Responsible Officer	Manager Planning & Environment, Maya Balvonova
Purpose			

To seek Council approval to enter into a 5-year lease agreement for use of the Mansfield Police Stables premises at 5 Curia Street, Mansfield, known as a Crown Allotment 2003 & 2005, with Mansfield & District Potters Incorporated (MAD Potters).

Executive Summary

This report presents Council with the proposed 5-year lease agreement for the use of the Mansfield Police Stables at 5 Curia Street Mansfield to the Mansfield and District Potters Incorporated.

The Mansfield Police Stables at Curia Street were constructed in 1889 and used by Victoria Police until the 1960s. The building was classified by the National Trust in 1983, with the Statement of Significance highlighting the unique design, including the picturesque pinnacle central gable and trellised openings. Despite its historical value, the building fell into disuse, with the land in front used for long-term car parking until recent years when funding was allocated for restoration of the building.

To restore the structure, the Department of Energy, Environment, and Climate Action (DEECA) undertook a \$300,000 project funded through COVID recovery funds in 2022. This initiative aimed to preserve the stables by ensuring their weatherproofing, safety, and security, with the contracted works now complete.

To enable community use of the building, at the meeting on 21 February 2023, Council resolved the following:

THAT COUNCIL, upon completion of works by the Department of Energy, Environment and Climate Change (DEECA) at the Mansfield Police stables, request that they reserve Crown Allotments 2003, and 2005, parish of Mansfield, the property known as the Mansfield Police stables, for the purpose of "Public Recreation" and appoint Mansfield Shire Council as the public land manager pursuant to Section 14 of the Crown Land (Reserves) Act 1978, subject to the provision of a Heritage Condition Report for the building.

Since that time, the Department of Energy, Environment, and Climate Action (DEECA) has appointed Mansfield Shire Council as public land manager for the building and associated land. Following the appointment, an Expression of Interest process was undertaken to seek interest from local community organisations in use of the site.

Key Issues

The potential lease of the historic Mansfield Police Stables was publicly advertised through an Expression of Interest process in accordance with section 115 of the Local Government Act 2020, in alignment with Council's Community Engagement Policy. This lease opportunity was

announced in Council's Mansfield Matters page in the Mansfield Courier, running from 27 September 2023 to 20 October 2023.

Mansfield Shire Council received one submission from Mansfield & District Potters Inc. as part of the Expression of Interest process, for the lease opportunity of the premises, proposed for an initial term of 5 years, with the option of one further 5-year extension.

Mansfield & District Potters have requested Council to consider granting a lease over the Mansfield Police Stables site to their organisation for the purpose of establishing a Community Pottery Studio.

Mansfield & District Potters Inc. (MAD Potters) is a not-for-profit group formed in 2022 to connect potters and foster a shared space for pottery enthusiasts. Their main goals include establishing a Pottery Festival and a Community Pottery Studio accessible to Mansfield residents. The first Festival in March 2023 garnered significant attention and prompted plans for an annual event, earning positive feedback from the Mansfield Shire community and Council, as well as an Australian Event Awards nomination. During a visit to the proposed venue, MAD Potters recognised the potential of the Police Stables site, highlighting its adaptable rooms and historical value, and envisioning an engaging exhibition space.

To realize their vision fully, MAD Potters expressed the need for a long-term lease to enable them to seek grant funding for essential pottery equipment, including a kiln and wheels. They provided details of their proposed improvements, as outlined below:

1. Provision of appropriate safety measures for the kiln - MAD Potters own 1 kiln, which they would like to place outside the building. The suppliers of the kiln recommend that the following be provided:
 - a. A cement floors
 - b. 3 x non-combustible walls in a shed
 - c. A lockable fence gate as the 4th 'wall'.
 - d. 3 phase power supply.
2. Appropriate flooring in the stables to allow for easier maintenance.
3. Cooling and heating systems.
4. Accessible toilets (option to use Community Health & Wellbeing Centre toilets).
5. Disability-friendly features.
6. Kitchenette.
7. Access to water for the pottery wheels.

A desire to integrate the historical cells has been also expressed, formerly part of the structure, as a unique external feature or a sculptural element.

Any modification to the proposed historic buildings must adhere to the heritage guidelines specified in the Heritage Condition Report provided by the Department of Energy, Environment, and Climate Action. The particulars of the works proposed by the group will be finalised during the lease agreement negotiations and included in the conditions.

The responsibility for achieving the building improvements, in line with MAD Potters' vision, including necessary renovations, will rest solely with the MAD Potters group.

Given the eligibility of the Mansfield Police Stables for Living Heritage Grants and the significant capital investment made by DEECA, there is a compelling case to seek additional funding for further conservation efforts.

Recommendation

THAT COUNCIL:

1. Approve the proposed lease of the Mansfield Police Stables, located at 5 Curia Street, Mansfield, Lot 2 on Plan of Subdivision 339723, to Mansfield & District Potters Incorporated for a period of 5 Years with one (1) further term of 5 years for the permitted community use associated with the Mansfield & District Potters Incorporated.
2. Sets the annual lease payment at \$1 per annum, plus outgoings.
3. Provides public notification of the intention to enter a peppercorn lease agreement on the above-mentioned land.
4. Authorises the Chief Executive Officer to execute the lease agreement on completion of the public notification process.

