

OFFICIAL



Mansfield Shire

Council Meeting

Tuesday 20 February 2024 5:00 pm

Hybrid: Council Chamber (33 Highett Street, Mansfield)
and Online (ZOOM)

Notice and Agenda of meeting livestreamed via the

[Mansfield Shire Council website](#)

Commencing at 5pm

Our aspiration for our Shire and its community

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

Councillors

Cr Steve Rabie (Mayor)

Cr Mark Holcombe (Deputy Mayor)

Cr James Tehan

Cr Paul Sladdin

Cr Rohan Webb

Officers

Kirsten Alexander, Chief Executive Officer

Melissa Crane, General Manager Infrastructure & Planning

Julie Williams, General Manager Business & Economic Development

Order of Business

1. Opening of the meeting

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

2. Present

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

3. Apologies

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

4. Statement of commitment

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

5. Acknowledgement of Country

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

6. Disclosure of conflicts of interest

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

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

7. Confirmation of minutes

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

8. Representations

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

9. Notices of Motion

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

10. Mayor's report

The Mayor provides a report on his activities.

11. Reports from council appointed representatives

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

12. Public question time

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

13. Officer reports

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

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

14. Council resolutions report

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

15. Advisory and Special Committee reports

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

16. Authorisation of sealing of documents

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

17. Closure of meeting to members of the public

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

18. Presentation of confidential reports

19. Reopen meeting to members of the public

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

20. Close of meeting

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

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Agenda

1. Opening of the meeting

2. Present

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

- Councillor Holcombe
- Councillor Sladdin
- Councillor Tehan
- Councillor Webb

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

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

3. Apologies

The Chair will call on the CEO for any apologies.

4. Statement of commitment

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

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

5. Acknowledgement of Country

The Deputy Mayor will recite Council’s Acknowledgement of Country:

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

6. Disclosure of conflicts of interest

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

- Councillor Holcombe
- Councillor Tehan
- Councillor Sladdin
- Councillor Webb

7. Confirmation of minutes

Recommendation

THAT the Minutes of the Mansfield Shire Council meeting held on Tuesday 12 December 2023 and 6 February 2024 be confirmed as an accurate record.

8. Representations

9. Notices of motion

Nil

10. Mayor's report

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

It's been a particularly busy time for me since taking over the Mayoral role in November. All areas across the Shire have enjoyed high visitation over the holiday period which is great for our businesses.

The unseasonal rain we experienced has been both a blessing and a curse during this time. I've taken many compliments about the presentation of our central township and the parks, gardens and reserves generally across the whole Shire which have been enjoyed by our residents and visitors. This is a real credit to our very hard-working team.

The rain and wind have also presented challenges for our Capital Works team whose quick clean up response to a number of storms has ensured the safety of our community. We continue to assess the damage sustained by our trees and address any issues identified along with our roads which have taken a battering.

A part of the Mayoral role that I particularly enjoy is meeting with members of our community. In December, I met with 102-year-old, farmer and lifelong Mansfield resident, Ormy Hall. It was a pleasure to spend time with him as he shared some of his recollections of our Shire's history. This month, I also offered my congratulations to another long-term resident, Norma Friday who has recently turned 90.

Last month I hosted a morning tea to celebrate the success of the recent \$75k funding allocation through the Outlying Community Infrastructure Fund. Community representatives from 7 outlying communities including Ancona, Matlock, Howqua Inlet, Goughs Bay, Peppin Point, Woods Point and Merrijig received funding to progress projects that they had identified as being important to them. This initiative will once again be included in the 2024-25 Budget with applications opening later in the year.

Five AED defibrillators with a value of over \$2k each (funded through the Resilience Benchmarking Project) were also presented to community groups which will be installed at rural locations across the Shire. This turned out to be a great networking event for our community group representatives to get together and discuss issues of mutual interest or concern.

As a Council, we were pleased to again provide an opportunity for our community to come together to celebrate Australia Day at the annual celebrations held at the Botanic Park. Our event strives to ensure every aspect of our day is welcoming, inclusive, and representative of our shared heritage. We also take this opportunity to acknowledge our own community leaders and high achievers through the announcement of our Citizen Award winners.

I was delighted with the very high calibre of nominations received this year and congratulate all nominees, and in particular the winners in each category being:

- Citizen of the Year – Cathy Raeburn

- *Senior Citizen of the Year – Karen Pirie*
- *Young Citizen of the Year – Amelia Walker*
- *Community Event of the Year – Mad Potters, Pottery Festival*
- *Community Group or Organisation – Delatite Drivers Car Club*

On Australia Day I also accepted the invitation to attend the Jamieson event, which was organised by the Jamieson community, due to the rain forecast the event was held in the Jamieson Community Hall. I particularly enjoyed listening to another of our local legends and previous Senior Citizen of the Year, Val Kirley, as she recited her poetry in true Aussie style.

Finally, our early budget consultation has now concluded. I'd like to thank those who submitted their ideas about what they would like to see included. We will now begin work on developing the draft budget which will be released for public consultation in late April. This will provide another opportunity for you, our community, to provide further feedback on Council's proposals.

*Cr Steve Rabie
Mayor*

Recommendation

THAT COUNCIL receive the Mayor's report for the period 12 December 2023 to 13 February 2024.

11. Reports from council appointed representatives

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

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

Recommendation

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

12. Public question time

Council welcomes questions from the community. A question must be submitted by midday on the Monday prior to the Council meeting. The [‘ask a question’ form](#) is available from Council's website.

The Mayor will read out the question and answer at the meeting.

13. Officer reports

13.1. Chief Executive Officer's report

File Number: E103

Responsible Officer: Chief Executive Officer, Kirsten Alexander

Introduction

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

The Chief Executive Officer report will provide information relation to:

- ▶ Customer Service
- ▶ Governance
- ▶ Capital Works
- ▶ 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 12 December 2023 to 12 February 2024.

Support Attachments

1. CEO Monthly Report – December 2023 & January 2024 [13.1.1.1 - 47 pages]

13.2. Infrastructure and Planning Directorate

13.2.1. Discontinuance and Sale of Portions of Road Reserves

File Number	E11137	Responsible Officer	Manager Planning & Environment, Maya Balvonova
Purpose			

To seek Council approval to commence work on four requests that have been received in relation to potential discontinuance and sale of portions of roads or road reserves in Mansfield Shire.

Executive Summary

Council has received four requests to discontinue and acquire road reserves as follows:

1. Corner of Valley Fair Rise and Village Way, Macs Cove
2. Peppin Drive, Bonnie Doon.
3. Corner of Hutchinsons Road and Nanda Court, Bonnie Doon.
4. Adjacent to Jamieson Primary School, off Chenery Street.

The portions of land in Macs Cove and Bonnie Doon are all situated on road reserves that currently are, or should be, under the ownership of Council. The land adjacent to Jamieson Primary School is a Government Road Reserve and falls under Crown Land jurisdiction.

The designations of the land indicate that these properties are part of the broader public infrastructure, and all sections of the road reserves are classified as public highways. Consequently, a formal discontinuance process must be initiated if they are no longer required for public use. The road reserves in question show no signs of construction or active roadway use, including those reserves indicated on Vicmaps.

Key Issues

An assessment of the four proposals is as follows:

Location 1: Cnr Valley Fair Rise and Village Way, Macs Cove

The owners of the property at 7 Village Way, Macs Cove, approached Council about the prospective closure and purchase of a section of road reserve adjacent to their property at the corner of Valley Fair Rise and Village Way. Although presumed to be under the ownership of Council (by virtue of it being a road reserve), a title search will be required to verify the ownership. Further investigation is required, as it is also possible that this piece of road reserve is owned by Goulburn-Murray Water (GMW).

The land size is 225 square metres and is depicted in Figure 1 on the following page.