Support Attachments

Nil

Considerations and Implications of Recommendation

Sustainability Implications

Not Applicable

Community Engagement

Community Engagement has been undertaken to seek Expressions of Interest for use of the facility by community groups in accordance with the Council Community Engagement Policy in the local publication, Mansfield Matters, running from 27 September 2023 to 20 October 2023.

Any proposed long-term lease of the facility would need to be advertised in accordance with the provisions of the *Local Government Act 2020*.

Collaboration

This proposal has arisen from collaboration between Mansfield Shire Council and DEECA representatives.

Financial Impact

All work for this process has been undertaken internally by Council Officers within existing staff resources.

Budgetary impact to Council can be mitigated by collaborating with community users to source external funds from heritage and other grants for additional works on the building. There will be some short-term financial cost to Council to clear the site, establish a gravel car park and secure the building. The total cost of these short-term works is not expected to exceed \$10,000 and can be accommodated within the existing 2023-24 capital works program budget.

Legal and Risk Implications

Asset Risk: The Mansfield Police stables will require ongoing inspection and maintenance by Council's asset maintenance team and will be included in Council's ongoing asset management planning. The building will be included in Council's insurance asset register.

Regional, State and National Plans and Policies

Not Applicable

Innovation and Continuous Improvement

Not Applicable

Alignment to Council Plan

Theme 1: Connected and Healthy Community

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

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

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 5 Prosperous: Industries, businesses, and workforces of the future

Strategy 5.1 Create conditions that enable local businesses

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*.

18.2.3 Station Precinct Fertilizer Shed Lease

File Number	AG1429	Responsible Officer	Manager Planning & Environment, Maya Balvonova
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Purpose

To seek Council approval to enter a 10-year lease agreement for the old Fertiliser Shed at Station Precinct, 173-175 High Street, Mansfield, known as Certificate of Title Volume 11751 Folio 561, with the Mansfield Historical Society Incorporated.

Executive Summary

The Mansfield Historical Society (MHS) is a non-profit organisation dedicated to preserving and highlighting the vibrant history of Mansfield and the surrounding area. MHS strives to collect, protect, and disseminate historical artifacts, documents, and stories that enrich the community's narrative and honor its residents.

Founded in 1983, the society initially found its home in the former Ailsa Street library building (Mechanics Institute). In 2006, it relocated to the Mansfield Railway Station, which was originally constructed in 1891. The Historical Society currently occupies the Railway Station Building at 173 High Street, Mansfield, three adjoining railway carriages adjacent to the old station platform, and the historic Goods Shed.

To meet future storage requirements for the Settler Collection, which includes items currently stored in the historic Goods Shed, MHS has approached Council seeking a peppercorn lease agreement for the utilization of the old Fertilizer Shed, located at 173-175 High Street Mansfield. This shed was originally recommended for removal in the original Station Precinct Master Plan, however, the Historical Society approached Council with the proposal that they would work with Council to restore the building to a state that would allow it to remain and become a useful part of the site.

Key Issues

Extensive community engagement was completed over the updated Station Precinct Master Plan, prior to adoption of the updated plan by Council at the October 2023 meeting. The updated plan includes the retention of the old Fertiliser Shed.

The shed is located on the part of the land described in Certificate of Title Volume 11751 Folio 561, being the property situated at 173-175 High Street, Mansfield, 3722. Mansfield Shire Council has been appointed by the Minister as the Committee of Management of the land pursuant to Section 14 of the Crown Land (Reserves) Act 1978 and has the power to enter into Leases pursuant to the Applicable Leasing Power.

This proposal is aimed at optimizing the utilization of Mansfield Heritage Museum space, facilitating additional exhibition space, and enabling the activation of the historic Good Shed for other commercial or community uses in line with the Master Plan objectives.



Figure 1: Mansfield Station Precinct land and Fertiliser Shed location



Figure 2: Fertiliser Shed Pictures

Proposed Lease Terms

Considering the societal contributions, active volunteer membership and the potential tourism and economic benefits the Mansfield Historical Society provides to Mansfield Shire through their current and proposed operations at the Station Precinct, it is recommended that Council enters into a 10-year peppercorn lease agreement for the Fertilizer Shed, with an option for 1 x further term of 10 years, commencing 1 December 2023, charging a nominal fee of one dollar (\$1.00) per annum. The use of this existing un-utilized asset for storage purposes will enable the

transfer of historical items from the Good Shed and the potential for lease of the Goods Shed at market rates once vacated and repaired.

In accordance with Section 154 of the Local Government Act 1989, the land will be classified as being used exclusively for charitable purposes and will therefore be exempt from municipal rates.

Notably, the proposed agreement does not encompass provisions for pest control, repairs, or ordinary wear and tear by Council, with 100% of these responsibilities to be borne by the Mansfield Historical Society.

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 lease the building will be placed in the Mansfield Courier, with submissions open for the required period.

Recommendation

THAT COUNCIL:

1. Approves the proposed 10-year lease of the Fertiliser Shed at Station Precinct, 173-175 High Street, Mansfield to the Mansfield Historical Society Incorporated for a period of 10 Years with one (1) further term of 10 years commencing 1 December 2023 for the permitted community use associated with the Mansfield Historical Society.
2. Sets the annual leave payment at \$1 per annum, plus outgoings.
3. Provides public notification of the intention to enter a peppercorn lease agreement on the above-mentioned land.
4. Authorises the Chief Executive Officer executing the lease agreement on completion of the public notification process.

Support Attachments

1. Land Lease Agreement with Mansfield Historical Society - Fertiliser She [18.2.3.1 - 35 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 lease agreement with the Mansfield Historical Society in the Mansfield Courier and on Council's website.