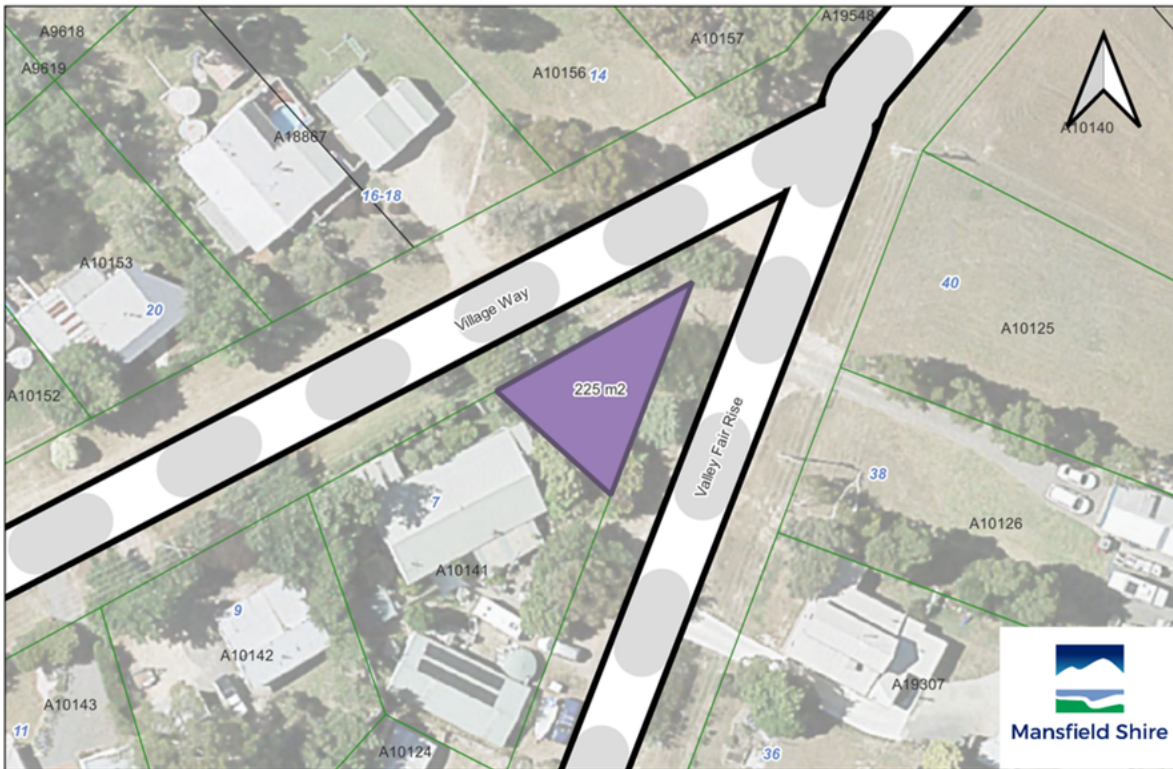


Figure 1: Site context Corner of Valley Fair Rise and Village Way, Macs Cove

Location 2: Peppin Drive, Bonnie Doon

The owners of 420 Peppin Drive approached council officers to purchase a small section of road reserve near the corner of their property. A title search has revealed that the ownership of the property is attributed to Dalgety Australia Ltd. This title should have been transferred to Council at the time of subdivision. With older subdivisions it is not unusual for a title to be found that did not vest in the local municipality correctly; it is known to have occurred regularly with subdivisions undertaken in the 1960’s and 1970’s.

Land subdivided prior to 1988 often left roads in the name of the original sub divider. The *Subdivision Act 1988* caused new sub divisional roads to become Council property. In 1993, the *Local Government Act 1989* was amended, and all freehold roads became Council property.

The *Road Management Act 2004* notes that “a road vests in fee simple in the municipal council of the municipal district in which it is located upon becoming a road”. This infers that, although the title records different ownership, the land is vested in Council by the nature of the reservation of the land as a road.

The land size is approximately 439 square metres and is depicted in Figure 2 below.



Figure 2: Site context Peppin Drive, Bonnie Doon

Location 3: Cnr Hutchinsons Rd and Nanda Ct, Bonnie Doon

The landowner at 1 Nanda Court, Bonnie Doon, approached council officers regarding the road reserve adjacent to her property. The title shows that the land is under the ownership of Mansfield Shire Council. The land size is 994 square metres and is depicted in Figure 3 below.



Figure 3: Cnr Hutchinsons Road and Nanda Court, Bonnie Doon

Location 4 - Adjacent Jamieson Primary School off Chenery Street, Jamieson

The Jamieson Primary School formally requested the closure of the road reserve to allow it to

be incorporated into the school grounds. The area of land is already being used for school purposes. The site is located between two blocks currently used by Jamieson Primary School. This land is considered an unreserved road and is recognized as Crown land, under the control of the Department of Environment, Energy and Climate Action (DEECA).

The land size is 1614 square metres and is depicted in Figure 4 below.



Figure 4: Adj. Jamieson Primary School off Chenery St

Discontinuance Process

If a road is discontinued and the land is not Crown land, the land vests in Council on discontinuance. It can then be sold following the process for sale of Council land. Discontinuance of roads is undertaken in accordance with the requirements of the Road Management Act 2004 (RMA2004).

Should Council approve commencement of the process, officers will engage with the adjoining property owners and the broader community ensure that all of Council's obligations under both the *Local Government Act 2020* and the *Road Management Act 2004* are met.

It is noted that should a parcel of land be sold to an adjoining landowner, this will be done with the following conditions:

1. The purchaser must agree to consolidate the land and their existing adjacent land into one title.
2. The purchaser must enter into a section 173 agreement preventing subdivision of the resulting consolidated parcel.

As Location 1 may be a road reserve in the ownership of Goulburn-Murray Water (GMW), Council officers are seeking further details from GMW as to what process they would require to be followed for the discontinuance and sale of the land.

Locations 2 and 3 are all on road reserves not considered Crown land. As such, when they are discontinued, the land is vested in the name of Mansfield Shire Council. As the land vests in Council on discontinuance for non-Crown land, the correct procedures for registering title will be

determined and a conveyancer or lawyer will be engaged to complete this process.

Given the substantially larger size of Location 3 compared to the other two sites, Council officers will explore all options in relation to sale of this land as a separate lot.

Recommendation
<p>THAT COUNCIL:</p> <ol style="list-style-type: none"> 1. Authorises the Chief Executive Officer to commence the process to discontinue and sell the following portions of road reserves as follows: <ol style="list-style-type: none"> a. Corner of Valley Fair Rise and Village Way, Macs Cove b. Peppin Drive, Bonnie Doon. c. Corner of Hutchinsons Road and Nanda Court, Bonnie Doon. d. Adjacent to Jamieson Primary School, off Chenery Street. 2. Authorises the Chief Executive Officer to obtain independent valuations for any land to be sold.
Support Attachments
Nil

Considerations and Implications of Recommendation

Sustainability Implications

Not Applicable

Community Engagement

Community engagement over the proposed sites would need to be undertaken in accordance with the Council's Community Engagement Policy.

Collaboration

Not Applicable

Financial Impact

The proposed sale of land will not have any adverse impact on Council's current resourcing or operational budget. The sale and discontinuance process will be supported by existing staff resources. If the sale proceeds it will have a positive financial impact as revenue from the sale of this land was not forecast in the 2023-24 Budget.

Legal and Risk Implications

The change of the status of the land and the sale of the land will need to be undertaken in accordance with the relevant legislation. The main risks in this process would be if there was a community opposition to the sale of the land, which would require further consideration by Council. Undertaking a thorough community engagement process will enable Council to obtain community feedback on the proposal.

Regional, State and National Plans and Policies

The following policies are relevant to this matter:

- Sale of Council Land and Buildings 2017

- Subdivision Act 1988
- Local Government Act 2020
- Road Management Act 2004
- Disposal or Sale of Council Assets Policy 2023
- Media and Communications Policy 2015

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

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

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

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

Governance - Disclosure of Conflicts of Interest

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

13.2.2. Mansfield State Emergency Services Land Lease

File Number	AG1444	Responsible Officer	Manager Planning & Environment, Maya Balvonova
Purpose			

To seek Council approval to enter into a 10-year peppercorn lease agreement for a site lease area located on the land at 166 – 176 Maroondah Highway, Mansfield, with 2 x further term of 10 years option, commencing on 1 March 2024, with a nominal lease fee of one dollar (\$1.00) per annum.

To update Council on progress with the design for the Mansfield Resilience Centre and recent collaboration with project partners.

Executive Summary

The Mansfield State Emergency Service is a volunteer only based service. Their volunteers are the backbone of VICSES (Victorian State Emergency Service), serving the Victorian community 24 hours a day, 7 days a week, 365 days a year.

VICSES provides emergency assistance to the community every year for events including flood, storm, earthquake, landslide, road crash rescue, missing person search, and support for Police, Fire and Ambulance operations. Their existing Mansfield site is located on the Mansfield Emergency Services Precinct land owned by Council and is in need of redevelopment. The proposed lease area will be established to ensure that the SES (State Emergency Service) and other emergency services planning to relocate to the MESP (Mansfield Emergency Services Precinct) site in future can all be accommodated on the land.