Collaboration

Not Applicable

Financial Impact

The implementation of the new lease will not have any adverse impact on Council's current resourcing or operational budget. It is expected to have a small positive impact, with the responsibility for maintenance and operational outgoings of the Fertiliser Shed to be undertaken by the Historical Society.

Legal and Risk Implications

The lease agreement has been drafted in accordance with the Local Government Act 2020. The intention to enter into a lease agreement 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.

18.2.4. Tree Management Plan and Street Tree Policy

File Number	E10939	Responsible Officer	Manager Field Services, Ari Croxford-Demasi.
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Purpose

To seek Council endorsement of the Mansfield Shire Council Tree Management Plan and the updated Street Tree Policy.

Executive Summary

The updated Street Tree Policy replaces the Street Tree Policy previously endorsed by Council on 20 July 2021. The Street Tree Policy has been updated to reflect the inclusion of the Tree Management Plan.

The Tree Management Plan has been developed to provide support to the policy with added structure on how trees will be managed. It contains clear guidelines for Council's management of trees, including the maintenance and risk assessment of trees located on land owned and overseen by Council. This includes trees within maintained road reserves and other reserves in the Mansfield Shire.

Key Issues

Street trees are highly valued for the visual amenity, environmental and shade benefits that they provide. However, it is recognised that trees can also present risks to the community if not appropriately managed. The Street Tree Policy contains the following key objectives:

1. Making public safety in respect to the planning, provision, and maintenance of trees a priority;
2. Maintain a tree management plan that incorporates street and open space tree management.
3. Seek to implement an urban greening approach taking into consideration the possible conflict between trees, community expectations and the built environment;
4. Seek to communicate council's tree management philosophy, and complete relevant community / stakeholder consultation to achieve successful outcomes when considering tree planting and maintenance work.
5. Implement and manage appropriate tree removal/replacement programs that ensure the tree resource is continually renewed thereby ensuring a sustainable tree population; and
6. Implement tree management in line with relevant legislative requirements, strategic policies, principles of sustainability and accepted tree care practices. Operations known to be detrimental to long-term tree health will not be supported.

Council acknowledges that while trees in public areas offer numerous advantages, they can introduce a potential risk to members of the public, or to property, services or infrastructure due to limbs dropping or complete failure. The proposed Tree Management Plan provides a systematic approach that can be applied in the field using the following procedures:

- Use a formal risk assessment program in general conformity with the process set out in AS/NZS 31000:2009.
- Use tree management practices and procedures as laid out in AS/NZS 31000:2009.

- Document all Council tree incidents, actions and works and incorporate within Council’s Customer Request System.
- Document all tree incident reports in Council’s Customer Request System and refer to delegated officer as soon as is practical.
- Review by Council’s Manager Field Services of all tree incidents and document proposed actions in response.
- Incorporate tree risk management issues and information into a tree asset database (under development).
- Refer all works and events likely to impact on, or be affected by, Council trees, to Council’s Manager Field Services.

One of the main benefits of this plan is that it clearly outlines the extent of Council responsibility in relation to both urban and rural trees. A summary of the responsibilities is as follows:

Type of Tree	Where it applies	Extent of responsibility
Urban Trees	Mansfield, Bonnie Doon, Jamieson, Merton, Goughs Bay, Merrijig, and other recreational and public spaces identified as high risk outside these areas (playgrounds, etc).	Proactive inspection, assessment, and action with respect to the trees in these areas.
Rural Trees	All areas outside of the towns detailed above.	Proactive maintenance of trees within the road maintenance envelope only for roads on Council’s Road Register. Reactive maintenance only on trees that pose an immediate risk to people or Council assets outside the road maintenance envelope.

The Plan also details that for rural trees in road reserves but outside the maintenance envelope, and that do not pose an immediate risk to people or Council assets, the adjoining landowner can obtain and undertake works in accordance with an arborist report at their own cost and with the appropriate permits and consent of Council.

Section 12 of the Plan relates to Council’s liability in relation to potential damage to private property from trees that have not been previously identified as being a potential risk. This means that if a tree or limb from tree in a road reserve falls onto a fence line, and the tree was not identified as being potentially dangerous, the landowner will need to pay for the fencing to be repaired at their own cost.

Recommendation
THAT COUNCIL endorse the updated Street Tree Policy and Tree Management Plan.
Support Attachments
<ol style="list-style-type: none"> 1. Draft Tree Management Plan [18.2.4.1 - 29 pages] 2. Existing Street Tree Policy [18.2.4.2 - 4 pages] 3. Updated Street Tree Policy [18.2.4.3 - 4 pages]

Considerations and Implications of Recommendation

Sustainability Implications

The Tree Management Plan recognises the value of trees with their contribution to the natural and built environment. Management of trees can include varied economic costs - from uplifting, pruning and general maintenance to risks associated with impact on infrastructure such as roads, footpaths, and buildings. However, mitigating a risk before an incident occurs is a lower economic cost than the consequences of a tree failure causing harm to life or property. The implementation of the Tree Management Plan supports sustainable tree management practices.

The social implications encompass factors such as safety, aesthetics, environmental impact, public opinion, and community well-being. Effective tree management can enhance the quality of life, safety, and overall satisfaction of the community, while inadequate or inappropriate tree management practices may lead to concerns, disputes, or even safety hazards, impacting community wellbeing.

Environmental implications are a major consideration in the management of trees. The Tree Management Plan provides a proactive approach and mitigation techniques to assist with giving greater effect to the longevity of the trees, therefore preserving biodiversity and helping to mitigate climate change impacts.

Community Engagement

Community Engagement has been undertaken in accordance with Council's Community Engagement Policy using the Engage Mansfield platform. This was promoted through Mansfield Matters in the Mansfield Courier and through social media and ran just over three weeks. No external feedback was received.

Collaboration

Collaboration has been undertaken with Strathbogie Shire Council, who shared their draft Tree Management Plan with Mansfield Shire Council. This provided a foundation for the development of the current document for endorsement. Other Councils' Tree Management Plans and Risk Assessment procedures were also analysed to help with the development of Mansfield Shire Council's Plan.

Financial Impact

All work to create the policy has been undertaken internally by Council Officers within existing staff resources. Furthermore, the internal resource of a part time arborist inspector has been allocated in the 2023-24 Budget to facilitate regular inspection and in-house arborist advice in support of the requirements of the Tree Management Plan.

Legal and Risk Implications

Asset Risk: The tree management plan provides clear management directives for the maintenance and risk management of tree assets growing on Council owned and managed land, which also covers trees within managed roads and other reserves in the Mansfield Shire, to mitigate the risk of asset damage associated with falling trees/limbs.

Environmental Risk: Trees are part of the natural environment, they are living organisms, and their condition changes over time. Although they provide environmental benefits, trees can also

pose a hazard or safety risk to people or property due to age, health, history, species, locational and other factors. The careful management of trees allows for improved longevity and the associated environmental benefits, while mitigating the risks.

Financial Risk: There are financial risks associated with tree management. The Tree Management Plan allows for more regulated control of costs with a focus on proactive tree management. A reactive approach to tree management may result in higher likelihood of damage and injury due to a lack of preparedness, with an associated increase in potential legal claims against Council.

Regional, State and National Plans and Policies

Not Applicable

Innovation and Continuous Improvement

The development of a document that improves the way Mansfield Shire Council can respond to risks associated with trees is an integral part of the management of Council assets. The Tree Management Plan will ensure Council can respond to risks in an informed and timely manner.

Alignment to Council Plan

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

Strategy 3.1 Protect natural vistas and farmlets

Strategy 3.2 Enhance township character

Strategy 3.3 Improve roads, drainage, and footpaths

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.

18.2.5. Emergency Resilience Policy Review

File Number	E1533	Responsible Officer	Interim Coordinator Governance & Risk, Jane Carter
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Purpose

To provide Council with information on the review of the Emergency Resilience Policy, due for renewal. This paper provides a recommendation that the policy be revoked as it duplicates information also included in the Emergency Management Policy and Framework.

Executive Summary

The Emergency Resilience Policy was first implemented in 2016 to detail the structures and mechanisms to prevent, prepare for, respond to and recover from disasters.

A review of the policy has been completed, including comparison with the Emergency Management Policy and Emergency Management Framework adopted by Council in October 2022. As the information contained in the Emergency Resilience Policy 2016 is duplicated in these later documents, it is recommended that the policy is now revoked.

Key Issues

The Emergency Management Policy and related Emergency Management Framework were previously updated to respond to changes to the *Emergency Management Act 2013*. The documents provide direction to Council Officers and detail the structure and mechanisms that have been established to prevent, prepare for, respond to and recover from disasters across social, economic, environmental, and governance environments, comprising 5 key elements:

- Council’s legislated emergency management obligations.
- Risk management.
- Provision of emergency management – mitigation, response and recovery.
- Business continuity.
- Community resilience.

A copy of the Emergency Resilience Policy 2016 is attached to this report. The existing Policy covers identical items to those in the Emergency Management Policy 2022 and the Emergency Management Framework. A copy of the Emergency Management Policy 2022 is also attached for reference.

As there is no added benefit to having this policy, it is recommended that the policy be revoked.

Recommendation

THAT COUNCIL revokes the Emergency Resilience Policy.

Support Attachments

1. Emergency Resilience Policy 2016 [18.2.5.1 - 11 pages]
2. Emergency Management Policy 2022 [18.2.5.2 - 21 pages]

Considerations and Implications of Recommendation

Sustainability Implications

The adopted Emergency Management Policy and Framework documents provide direction to Council Officers contributing to community safety and preparedness activities and as such enhance sustainability for the community.

Community Engagement

As the content of the existing policy is being retained in other Emergency Management policy documents, no community engagement is proposed. Significant community engagement is currently underway with several grant funded projects including the Resilience Benchmarking project and a collaborative project with Murrindindi and Strathbogie Shires to develop Local Emergency Action Plans (LEAP).

Collaboration

Council collaborates with other emergency services agencies through the Municipal Emergency Management Planning Committee (MEMPC) and is also collaborating with neighbouring shires on the LEAP project, with an officer working across the shires to engage with 5 selected communities in each municipality with the aim to improve their resilience. The selected communities for Mansfield Shire are the following:

- Merton
- Jamieson
- Woods Point
- Tolmie
- Goughs Bay

Financial Impact

All work to manage the policy is undertaken internally by Council Officers within existing staff resources. This revocation will have a small positive impact on Council resources, by reducing the number of policies that officers need to update and manage.

Legal and Risk Implications

As the content of the existing policy is being retained in other policy documents, there are no legal or risk implications with this recommendation. Having a robust and well documented emergency management framework in place helps to reduce Council and community risk.