In partnership with key emergency services agencies and the community, Mansfield Shire Council identified the need to achieve a sustainable long-term solution for emergency services infrastructure in Mansfield. Council adopted the development of an Emergency Services Precinct on Council owned land at 166 Maroondah Highway (the Saleyards site) as their preferred solution following completion of a Feasibility and Scoping Study at its meeting of 19 July 2022, with the following resolution:

THAT COUNCIL:

1. *Receives the Stage 2: Mansfield Emergency Services Precinct Feasibility Study and Preliminary Business Case;*
2. *Endorses the recommendations of the Feasibility Study report for the Mansfield Emergency Station Precinct; and*
3. *Authorises the Chief Executive Officer to advocate for and accept opportunities to fund detailed design and build stages of the Mansfield Emergency Station Precinct.*

Key Issues

The MESP is planned to include fit for purpose infrastructure for local emergency services to reduce the vulnerability of the Mansfield Shire community, increasing its capacity to respond to and recover from emergency situations and support the growing resident and visitor

populations.

Within the MESP, a Resilience Centre is planned to be constructed to provide a resilience and recovery hub for use by emergency services and by community groups. The detailed design for the Resilience Centre is currently in progress, in collaboration with the Technical Advisory Group and the Mansfield Emergency Precinct Committee members (a community-initiated committee that has long advocated for the creation of the MESP). In addition to the Resilience Centre, the MESP is planned to include the following emergency services on the site:

- State Emergency Service (SES) - to remain on site in new redeveloped facility.
- Country Fire Authority (CFA) - expected to re-locate to the site in future.
- Ambulance Victoria (AV) - expected to re-locate to the site (timing subject to funding).
- Mansfield Community Radio – emergency broadcaster expected to re-locate to the Resilience Centre once constructed.

The timing of re-location to the site for AV and CFA is subject to confirmation by the respective agencies, as is the timing of the redevelopment of the existing SES facilities, as they will be subject to funding commitments from the Victorian Government.

The Resilience Centre will include training rooms, volunteer support facilities and shared administration and meeting areas. It has a flexible floor plan that will also allow the use of the Centre for community functions, events, or workshops when not in use by emergency services, which would have priority use. The updated draft plans for the building are included in Attachment 2.

The subject land (often referred to as the Saleyards Site, as well as the SES site) is under rates assessment number A15312, which comprises Lots 1-9 LP3865 and Lot 1 PS749844. All lots are owned by Mansfield Shire Council. The total site area is 1.35 hectares.

Currently, the SES buildings are located on Lots 4 and 5.



Figure 1: Mansfield Emergency Station Precinct location

The design for the Mansfield Resilience Centre and the shared precinct approach will maximize interaction and integration, facilitating closer partnerships between emergency services agencies and their partners. The Centre will provide improved support to programs and activities to increase community resilience and support the valuable work of volunteers. To this end, further consultation with the emergency services representatives and with Mansfield Radio has been undertaken to ensure that their needs are met, with some changes proposed to site access and the location and orientation of the CFA, SES and Resilience Centre buildings from the original concept plan in Figure 2. The emergency agencies will be supplying updated building footprints for inclusion on a new site plan, and further consultation with the Department of Transport & Planning is planned regarding the site entrances and egress.

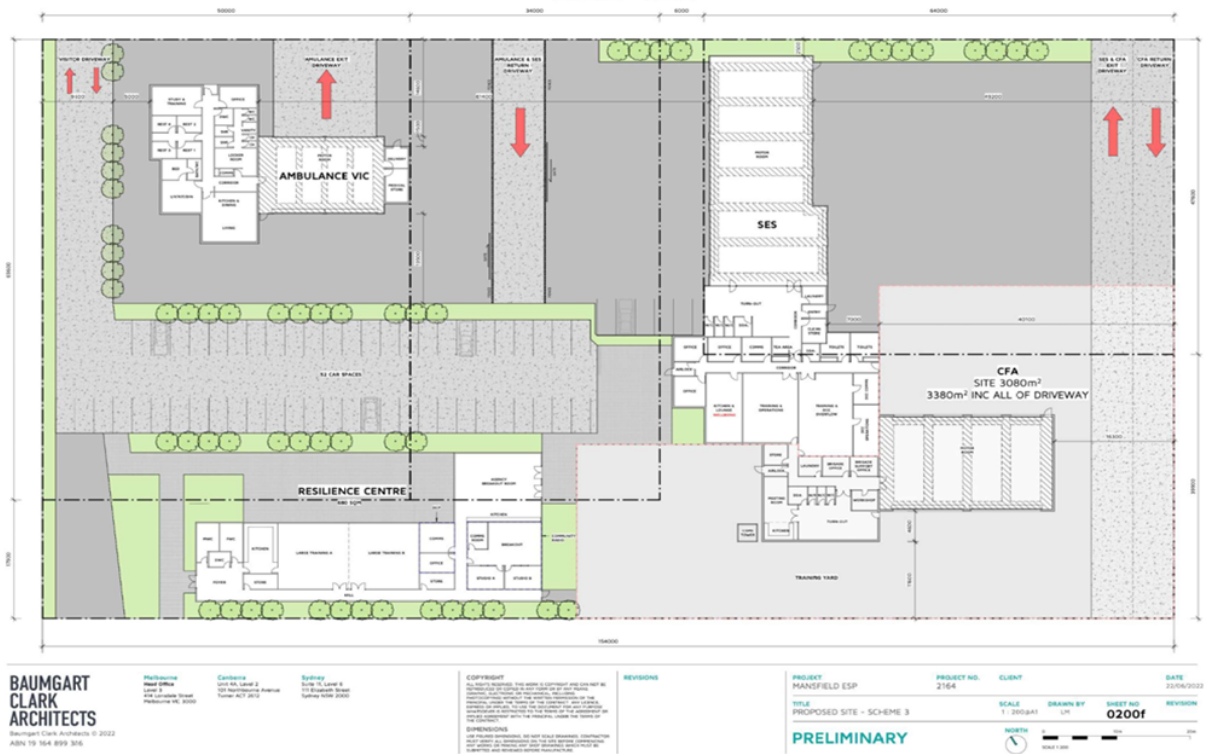


Figure 2: Mansfield Shire Council - Emergency Services Precinct Scoping Study

Proposed Lease Terms

Considering the significant contributions, active volunteer membership and the community benefit Mansfield State Emergency Service (SES) provides to Mansfield Shire through their current and proposed operations at the MESP site, it is proposed that Council enters into a 10-year peppercorn lease agreement for a site lease area located on Lots 4 and 5 of the land at 166 – 176 Maroondah Highway, Mansfield, with 2 x further term of 10 years option. Subject to Council approval and public notification, the lease is proposed to commence on 1 March 2024, with a nominal lease fee of one dollar (\$1.00) per annum. The lease area will be amended once a final location for the new SES facility has been established.

On 20 December 2017 a Memorandum of Understanding (MOU) between the State of Victoria, the Victoria State Emergency Service (VICSES) and the Municipal Association of Victoria (MAV) was executed for the support of VICSES volunteer units. The salient point of the MOU was that in return for the State Government through VICSES assuming responsibility for operational and maintenance funding of VICSES volunteer units (including volunteer unit facility maintenance), MAV will use its best endeavours to ensure that councils have local units that fit the criteria in

the MOU and enter into a long term (40 year) lease with VICSES at peppercorn rates (\$1 per annum plus GST).

These arrangements were structured to ensure that the goodwill and support for VICSES volunteer units continues at a local level, to ensure this valuable community service continues to be provided. The MOU does not prevent a municipal council from providing funding support to a VICSES volunteer unit if the municipal council elects to do so. VICSES volunteer units continue to rely on donations, grants, sponsorships and community support to supplement their funding from the State Government.

In addition, and 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 provides for the outgoings, insurance, and maintenance costs, including pest control, repairs, or ordinary wear and tear, to be borne by the Mansfield State Emergency Service (SES). As the buildings will be located on Council land, they will become part of Council's asset base for depreciation purposes.

In terms of outgoings, the annual electricity bill is estimated at \$2,500, and the site maintenance cost is approximately \$1,750 per year. Maintenance activities include mowing, spraying, pruning, and brush cutting.

Based on the Mansfield Shire Council Leasing and Licensing Policy, the proposed lease fee falls under the Category 5 community group classification.

Other Parties Future Lease Terms

As the Mansfield Emergency Services Precinct (MESP) will be constructed with SES, CFA, Ambulance Victoria services and Mansfield Community Radio co-located on the site in future, Council will assess the appropriate tenancy agreement for each of those tenants as they transition to the site.

These agreements will be designed to facilitate their operational arrangements and usage of the site, taking into account the building envelopes of the new structures.