Regional, State and National Plans and Policies

Council's adopted documents are consistent with regional and state emergency management plans and policies.

Innovation and Continuous Improvement

Has been achieved through review of Council's current documents and by collaborating with others in the emergency management space.

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

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.

18.3. Community and Corporate Services Directorate

18.3.1. Carry Forwards from 2022-23

File Number	E9456	Responsible Officer	General Manager Business & Economic Development, Julie Williams
Purpose			

This report seeks a decision of Council in relation to the recommended carry forward projects from 2022-23.

Executive Summary

In accordance with Council's Carry Forward Projects Policy 2021, Council may choose to carry forward unspent funds from the previous year's budget, into the current year budget, to enable completion of a committed project.

Instances and circumstances that may give rise to a valid carry forward are outlined in the policy as follows:

- Capital and Operating Projects that have commenced prior to the end of the financial year they were originally budgeted within; and/or
- Projects for which Council has received funding and is committed (in writing) to completing; and/or
- Projects where there is a legal or contractual commitment in place which needs managing through to completion.

Approved carry forward project amounts will be included in the Updated 2023-24 Budget and will be reported against as part of the quarterly budget reporting to Council throughout the year.

The significant increase in non-recurrent grant funding received during 2021-22 and 2022-23 has increased the proposed carry forward amounts above what would normally be expected.

It is recommended that Council approve carry forward projects totaling \$4,243,683 in operating and \$377,448 in capital. These carry forward amounts are in addition to the carry forward project expenditures adopted in the 2023-24 Budget.

Key Issues

The following items have been identified as requiring carry forward to 2023-24 in accordance with Council's Carry Forward Projects Policy 2021.

OPERATING

- Total amount of operating carry forward - \$4,243,683
- The amount of the operating carry forward funded by 2022-23 prepaid grant income (i.e., income will be recognised in 2023-24 against this expenditure) - \$3,315,655
- The amount of the operating carry forward funded by prior year(s) grant income (i.e., grant income recognised in the prior year(s)) - \$834,980
- The amount of the operating carry forward committed / contracted (not grant funded) - \$66,293.

Project title & description	2023-24 Carry Forward for Approval (\$)	Rationale
Social Inclusion Action Group	204,635	Grant funded
Central Registration and Enrolment Scheme	92,413	Grant funded
Victorian Local Government Partnership Implementation	16,530	Grant funded
Jump Start	8,764	Grant funded
Integrated Family Services	60,240	Grant funded
IFS Flexible Funding	2,645	Grant funded
Enhanced Maternal and Child Health	83,799	Grant funded
Supported Playgroup	44,238	Grant funded
FReeZA	24,705	Grant funded
Youth Bushfire Recovery	252,017	Grant funded
Engage!	28,876	Grant funded
L2P	28,257	Grant funded
Seniors Festival	5,263	Grant funded
Youth Week Festival	2,182	Grant funded
Statutory Planning	16,055	Grant funded
Strategic Planning General - Mansfield Township Infrastructure Plan	350,000	Grant funded
Strategic Planning General - Mansfield Flood Study	115,000	Committed
MERP Grant	15,000	Committed
Environmental Health - RAT Program	30,000	Grant funded
Environmental Health - Immunisation	6,920	Grant funded
Domestic Wastewater	20,000	Grant funded
Emergency Incident Support (Flood Damage)	500,000	Grant funded
Goughs Bay Water Sensitive Township Study	127,520	Grant funded
IWM Program	171,688	Grant funded
Pet Desexing Program	23,584	Grant funded
Engineering Services – Drainage Design	26,293	Contracted
Engineering Services - Regional Transport Strategy	90,000	Grant funded
LNERCC (Project CODI) Digital Program	1,139,563	Grant funded
Environmental Projects	19,321	Grant funded
Goughs Bay Boat Club Redevelopment	606,300	Grant funded
Lake Eildon Priority Boat Ramps	94,000	Grant funded
Resilience Benchmarking Project	6,541	Grant funded
Library Digital Project	12,912	Grant funded
Council Assistance Fund	16,822	Grant funded
Exceptional Assistance Grant	1,600	Grant funded
Totals	4,243,683	

CAPITAL

- Total amount of capital carry forward - \$377,448
- The amount of the capital carry forward resulting from an underspend in 2022-23 - \$213,617
- The amount of the capital carry forward funded by prior year(s) grant income (i.e., grant income recognised in the prior year(s)) - \$163,831

Project	2023-24 Carry Forward for Approval (\$)	Rationale
Heritage Museum - Station Precinct	65,000	Contracted
Building Renewal - Depot Wash Bay Roof	39,850	Contracted
Playground Improvement - Woods Point	4,500	Contracted
Roundabout Beautification - Mansfield	41,748	Contracted
Bonnie Doon Streetscape Upgrades	45,810	Contracted
Lords Reserve Community Hub - Update Design	16,709	Contracted
Howqua Inlet Boat Ramp Design (Auspice Project)	53,110	Grant Funded
Jamieson Matthews Reserve Path Extension Design	10,015	Grant Funded
Emergency Funding Water Tanks and Bores	86,605	Grant Funded
Drone Equipment Purchase	14,101	Grant Funded
Totals	377,448	

Recommendation

THAT COUNCIL approve carry forward funds from 2022-23 to the 2023-24 budget for the completion of the projects listed in this report, totaling \$4,243,683 operating (\$928,028 net of unrecognised prepaid grant income) and \$377,448 in capital.

Support Attachments

Nil

Considerations and Implications of Recommendation

Sustainability Implications

Not Applicable

Community Engagement

Not Applicable

Collaboration

Not Applicable

Financial Impact

Total expenditure (capital and operating) in the 2023-24 Updated Budget will increase by the total carry forward amount of \$4,621,131. Total income in the 2023-24 Updated Budget will increase by the recognition of the prepaid grant income of \$3,315,655.

Assuming full delivery of the carry forward projects, the impact against the published 2023-24 Budget will be an unfavourable variance of \$1,305,476. This reflects 2022-23 project underspend of \$279,910 carried forward into 2023-24, and projects with \$1,025,566 of grant income recognised in prior years – including the Goughs Bay Boat Club, Lake Eildon Priority Boat Ramps, the Regional Transport Strategy, Integrated Water Management, and the Emergency Funding Water Tanks and Bores projects.

Legal and Risk Implications

Not Applicable.

Regional, State and National Plans and Policies

Not Applicable

Innovation and Continuous Improvement

Not Applicable

Alignment to Council Plan

Theme 3: A Trusted, Effective and Efficient Council

Strategic Objective 7 Financial sustainability and value for money

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.

18.3.2. Community Grants Policy

File Number	E513/3	Responsible Officer	General Manager Business & Economic Development, Julie Williams
Purpose			

To seek Council endorsement of the Community Grants Policy 2023.

Executive Summary

The Community Grants Policy has been created to meet the requirements of recommendations in the VAGO Fraud Control Over Local Government Grants – May 2022 report.

Key Issues

At present Council’s grant activity is governed by the Administration of Grants Policy (attached). This policy governs Council’s giving of grants, applying for grants, and the internal activity relating to the management of grants and grant funding.

In May 2022, VAGO published a report post an examination of the grant activities of the following councils:

- Hume City Council,
- Knox City Council,
- Loddon Shire Council,
- Southern Grampians Shire Council,
- Warrnambool City Council, and
- West Wimmera Shire Council.

The report contained nine recommendations to all Victorian councils about strengthening their fraud controls and improving their guidance and training for grant related fraud.

A review of several council community grants policies updated for the VAGO recommendations has been completed, and this has influenced the development of a Community Grants Policy. This new policy provides the Mansfield Shire community with a policy document that relates to Council’s giving of grants, while also addressing the VAGO recommendations.

The Administration of Grants Policy will continue to govern external grants that Council applies for and the internal management of grants. A review of the Administration of Grants Policy will be undertaken to remove any duplication associated with the giving of grants that is included in the Community Grants Policy.

Recommendation
THAT COUNCIL endorse the Community Grants Policy 2023.
Support Attachments
1. Community Grants Policy [18.3.2.1 - 7 pages]
2. Administration of Grant Income Policy 2020 [18.3.2.2 - 13 pages]

Considerations and Implications of Recommendation

Sustainability Implications

Not Applicable

Community Engagement

Community Engagement has been undertaken in accordance with Council's Community Engagement Policy through Engage Mansfield from 4 October 2023 – 23 October 2023 seeking feedback on the proposed policy. This was advertised in Mansfield Matters (within the Mansfield Courier) and on Facebook. No feedback was received.

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

Not Applicable.

Regional, State and National Plans and Policies

Not Applicable

Innovation and Continuous Improvement

Not Applicable

Alignment to Council Plan

Theme 3: A Trusted, Effective and Efficient Council Strategic Objective 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.

18.3.3. Risk Management Policy

File Number	E1533	Responsible Officer	Interim Coordinator Governance & Risk, Jane Carter
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Purpose

To provide Councillors with the reviewed Risk Management Policy (the Policy) for adoption.

Executive Summary

This policy outlines Council’s overall intention and direction in relation to risk management, and provides direction to Council staff in the management, identification, assessment, and reporting of risk.

This policy was due for review and following review by Council officers, no changes are proposed to the existing policy.

Key Issues

The Risk Management Policy was first implemented in 2019 to address recommendations made by an Internal Audit undertaken in July 2018. The existing Policy incorporates a requirement to review the policy in line with the four-year Council Plan review. However, although the Council Plan was adopted in 2021, the existing policy has a review date of 25 June 2023.

A review of the Policy has been completed and a revised and updated Risk Management Policy has been developed with only minor formatting changes made. It is proposed that the next review be aligned with the Council Plan review in 2025 and then four yearly from that date. The existing Procedures are attached for reference, together with a copy of the existing policy. The Risk Management Procedures are attached for information only.

The Policy incorporates Audit and Risk Committee oversight of Council’s risk exposures with the Committee advising management on appropriate risk management processes and adequate risk management systems to assure alignment of the Risk Management Framework with ISO 31000 – 2018.

Recommendation

THAT COUNCIL adopt the Risk Management Policy.

Support Attachments

1. Risk Management Policy 2023 [18.3.3.1 - 5 pages]
2. Risk Management Policy 2019 [18.3.3.2 - 13 pages]
3. Risk Management Procedure 2023 [18.3.3.3 - 7 pages]

Considerations and Implications of Recommendation

Sustainability Implications

Not Applicable

Community Engagement

As no material changes have been made to the content of the existing policy, no community engagement was undertaken in relation to this policy.

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

The Risk Management Policy sets the overarching parameters for management of risk to Council and aims to minimise risk organisation wide.