Recommendation

THAT COUNCIL:

1. Approves the proposed 10-year peppercorn lease agreement for a site lease area located on Lots 4 and 5 of the land at 166 – 176 Maroondah Highway, Mansfield, with 2 further terms of 10 years option, commencing on 1 March 2024;
2. Sets the annual licence fee at \$1 per annum, plus outgoings;
3. Provides public notification of the intention to enter a lease agreement on the above-mentioned land for the current and future location of the building; and
4. Authorises the Chief Executive Officer executing the lease agreement on completion of the public notification process.

Support Attachments

2. Final - Land Lease between Mansfield Shire Council and Mansfield State Emergency Services (SES) [13.2.2.1 - 35 pages]
3. MANSFIELD ERC BUILDING C P.3 060224(OPTION 2- UPDAT E) [13.2.2.2 - 5 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 State Emergency Service 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 operation of the site and the building to be undertaken by the SES.

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

The following policies are relevant to this matter:

- Mansfield Shire Council Property Leasing and Licensing Policy 2022
- Local Government Act 2020

Innovation and Continuous Improvement

Not Applicable

Alignment to Council Plan

Theme 1: Connected and Healthy Community

Strategic Objective 2: Activities that promote connection and fitness of our people and visitors

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

Theme 3: A Trusted, Effective and Efficient Council

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

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

Governance - Disclosure of Conflicts of Interest

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

13.2.3. Planning - P153/22 - Seven Dwellings & Subdivision - 23 Elvins Street Mansfield

File Number	DA4926/2 P153/22	Responsible Officer	Senior Statutory Planner, Claire Wilkinson
Purpose			

The purpose of this report is to seek Council’s determination of planning permit application P153/22, lodged for development of land for seven (7) dwellings, subdivision of land into seven (7) lots, removal of easements and a reduction of car parking requirements.

This application is being referred to Council for determination as the Officer recommendation is to refuse to grant a permit, the estimated cost of works (\$2 million) exceeds delegation, and there have been nine (9) objections received.

Executive Summary

Council received notice of an application submitted to the Victorian Civil and Administrative Tribunal (VCAT) for a review of a failure to grant a permit. The application has been lodged under Section 79C of the *Planning and Environment Act 1987*, on behalf of the planning permit applicant. An application for review of a failure to grant a permit is applicable when the appellant asserts that Council has not decided on the application within the statutory time frame of 60 days.

The VCAT order has been issued in the matter *Bruce Maples v Mansfield SC [P18/2024]*. The date for the Compulsory Conference is 24 June 2024, with the formal Hearing set for 26 August 2024.

Council officers had originally proposed to submit the application to the December 2023 Council meeting for a decision. The applicant was advised of this and was also advised that the proposal for seven dwellings is likely to result in an officer recommendation for refusal. On 28 November 2023, the permit applicant provided correspondence to Council requesting that the application be placed on hold. In order to give the applicant time to consider amending the application, this was agreed to, and the application was placed on hold, awaiting further amendments by the applicant. To date, no further amendments have been submitted.

In accordance with Section 84(1) of the *Planning and Environment Act 1987* a decision can be made by Council in relation to this application, however any decision made will not be issued. This decision will form the position Council Officers will take at the Hearing.

Application Details	
APPLICANT	Ellen Hogan and Associates Pty Ltd
PROPOSAL	Development of land for seven (7) dwellings, subdivision of land into seven (7) lots, removal of easements and a reduction of car parking requirements
APPLICATION LODGED	10 August 2022 Amended - 17 March 2023 (from 8 Dwellings to 7 Dwellings) Amended - 10 August 2023 (Landscape Plan) Request from applicant to place file on hold - 28 November 2023

NOTICE AND SUBMISSIONS	Notices sent to twenty-eight (28) Owners/Occupiers of surrounding properties (25 October 2022 – 10 November 2022). Notice on site - Yes Six (6) objections received.
POST AMENDED APPLICATION NOTICE AND SUBMISSIONS	Notices sent to thirty-six (36) Owners/Occupiers of surrounding properties (3 August 2023 – 25 August 2023). Notice on site - Yes Six (6) objections received (including updated objections from three of the previous submitters).
CONSULTATIVE MEETING	19 October 2023
Property Details	
PROPERTY ADDRESS	23 Elvins Street, Mansfield
LAND DESCRIPTION	Lot 1 TP645469J and Lot 1 LP22036 Parish of Mansfield
RESTRICTIVE COVENANTS	Nil
LAND AREA	1,414m ² (combined)
EXISTING USE	Single dwelling (to be removed)
Planning Provisions	
ZONE	Clause 32.08 – General Residential Zone
OVERLAYS	Nil
MUNICIPAL PLANNING STRATEGY	Clause 02.03-1 – Settlement Clause 02.03-5 – Built environment and heritage Clause 02.03-6 – Housing Clause 02.03-9 – Infrastructure
PLANNING POLICY FRAMEWORK	Clause 11.01-1S – Settlement Clause 11.01-1R – Settlement – Hume Clause 11.01-1L-01 – Mansfield Township Clause 15.01-1S – Urban design Clause 15.01-2S – Building design Clause 15.01-3S – Subdivision design Clause 15.01-5S – Neighbourhood character Clause 16.01-1S – Housing supply Clause 16.01-1L – Housing supply in Mansfield Township Clause 16.01-2S – Housing affordability Clause 18.02-4S – Roads Clause 19.03-1L – Development and infrastructure contributions plans Clause 19.03-3S – Integrated water management
PARTICULAR PROVISIONS	Clause 52.02 – Easements, restrictions, and reserves Clause 52.06 – Car parking Clause 55 – Two or more dwellings on a lot and residential buildings Clause 56 – Residential subdivision
Permit Triggers	
GENERAL RESIDENTIAL ZONE	Clause 32.08-3 – A permit is required to subdivide land.
GENERAL RESIDENTIAL ZONE	Clause 32.08-6 – A permit is required to construct two (2) or more dwellings on a lot

EASEMENTS, RESTRICTIONS, RESERVES	Clause 52.02 – A permit is required before a person proceeds under Section 23 of the <i>Subdivision Act 1988</i> to create, vary, or remove an easement or restriction.
CAR PARKING	Clause 52.06-3 – A permit is required to reduce the number of car parking spaces required under Clause 52.06-5.
Other	
CULTURAL SENSITIVITY	The land is not in an area of Aboriginal Cultural Heritage Sensitivity.
SITE INPECTION	10 November 2022

Key Issues

A detailed Delegate Report can be found at Attachment 1. A high-level summary of the assessment is as follows:

Subject Site and Surrounds

The subject site comprises two lots and is located on the western side of Elvins Street and is formally identified as Lot 1 TP645469J and Lot 1 LP22036 Parish of Mansfield. The site currently has an existing single storey dwelling and domestic outbuilding, in a similar fashion to the prevailing development form in the broader area. Lots in the surrounding area in all directions generally comprise residentially zoned and developed lots to the north, south and east, with areas between 600-1,000m². Figure 1, below, shows the site and the broader context of the area.



Figure 1: Aerial image of subject site and immediate surrounds



Figure 3: 3D Render of proposed development form

Site History

Previous planning applications considered for the subject land include the following: -

- P116/22 Planning Permit Application for Eight Dwellings, Eight Lot Subdivision, and removal of easements. Withdrawn 23 June 2022, no permit issued.
- P0133/11 Planning Permit for Four Dwellings and a Four Lot Subdivision and removal of easements. Permit issued 18 January 2012.
- P0255/06 Planning Permit for Four Dwellings, Four Lot Subdivision, and removal of easements. Permit issued 03 April 2007.

The two planning permits that were issued were not acted upon and have since expired.

Referral Authorities

Referral Agency	Clause	Response
GOULBURN MURRAY WATER (GMW)	Clause 66.02-5 – Determining	Conditional consent*- (24 October 2022)- Five conditions relating to the management of stormwater, connection of each lot to reticulated services, sediment control during construction.
GOULBURN VALLEY WATER	Clause 66.01 - Determining	Conditional consent*- (3 November 2022)- Eight conditions relating to the connection to reticulated services
AUSNET ELECTRICITY SERVICES	Clause 66.01 - Determining	Conditional consent*- (19 October 2022)- Three conditions relating to electricity provision.
COUNCILS ENGINEERING DEPARTMENT	Section 52 notice	No response provided to date.

Note - The amended application for seven dwellings and subdivision has not been re-referred. The applicant has yet to provide an amended plan of subdivision for the seven-dwelling layout.*

Public Notice

Advertising was carried out in accordance with the requirements of the *Planning and Environment Act 1987*, by way of:

- Letters to adjoining and nearby owners and occupiers; and
- Sign on site

The original application for eight dwellings was advertised to twenty-eight (28) Owners/Occupiers of surrounding properties, and six objections were received.

The current, amended application for seven dwellings was sent to thirty-six (36) Owners/Occupiers of surrounding properties, including all original objectors. Six objections received, three of which had submitted to the first application.

As a result of public notification, a total of nine (9) separate parties have lodged objections to the application.

There has also been an additional submission from the Mansfield Tennis Association Inc. requesting that any future residents be made aware of the use of the adjacent Tennis Court lights until 11pm on all nights.

A summary of the grounds of objection and officer response is as follows:

Officer Response to objections

Concern	Response
Overlooking from development	The proposal meets the relevant overlooking provisions of Res Code (Clause 55 of the Mansfield Planning Scheme). While there is no doubt that this is a legitimate concern of objectors, this is not a basis in which to refuse the application.
Overshadowing from development	The submitted overshadowing diagrams show that the proposal complies with the relevant standards in Res Code. These diagrams are considered accurate, and overshadowing is not a basis in which to refuse the development.
Visual bulk of development	This concern is shared by Council officers for the reasons discussed in Delegate Officer Assessment, <i>Attachment 1</i> .
Insufficient boundary setbacks	The proposal meets the relevant setback provisions of ResCode, with minor variations that are considered inconsequential to the merit of the proposal. A more appropriate design response that matched the proposed setbacks, would likely be considered acceptable.
Blocking of views of Golf Course	As expressed in the Tribunal decision of <i>Healy v Surf Coast SC [2005]</i> , there is no legal right to a view. The views of the golf course are gained over private land, are not protected by planning scheme controls, and while they form part of the amenity of nearby dwellings, cannot be expected to be preserved in their current form.
Traffic impacts	While the development will increase traffic along Elvins Street, Elvins Street is a sealed, 2-way road that can reasonably accommodate the traffic from an additional 7 dwellings. Additionally, if this development

	was approved there would likely be development contributions required to upgrade the infrastructure in the road reserve directly adjoining the subject land.
Car parking for residents and visitors	Officers share this concern as it relates to the practicality of car parking spaces provided. However, it is noted that the actual number of spaces is regulated by the Planning Scheme, and if the right number and size of spaces is provided, Council cannot require more than that to be provided.
Noise impacts	The proposal is for a residential development in a residential zone. Noise emissions would be commensurate with residential activity in residential zones.
Inconsistent with existing neighbourhood character	For the reasons expressed in the Delegate Officer Assessment, <i>Attachment 1</i> , this concern is shared by officers and forms a basis of refusal for the application.
Insufficient infrastructure to service development (no kerb, channel, footpaths, drainage etc.)	The site is serviced by all reticulated infrastructure, which appears to have sufficient capacity to accommodate the development. Permit conditions could ensure that the development is appropriately accommodated.
Inaccurate calculations in plans	This concern is held by Council officers, with a number of inaccuracies discovered in the plans. For the application to be supported, more accurate information would be required to be provided.
Insufficient private open space to dwellings	As assessed in the Delegate Officer Assessment, <i>Attachment 1</i> , the proposal generally complies with private open space provision for all but one proposed dwelling (Dwelling 6). In relation to this dwelling, it is considered that the underlying objective of this provision is met. Provision of private open space is not considered to be a reason to refuse this application.
Removal of carriageway easement	Review of the Title documents do not show a carriageway easement present; and in the case of the northern lot, the easement benefits only the Mansfield Shire Council and not the broader public. This is not considered a basis on which to refuse the proposal.
Houses not being affordable	This has been commented on in the Delegate Officer Assessment, <i>Attachment 1</i> . However, affordability or unaffordability does not ultimately affect the merit of the application that Council is required to assess.
Devaluation of surrounding properties	As held by the Victorian Civil and Administrative Tribunal, property values are not a relevant planning consideration.

Garden Area Assessment

The proposed development comprises 2 parcels with a total combined area of 1,414m². 35% of the site must therefore be provided as garden area. The application plans state that the area provided is 36.4%, however the garden area plan includes areas that do not meet the definition in the Mansfield Planning Scheme. The garden area, with areas that should be excluded from the calculation is shown in Figure 4, below:

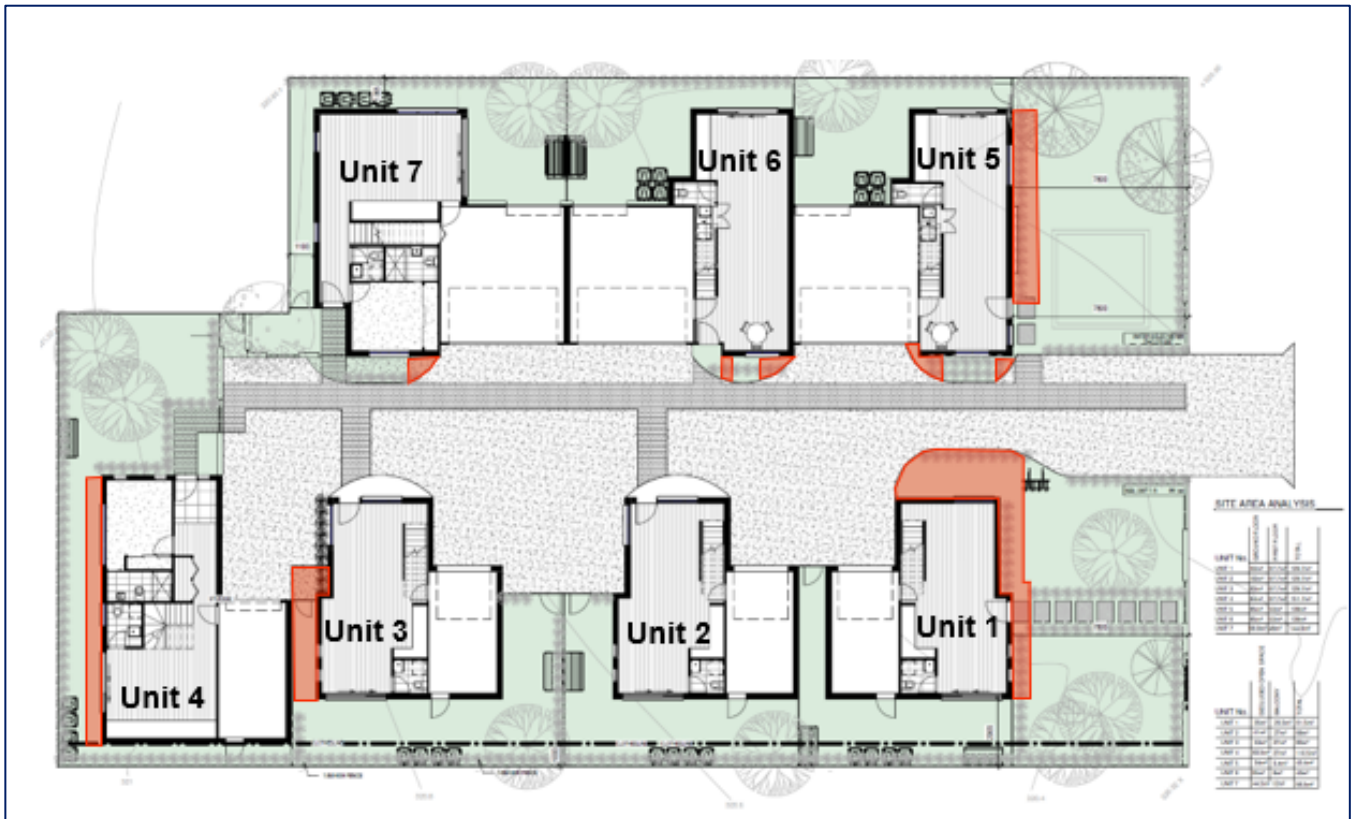


Figure 4: Garden area plan with areas in red that should be excluded from calculation

Council officers have assessed the non-compliant areas and found that they equate to approximately 51.1m², or 3.6% of the garden area identified in the application. Assuming that the asserted 36.4% calculation on the plans is a correct depiction of the areas shown on the garden area plan, this would result in an area of approximately 32.8%, and thus would not meet the minimum garden area requirement and therefore cannot be approved in its current form.

Carparking

The application documents provide minimal detail in relation to car parking and access, including no depiction of car parking spaces, limited swept turn paths, no dimensions of garages and no sizing of parking areas. Assessing as best as possible using Objective Trapeze to scale plans, the following matters are noted as being unsatisfactory when considered against Clause 52.06 of the Mansfield Planning Scheme:

- a) Dwellings 1-4 do not provide car parking spaces that meet Design Standard 2 of Clause 52.06-9 in relation to size within the garage.
- b) The tandem parking spaces for dwellings 1-4 appear to brush up against the garage door (despite the design standards at Clause 52.06-9 requiring a 500mm gap for tandem spaces), with cars protruding out to the accessway.