Regional, State and National Plans and Policies

Not Applicable

Innovation and Continuous Improvement

Not Applicable

Alignment to Council Plan

Theme 3: A Trusted, Effective and Efficient Council Strategic Objective 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.

18.3.4. Councillor Appointed Representation on Committees

File Number	E502	Responsible Officer	Interim Coordinator Governance & Risk, Jane Carter
Purpose			

This report seeks Council’s determination of Councillor representation on internal Committees of Council and outlines external committees that require the appointment of Councillor representatives.

Executive Summary

In accordance with the *Local Government Act 2020 (the Act)*, Council may establish Delegated Committees or Joint Delegated Committees by resolution under section 64 of the Act. Mansfield Shire Council does not currently have any Delegated or Joint Delegated Committees.

In accordance with section 53 of the Act, it is a legislative requirement that Council establish an Audit and Risk Committee, comprising two Councillors and independent community representatives who are not Councillors.

In addition, and although not a statutory requirement, Council has established Committees to provide a conduit for public input and expertise into the decision-making process. These Committees do not have any delegated decision-making powers from Council. They exist to provide advice and more structured public input into decisions made by Council. Updates from these Committee meetings are provided at the next available Council meeting for noting.

Key Issues

Council’s internal committees comprise:

1. Mansfield Shire Audit and Risk Committee

The Audit and Risk Committee is a statutory committee required by section 53 of the Act and was established by Council resolution on 21 July 2020.

The purpose of this Committee is to:

- a) Monitor the compliance of Council policies and procedures with:
 - the overarching governance principles pursuant to section 9 of the Act; and
 - the associated regulations and any Ministerial directions;
- b) Monitor Council financial and performance reporting;
- c) Monitor and provide advice on risk management and fraud prevention systems and controls; and
- d) Oversee internal and external audit functions.

The Committee must include two Councillors and three or four independent skill-based members who are not Councillors. The Chairperson must not be a Councillor of Mansfield Shire Council.

Recommendation

THAT COUNCIL nominates the following Councillors to the Mansfield Shire Audit and Risk Committee:

1. Cr _____
2. Cr _____

2. Chief Executive Officer (CEO) Employment Matters Committee

This committee oversees matters relating to CEO employment and remuneration in accordance with section 45(2) of the Act, including:

- Recruitment and Appointment of CEO
- Contractual Arrangements
- Remuneration and Expenses
- CEO Performance Objectives and Review

The Committee is chaired by the Mayor.

The Committee must include the Mayor and at least two Councillors. A quorum of three Councillors is required for a meeting.

Recommendation

THAT COUNCIL nominates the following Councillors to Chief Executive Officer Employment Matters Committee:

1. Mayor Cr _____
2. Cr _____
3. Cr _____

In addition to the above internal committees, Council participates in a broader network of councils, peak bodies and regional partnerships that focus on specific industry issues. Participation in external committees can provide benefit and support to both Council and its community.

Such committees are attended by a mixture of senior Council officers and Councillor representatives. Formal agreements or charters are often in place to define their roles and responsibilities.

The following external committees require the appointment of a Councillor representative:

i. Australia Day Awards Committee

This Committee assesses nominations and decides on the recommended award recipients for the Mansfield Citizen Awards.

This Committee requires representation from the Mansfield Shire Council Mayor and two additional Councillors.

Recommendation

THAT COUNCIL nominates Mayor Cr _____ and Crs _____ and _____ to the Australia Day Awards Committee.

ii. Goulburn Murray Climate Alliance (GMCA)

The GMCA, previously known as the Goulburn Broken Greenhouse Alliance, is a membership based alliance of 13 local governments, the Goulburn Broken Catchment Management Authority, North East Catchment Management Authority and DELWP (now DEECA) (Hume).

This Alliance requires representation from one Mansfield Shire Councillor.

Recommendation

THAT COUNCIL nominates Cr _____ to the Goulburn Murray Climate Alliance (GMCA).

iii. Hume Regional Local Government Network (HRLGN)

The HRLGN is made up of 12 member councils from across the Hume Region covering over 40,000 sq kms of rural and regional Victoria. Participants consist of Mayors and CEO's of the member councils being Alpine, Benalla, Indigo, Mansfield, Mitchell, Moira, Murrindindi, Shepparton, Strathbogie, Towong, Wangaratta, and Wodonga.

This Network requires representation from the Mansfield Shire Council Mayor.

Recommendation

THAT COUNCIL nominates Mayor Cr _____ to the Hume Regional Local Government Network (HRLGN).

iv. Municipal Association of Victoria (MAV)

The MAV is a membership association and the legislated peak body for local government in Victoria offering diverse business services to member councils including specialist policy and advocacy, governance and legislative advice, sector development, insurance, and procurement services.

The MAV require representation from the Mansfield Shire Council Mayor, with the Deputy Mayor appointed as substitute.

Recommendation

THAT COUNCIL

1. appoints Mayor Cr _____ to the Municipal Association of Victoria (MAV).
2. appoints Deputy Mayor Cr _____ as substitute Council representative to the MAV.

v. Rural Councils Victoria (RCV)

Rural Councils Victoria (RCV) is an organisation representing Victoria's rural councils. Representing 38 of the 79 Victorian councils, RCV supports and promotes sustainable, liveable, and prosperous rural communities that are fundamental to the ongoing success of Victoria.

This Committee requires representation from the Mansfield Shire Council Mayor or one Councillor.

Recommendation

THAT COUNCIL nominates Mayor Cr _____ or Cr _____ to Rural Councils Victoria (RCV).

Support Attachments

Nil

Considerations and Implications of Recommendation

Sustainability Implications

Not Applicable

Community Engagement

Not Applicable

Collaboration

Not Applicable

Financial Impact

There is an annual membership cost for the Municipal Association of Victoria, Rural Councils Victoria, Goulburn Broken Greenhouse Alliance and the Hume Regional Local Government Network. These annual membership fees are included in the 2023-24 Budget

Legal and Risk Implications

Not Applicable

Regional, State and National Plans and Policies

Not Applicable

Innovation and Continuous Improvement

Not Applicable

Alignment to Council Plan

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

18.4. Executive Services Directorate

18.4.1. Schedule of Meetings: Dec 2023 - Nov 2024

File Number	E343	Responsible Officer	Chief Executive Officer, Kirsten Alexander
Purpose			

This report seeks Council endorsement of the meeting schedule of Mansfield Shire Council meetings for the next 12 months (December 2023 – November 2024).

Executive Summary

In accordance with Council’s Governance Rules (the ‘Rules’), Council is required to establish the time and date of its Council meetings and provide reasonable notice to the public. The fundamental purpose of Council meetings is to facilitate the good governance of the municipal district through the transaction of business relating to legislation, legal, procedural and policy requirements.

In accordance with the notice requirements in the Rules, Council is also able to conduct additional Council meetings to deal with extraordinary items as required.

Key Issues

Meetings are usually held on the third Tuesday of the month, except for the following adjustments to the monthly meeting schedule:

- December meeting to be held on the second Tuesday due to proximity to Christmas,
- January where there is no meeting,
- June meeting to be held on the fourth Tuesday to accommodate the Australian Local Government Association’s National General Assembly, and
- November meeting to be held on the fourth Tuesday due to the Melbourne Cup public holiday.

The following meeting schedule for Mansfield Shire Council is proposed from December 2023 until November 2024:

Meeting Date	Meeting Time	Meeting Location
12 December 2023	5.00 pm	Online (ZOOM) / Livestream (YouTube)
No meeting January 2024		
20 February 2024	5.00 pm	Hybrid – Council Chamber, Online (ZOOM) / Livestream (YouTube)
19 March 2024	5.00 pm	Hybrid – Council Chamber, Online (ZOOM) / Livestream (YouTube)
16 April 2024	5.00 pm	Hybrid – Council Chamber, Online (ZOOM) / Livestream (YouTube)
21 May 2024	5.00 pm	Hybrid – Council Chamber, Online (ZOOM) / Livestream (YouTube)

25 June 2024	5.00 pm	Hybrid – Council Chamber, Online (ZOOM) / Livestream (YouTube)
16 July 2024	5.00 pm	Hybrid – Council Chamber, Online (ZOOM) / Livestream (YouTube)
20 August 2024	5.00 pm	Hybrid – Council Chamber, Online (ZOOM) / Livestream (YouTube)
17 September 2024	5.00 pm	Hybrid – Council Chamber, Online (ZOOM) / Livestream (YouTube)
15 October 2024	5.00 pm	Hybrid – Council Chamber, Online (ZOOM) / Livestream (YouTube)
26 November 2024	5.00 pm	Hybrid – Council Chamber, Online (ZOOM) / Livestream (YouTube)

Recommendation

THAT COUNCIL adopt the proposed meeting schedule for Mansfield Shire Council from December 2023 – November 2024.

Support Attachments

Nil

Considerations and Implications of Recommendation

Sustainability Implications

Not Applicable

Community Engagement

Council meeting dates are advertised to the community in accordance with the Governance Rules.

Collaboration

Not Applicable

Financial Impact

Not Applicable

Legal and Risk Implications

As elected representatives in local government, Councillors are required to attend Council meetings. It is in these meetings that elected members participate in discussion and debate on a wide variety of issues to make decisions representing the overall public interest of the municipality.

In accordance with section 60 of the *Local Government Act 2020* (the Act), Council’s Governance Rules set the conduct of Council meetings.

Under section 66 of the Act, Council meetings must remain open to the public unless the Council considers it necessary to close the meeting to the public because of a specified circumstance such as:

- ▶ the meeting is to consider confidential information; or
- ▶ security reasons; or
- ▶ it is necessary to do so to enable the meeting to proceed in an orderly manner.

Further, in accordance with the notice requirements in the Rules, Council is able to conduct additional Council meetings to deal with extraordinary items as required.

Regional, State and National Plans and Policies

Not Applicable

Innovation and Continuous Improvement

Not Applicable

Alignment to Council Plan

Theme 3: A Trusted, Effective and Efficient Council

Strategic Objective 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.

19. 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 21 November 2023.
Support Attachments
1. Action Register as at 21 November 2023 [19.1.1 - 8 pages]

20. Advisory and Special Committee reports

Nil

21. Authorisation of sealing of documents

Nil

22. 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 23 below.

23. Confidential Reports

23.1. Tender Award - Gooleys Bridge Barrier Installation

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.

23.2. Potential Land Acquisition

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.

23.3. CEO 12 Month Performance Review

Confidential

This report contains confidential information pursuant to the provisions of Section 66(2) of the Local Government Act 2020 under Section 3(f) - personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.

24. Reopen meeting to members of the public

Recommendation

THAT COUNCIL reopen the meeting to members of the public.

25. Close of meeting