- c) Further to these tandem space issues, the application does not demonstrate that each car can enter and exit the site in a forward direction in an acceptable number of manoeuvres.
- d) In a 14-car space development, it is reasonable to expect cars to be able to safely maneuver and pass. The design includes a wider area at the front of the site, but when scaled appears to be 5.4m x 5.4m, which is insufficient to provide safe passing options to drivers. It is accepted that the crossover extends beyond this area such that greater length on public land will be available, however this does not mitigate the broader inadequacy of the provided passing area.
- e) The design does not clearly delineate any car parking spaces on the site, nor demonstrate dedicated provision for visitor car parking spaces.

For these reasons, the proposal is considered to be inconsistent with Clause 52.06.

Res Code Assessment

A detailed Clause 55 assessment indicates that, several detailed design features are considered to not be met based on the current plans. These features ultimately affect the internal amenity of future residents of the dwellings and are not supported by policy in this clause. While supporting/protecting neighbourhood character is not code for preventing new development, in this instance the proposed development is of such intensity and impact that it should not be supported on this site.

Neighbourhood Character

The typology of the area generally comprises single storey dwellings of weatherboard and brick construction/cladding. Sizeable native street trees are found in front of most dwellings, from the median strip and spread on private property. Dwellings have varied setbacks between 5-10 metres; however, the dwelling type and treed character ensures that such structures are nestled into the streetscape. Elvins Street in this area provides a sense of a 'leafy' quiet residential street with high amenity value. There are limited front fences, which are typically low picket forms that allow passive surveillance and a sense of openness from the public realm. Elvins Street is a 2-way sealed road, with kerb/channel on the western side and open table drain to the eastern side. There is virtually no infill development surrounding the subject site.

The proposed dwellings are a significant variation from the existing character as described above. While the site is considered suitable for re-development of medium density housing (being a large, serviced block in the general residential zone), the form that these dwellings take in the streetscape is inconsistent with the existing or future character of the area.

Plan of Proposed Subdivision

The proposed subdivision cannot be assessed without a plan of subdivision (incomplete application). Therefore, the amended application has not been re-referred to the relevant external referral authorities, including Goulburn Valley Water, AusNet Electricity Services and Goulburn Murray Water. Subsequently, a detailed assessment against Clause 56 Residential Subdivision of the Mansfield Planning Scheme has not been completed by Officers.

Conclusions

Having assessed the application against the relevant Clauses of the Mansfield Planning Scheme, it is considered that the proposal represents an overdevelopment of the site, that does not accord with the existing or preferred neighbourhood character of the area, dominates the

site and surrounds due to excessive visual bulk, provides poor amenity outcomes for existing and future residents and fails to meet the minimum garden area, access and carparking requirements. Therefore, a recommendation is made to refuse to grant a permit.

Recommendation

THAT COUNCIL determines to **Refuse to Grant a Permit** for Planning Application P153/22 for the Development of land for seven (7) dwellings, subdivision of land into seven (7) lots, removal of easements and a reduction of car parking requirements on **Lot 1 TP645469J and Lot 1 LP22036 Parish of Mansfield**, commonly addressed as 23 Elvins Street, Mansfield, for the following reasons:

1. The proposal for a seven (7) lot subdivision is not supported by any plan of subdivision and therefore assessment against Clause 56 is not able to be undertaken.
2. The proposal fails to demonstrate compliance with the minimum garden area provisions at Clause 32.08-4 of the Scheme, as the submitted garden area plan includes a number of areas that do not meet the definition of garden area in the Scheme. The cumulative sum of these areas is greater than the extent of compliance with the garden area requirement.
3. The proposal is inconsistent with the Planning Policy Framework and Municipal Planning Strategy in relation to urban design and neighbourhood character, specifically Clauses 02.03-5, 15.01-1S, 15.01-2S and 15.01-5S, which aim to ensure that infill development respects the neighbourhood character of an area and that the form and scale of new development enhances the public realm. The proposal results in dwellings presenting unacceptable bulk and visual dominance to the streetscape and abutting properties, poor articulation that increases the visual bulk to Elvins Street, poor amenity outcomes for future residents and poor integration with the existing streetscape.
4. The proposal is inconsistent with the purpose and decision guidelines of the General Residential Zone, which seeks to encourage development that respects the neighbourhood character of the area.
5. The proposal fails to meet the standards and objectives of the following Clause 55 requirements:
 - a. B1 – Neighbourhood character – The proposed dwellings do not respect the existing or preferred neighbourhood character of the area, by:
 - i. Presenting to the streetscape with excessive visual bulk due to prominent upper levels, reliance on protruding balconies for private open space and clunky roof forms and materials that are not found in the surrounding area;
 - ii. Providing minimal articulation and protrusions that increases visual bulk where present;
 - iii. Clustering built form (particularly on the southern elevation), with minimal separation at upper levels that present as a solid mass along the site; and
 - iv. Failing to soften the dwellings in the surrounding streetscape by use of greater setbacks, articulation, or landscaping.
 - b. B10 – Energy efficiency objective – The dwelling form and layout prevents north facing light from meaningfully penetrating habitable rooms of dwellings 1, 2, 3, 4 (at ground level) and dwelling 7 across the development, due to poor

- configuration, use of cantilevered balconies that shade main habitable rooms for dwellings 1-4, and overreliance across the development upon south-facing orientations for main rooms.
- c. B12 – Safety objective – The proposed dwelling layout results in obscured and isolated entry points to dwellings 2-4, by orientating the entrance perpendicular to the main street frontage, overhanging these areas with balconies, and placing car parking spaces in locations that would prevent passive surveillance of entry points.
 - d. B15 – Parking location – The proposal fails to provide the specified setbacks from accessways to habitable room windows, with a design/layout that will maximise impacts from vehicles rather than minimising or avoiding impacts of vehicle noise.
 - e. B26 – Dwelling entry – A number of dwellings provide access points perpendicular to the street, located under cantilevered balconies and obscured by car parking areas; such that there is no readily discernible point of entrance a number of dwellings. No shelter, sense of personal space or transitional space around the entry is provided. The majority of dwellings comprise the same base design and form, such that no sense of identity is presented.
 - f. B31 – Design detail – The dwellings fail to provide detailed design elements consummate with the existing or preferred neighbourhood character of the area, by:
 - i. The minimal articulation to the streetscape, comprising almost exclusively of upper-level forward protrusions and hard edges;
 - ii. The ‘cookie cutter’ typology of the dwelling designs, comprising almost entirely uniform floor plans and design elements that are inconsistent with the design elements of the broader area;
 - iii. Clunky roof forms that visually detract from the development and create a confusing visual presentation with no consistent rhythm or form;
 - iv. The dominating extent of built form, particularly along the southern elevation (and northern internal elevation) which presents the development as a large singular form from the public realm and abutting dwellings; and
 - v. The garage doors on the northern dwellings (5-7) comprise a large part of the visual presentation of these dwellings, resulting in a bland and bulky presentation akin to a rear laneway access.
6. The cumulative impact of variations to Clause 55 standards reflects that the proposal is an overdevelopment of the site that compromises the amenity of future residents to accommodate the development.
7. The application fails to provide car parking in accordance with Clause 52.06 of the Mansfield Planning Scheme, as:
- a) Dwellings 1-4 do not provide car parking spaces that meet Design Standard 2 of Clause 52.06-9 in relation to size within the garage, and tandem parking dimensions.
 - b) The design does not demonstrate that each car can enter and exit the site in a forward direction in an acceptable number of manoeuvres
 - c) The design does not demonstrate how vehicles in dwelling 4 can enter and exit the site in a forward direction

- d) The design does not demonstrate how a vehicle can reverse out of the garage of dwelling 5 without conflicting with the dwelling 1 tandem car parking space.
- e) The design does not demonstrate how a vehicle can reverse out of the garage of dwelling 7 without conflicting with the dwelling 3 tandem car parking space.
- f) The design does not allow for a safe passing area for vehicles entering and exiting the site
- g) The design does not clearly delineate provision for visitor car parking spaces and does not justify a reduction of this space.

Support Attachments

1. Delegate Officer Assessment Report [13.2.3.1 - 61 pages]
2. Submitted Plans [13.2.3.2 - 14 pages]
3. Landscaping Plan [13.2.3.3 - 1 page]
4. Applicant Res Code Assessment [13.2.3.4 - 14 pages]
5. Applicant Response to Consultative Meeting [13.2.3.5 - 3 pages]
6. CONFIDENTIAL - Consultative Meeting Minutes [13.2.3.6 - 10 pages]
7. CONFIDENTIAL - Email from applicant requestion HOLD on application [13.2.3.7 - 2 pages]
8. CONFIDENTIAL – Copy of Objections [13.2.3.8 - 36 pages]

Considerations and Implications of Recommendation

Sustainability Implications

The application has been assessed against the provisions of the Mansfield Planning Scheme, which includes consideration of housing affordability, residential density, and integrated water management, with the requirement to make the development and subdivision as sustainable as possible within the current legislation.

Community Engagement

The application was advertised to nearby and adjoining landowners and had a notice of application placed on the site, in accordance with the provisions of the Planning and Environment Act 1987 and Council's community engagement policy. Details of the objections have been included earlier in this report.

Collaboration

Not applicable.

Financial Impact

The application has been assessed within existing Council resources in the Statutory Planning Department. An application fee of \$4,885.10 was received for the application. An amendment of application fee of \$1,954.04 was received. The application is assessed with Council's existing Statutory Planning resources.

Legal and Risk Implications

Not Applicable.

Regional, State and National Plans and Policies

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

Innovation and Continuous Improvement

Not applicable.

Alignment to Council Plan

Theme 2: Vibrant Livability Strategic Objective 3 Future focused: Intelligent land use and infrastructure Strategy 3.2 Enhance township character

Governance - Disclosure of Conflicts of Interest

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

13.3. Community and Corporate Services Directorate

13.3.1. Council Plan Actions 2023-24 Half Year Report

File Number	E11186	Responsible Officer	Executive Manager Community Health & Wellbeing, Nola Bales
Purpose			

The purpose of this report is to inform Council on progress made against the Council Plan 2021-2025 Actions for the first half of the 2023-24 financial year.

Executive Summary

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

The Council Plan is split into three key supporting themes:

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

Within each of these themes, there are:

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

Progress against these objectives and initiatives has been included in the attached report with outcomes reported against major budget initiatives, other budget initiatives, and additional activities undertaken during the first half of the 2023-24 financial year.

Key Issues

The 2023-24 first half report shows progress has been made against the Council Plan 2021-2025 initiatives, with highlights outlined below.

Theme 1: Connected and Healthy Community

- The Central Registration and Enrolment Scheme feasibility study was completed and presented to Council in September 2023 with accepted actions to be undertaken over this year. Progress is being made on the three recommendations. Engagement of services through the Mansfield Early Years Educators Network (MEYEN), establishment of a Council webpage dedicated to kindergarten information, and a process to share registration details with Maternal and Child Health Service. – **In Progress**
- KISP (Kindergarten Infrastructure and Service Plan) underway, with meetings undertaken with DE (Department of Education) (Department of Education) to clarify population data and awaiting a finalised population dashboard. - **In Progress**
- SIAG (Social Inclusion Action Group) members have been recruited including a meet and greet luncheon. Tim Richardson, Parliamentary Secretary for Mental Health, and Suicide

Prevention visited Mansfield Shire Council in September 2023 and met with Councilors, CEO (Chief Executive Officer) and Council staff - **In Progress**

- Transition of management and EOI (Expression of Interest) process for old Police Stables site on Curia Street has been completed and a report presented to Council with the lease approved to the MAD (Mansfield and District) Potters Group – **Completed**
- Meeting with Mansfield Emergency Services Precinct Committee completed. Reengagement with emergency services contacts through the Technical Advisory Group has been completed and several meetings held and planned to progress planning for the Resilience Centre. Plans are being developed for a grant submission in March 2024 to the Disaster Ready Fund. A design review of the existing concept plan has been completed by the Technical Advisory Group agencies. - **In Progress**
- Fund increased to \$75,000 in 2023-24 Budget. Applications closed 23 November 2023. 10 Eligible applications were received and seven were granted funds. All funding agreements were sent out late December. All invoices are expected to be paid by February 2024 when the project will commence. All projects are due for completion 12 months post agreements signed. **In Progress**
- The Mansfield Station Precinct Master Plan has been updated and adopted. The first stage of Mansfield Heritage Museum (Heritage Visitor Facility construction) contract has been awarded, building permit received and due to start January 22, 2024. Funding application for the activation package for Station precinct has been submitted. - **In Progress**
- VicHealth Local Government Partnership year one was commenced and after 6 months rescoping of contract was requested by VicHealth. The remainder of the agreement is to be completed with the addition of a third module and a submission for funding for a further two years. The submission was accepted and funding of \$50,000 per year for two years was granted. The project will be completed in December 2025. - **In Progress**

Theme 2: Vibrant Livability

- Planning Scheme Amendments - Design and Development Overlay amendment C56 has been cleared by the Department of Transport and Planning for Exhibition. Vegetation Protection Overlay investigated. This project will now best be implemented under local laws. The Mansfield Open Space Strategy has been cleared by the Department of Transport and Planning for Exhibition. - **In Progress**
- Recruitment of additional Field Services staff completed, and staff have commenced. This has contributed to maintaining 3 full grading teams (9 staff members) and a total of 540km of grading completed for 2023 which appears to be the highest on record for Council. Previous reliance on street sweeping contractors has been avoided with all sweeping being completed with in-house labour and equipment. - **Complete**
- IMPACT Route Project - Designs for the four IMPACT stages are well progressed, two rounds of community consultation have been completed and the construction tender for Highton Lane upgrade stage closes on 1 Feb 24. - **In Progress**
- Landfill monitoring - Quarterly monitoring completed for October.
 - The next quarterly round of environmental monitoring is scheduled to be completed at Monkey Gully, Dead Horse Lane, Rifle Butts, Maindample, and Maintongoon closed landfills by the end of January 2024.

- EPA (Environment Protection Agency) Victoria 53v environmental audit has been completed on Monkey Gully Landfill. Upon completion of the audit, EPA Improvement Notice (IMPAN-00004620) has been revoked.
- All EPA notices for Monkey Gully have been revoked.
- Investigation of landfill cap rectification works for unlicensed closed landfills will be done after 12 months of testing results have been received.
- Lakins Road Industrial Precinct – Subdivision of Lot 1; submissions for completion of sewer works under assessment (now awarded) and completion by 19 April 2024. Evaluation of submissions for water supply and drainage works also under assessment and targeting completion by 1 March 2024. Coordination with Ausnet for power application and installation is in progress with target completion by 15 April 2024. – **In Progress**

Theme 3: A Trusted, Effective and Efficient Council

- Governance training provided to Councillors in July 2023, and People Matters Survey results and action plan regarding gender equality completed in September 2023. Meeting and presentation from Public Sector Gender Equality Commissioner, Dr Niki Vincent, delivered to Councillors and Executive team in August 2023 – **Completed**
- Collaborative Digital Transformation (Project CODI) - The Regulation, Planning, and Information Management projects are in the implementation stage. The preferred ERP (Enterprise Resource Planning) solution provider has been identified and will be presented to Council for endorsement in early 2024. - **In Progress**
- Improved Induction Process and learning and development plan - Performance reviews and development plans for all staff completed in July 2023 and a training and development plan for the organisation was presented to the Senior Leadership Group (SLG). Organisation wide training including leadership, managing conflict and bystander training as well as departmental specific training was arranged in July and August 2023. The new “Munch and Learn” program series was launched in September 2023. A new and improved onboarding program has also been launched including probation meetings, mentoring and cross-department awareness - **In Progress**
- The Community Engagement Framework and Engage platform has been used to provide timely and accurate information and seek community feedback.
- Reduced consultancy fees and contractor costs through use of in-house Council officer expertise. For example, the following activities have been completed in-house saving thousands of dollars for ratepayers:
 - 2022-23 Annual Report
 - Strategic Planning program
 - Lakins Road subdivision project management
 - Sports and Recreation strategic plan (drafting and community engagement)
 - Sustainable Tourism Plan (drafting and community engagement)
 - Chapel Hill Road resheeting – IMPACT Route
 - VCAT appearances and preparation
 - Early Years Project - **In Progress**

Recommendation

THAT COUNCIL receives the Council Plan 2021–2025 half year update for 2023-24 provided for information.

Support Attachments

1. Final Council Plan Actions Dashboard Half year report 2023 2024 Ww HAV Zk 20 yz Oa 0 e 7 U Tx 8 Q [13.3.1.1 - 13 pages]

Considerations and Implications of Recommendation

Sustainability Implications

Not Applicable

Community Engagement

Not Applicable

Collaboration

Not Applicable

Financial Impact

Is accounted for in the Budget 2023 2024

Legal and Risk Implications

Not Applicable.

Regional, State and National Plans and Policies

Is in accordance with the State Policy Local Government Act 2020.

It is a legislative requirement of the Local Government Act 2020 that each Council adopt a Council Plan. Quarterly updates will be provided to Councillors and a full year's report will be presented to Council in accordance with Section 98 of the Local Government Act 2020 and Schedule 1 of the Local Government (Planning and Reporting) Regulations 2020.

Innovation and Continuous Improvement

Not Applicable

Alignment to Council Plan

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

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

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

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

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

Strategy 5.1 Create conditions that enable local businesses

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

Theme 3: A Trusted, Effective and Efficient Council Strategic Objective 6: Council possesses in-house and outsourced capability to meet community expectations
Strategy 6.1 Use and gain knowledge of our community to make good decisions
Strategy 6.2 Building organisational capacity through its people

Theme 3: A Trusted, Effective and Efficient Council
Strategic Objective 7 Financial sustainability and value for money
Strategic Objective 8 A consultative Council that represents and empowers its community
Strategy 8.1 Increase community trust in Council to make informed decisions with “no surprises”
Strategy 8.2 Develop capacity and capability to advocate powerfully for the most important interests of the Mansfield community

Governance - Disclosure of Conflicts of Interest

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

13.3.2. Quarterly Finance Report

File Number	E39	Responsible Officer	General Manager Business & Economic Development, Julie Williams
Purpose			

This report provides information on Council’s financial performance against the 2023-24 Updated Budget for the period 1 July 2023 to 31 December 2023.

Section 97 of the *Local Government Act 2020* requires quarterly reporting as soon as practicable after the end of each financial quarter, and in addition, a statement by the CEO in the second quarterly report of the financial year as to whether a revised budget is or may be required.

This report is for noting only and no decision is required.

Executive Summary

Council adopted the budget for the 2023-24 financial year at its meeting of 28 June 2023. Subsequently Council adopted financial 2022-23 carry forwards at its meeting of 28 November 2023. The Audit and Risk Committee received detail of the carry forwards at its meeting of 27 November 2023.

This report explains material variances between the year-to-date actual financial results and the Budget 2023-24 adjusted for the approved carry forwards. Favourable variances are reported as positive values, while unfavourable variances are shown as negative values in the attached reports.

Key Issues

Operating Income & Expenditure Actual against Budget

The year-to-date operating result is favourable against the 2023-24 Budget by \$640K (3%). Major variances are summarised below.

Favourable Variances:

- Interest income is \$345K favourable to budget due to higher than budget cash investments and higher interest rates.
- Other Income is \$162K higher than budget largely reflecting higher property rental income associated with Council land, reserves, buildings and sporting centres (\$108K), higher sundry income from the resource recovery centre (\$50K), and above budget Visitor Information Centre income (\$6K).
- General rates income is \$67K higher than budget due to higher ratepayers than estimated at budget.
- User Charges income is \$83K higher than budget largely due to higher Environmental Health Services registration fees (\$64K), and higher cemetery income (\$31K), with these variances partly offset by lower than budget kerbside recycling collection income.
- Materials and contracts expenditure is \$1,752K lower than budget largely as a result of:

- granted funded projects underspend against budget including the digital transformation project (\$462K), Youth Bushfire Recovery programs (\$246K), and the Social Inclusion Action Group program (\$137K)
- lower kerbside collection expenditure contract payments (\$132K) and waste disposal expenses (\$103K)
- lower expenditure across operations activities of strategic planning (\$256), engineering services (\$171K), and integrated water management (\$90K)
- lower roads expenditure largely associated with rural roads (\$160).

Unfavourable Variances (overspend or decreased income):

- Non-recurrent operational grant income is \$200K lower than budget largely due to the net of the following variances:
 - lower than budget Youth Bushfire Recovery income (\$316K)
 - lower than budget operations income related to strategic planning (\$249K)
 - lower than budget Emergency Incident Support (\$249K)
 - lower than budget Central Registration and Enrolment Scheme (\$59K)
 - lower than budget Maternal & Child Health Enhanced Income (\$40K).

partly offset by the following

- higher than budget resource recovery centre project income (\$197k)
- higher than budget income recognised for the Goughs Bay Boat Club Redevelopment Project (auspiced funded project) (\$444K),
- the digital transformation project revenue above budget (\$68K).
- Recurrent operational grant income is \$1,080K lower than budget largely due to
 - lower Financial Assistance Victorian Grants Commission income (\$538K) due to 100% of the funding being received in the prior financial year
 - lower Local Roads Operations Victorian Grants Commission income (\$505K) – as per comment above regarding receipt of income in the prior year
 - lower Social Inclusion Action Group income recognised (\$50K).
- Employee costs unfavourable variance of \$594K reflects:
 - higher than budget Workcover expenditure (\$140K) additional resourcing required to support emergency activities, partly offset by savings arising from vacant positions
 - Higher expenditure on annual leave, and long service leave than budgeted (\$206K) (of which a portion will be expensed to the provision at year end)
 - expenditure associated with grant projects that are funded including:
 - Digital Transformation Project (\$121K)
 - Environmental Health Services (\$65K)
 - Emergency Incident Support (\$44K).

Capital Finance Report

Capital Income & Expenditure Actual against Budget

The net year to date capital works variance (net of capital income) is \$4,602K favourable (117%) compared to the 2023-24 year to date Budget. Major variances are summarised below.

Favourable Variances:

- Non-recurrent capital grant income is above budget by \$701K largely due to receipt of \$850k of HVAR (HV6 Greenvale Rd, Mt Battery Rd) income received earlier than budgeted
- Materials and Contracts favourable variance of \$5,046K is the result project timing variances including the following larger projects/programs:
 - IMPACT Route project (\$3,415)
 - Heritage Facility (Station Precinct) project (\$1,315K)
 - Drainage works projects (\$1,132K)

Unfavourable Variances:

- Recurrent capital grant income is unfavourable to budget by \$969K largely due to the Roads to Recovery income not yet received (\$1,183), partly offset by a favourable timing variance in the Local Government Infrastructure fund income (\$264K).

Summary of Financial position compared to Budget

Operating Variance	\$534K
Capital Variance	\$4,602K
Total Variance	\$5,136K

*Favourable / (Unfavourable)

Working Capital Ratio YTD

The working capital ratio (WCR) compares current assets to current liabilities and is an indicator of Council’s capacity to meet its immediate debts when they fall due. A WCR of more than 1:1 (or 100%) is considered healthy.

Current WCR = 3.32 (332%), as compared with 1.92 (192%) as at the end of 2022-23 financial year.

The high working capital ratio is reflective of the full year rates income being raised in August and reported as a current asset (included in Receivables \$9,065K – adjusting for this amount the ratio would be 2.38 (238%)). Only two of the four instalments have fallen due as at 31 December 2022.

CEO Statement

Based on the analysis and review of the budget, actual year to date result and other known financial factors as at 31 December 2023, it is considered that a revised budget for the purposes of s95 of the Local Government Act 2020 is not required.

Recommendation

THAT COUNCIL:

1. Receives the Quarterly Budget Report for the period 1 July 2023 to 31 December 2023; and
2. Note the statement by the Chief Executive Officer that a revised budget will not be required for the 2023-24 financial year.

Support Attachments

1. Quarterly Finance Report [13.3.2.1 - 7 pages]

Considerations and Implications of Recommendation

Sustainability Implications

Not Applicable

Community Engagement

The 2023-24 budget engagement process facilitated opportunities for community input to and feedback on Council's budget

Collaboration

Not Applicable

Financial Impact

There is no direct financial impact in relation to this report. The financial reports attached provide the opportunity for regular monitoring of Council's financial position to ensure compliance with budgets.

Legal and Risk Implications

Financial Risk: Regular financial reporting is part of Council's financial strategy to ensure budgets are complied with and the short to medium term financial sustainability of Council is maintained.

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.

14. Council Meeting Resolution Actions Status Register

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

Recommendation
THAT Council receive and note the Mansfield Shire Council Meeting Resolution Actions Status Register as at 12 February 2024.
Support Attachments
1. Mansfield Shire Council Action Register as at 12 February 2024 [14.1.1 - 7 pages]

15. Advisory and Special Committee reports

Nil

16. Authorisation of sealing of documents

Nil

17. Closure of meeting to members of the public

Council has the power to close its meeting to the public in certain circumstances pursuant to the provisions of Section 66(2) of the Local Government Act 2020. The circumstances where a meeting can be closed to the public are:

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

The definition of confidential information is provided in Section 3(1) of the *Local Government Act 2020*.

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

18. Confidential Reports

18.1. Tender Award: Mt.Buller Road Service Lane Works - Construction **Confidential**

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

18.2. Tender Award: Highton Lane Upgrade - Construction

Confidential

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

19. Reopen meeting to members of the public

Recommendation

THAT COUNCIL reopen the meeting to members of the public.

20. Close of meeting