



Mansfield Shire

Council Meeting

Tuesday 18 October 2022 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 Mark Holcombe (Deputy Mayor)
Cr Steve Rabie
Cr Paul Sladdin
Cr Rohan Webb

Officers

Kirsten Alexander, Chief Executive Officer
Melissa Crane, Acting General Manager Infrastructure and Planning
Dena Vlekkert, General Manager Community and Corporate Services

Order of Business

1. Opening of the meeting

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

2. Present

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

3. Apologies

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

4. Statement of commitment

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

5. Acknowledgement of Country

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

6. Disclosure of conflicts of interest

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

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

7. Confirmation of minutes

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

8. Representations

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

9. Notices of Motion

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

10. Mayor's report

The Mayor provides a report on his activities.

11. Reports from council appointed representatives

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

12. Public question time

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

13. Officer reports

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

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

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

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

A Council position is adopted on the matters considered.

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

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

A Council position is adopted on the matters considered.

14. Council resolutions report

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

15. Advisory and Special Committee reports

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

16. Authorisation of sealing of documents

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

17. Closure of meeting to members of the public

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

18. Presentation of confidential reports

19. Reopen meeting to members of the public

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

20. Close of meeting

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

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Agenda

1. Opening of the meeting

2. Present

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

- Councillor Holcombe
- Councillor Rabie
- Councillor Sladdin
- Councillor Tehan
- 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 Mark Holcombe 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 Tuesday 20 September 2022 be confirmed as an accurate record.

8. Representations

9. Notices of motion

10. Mayor's report

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

Council received a 12 month progress report on the statutory planning review. This annual review follows the report prepared in February 2020 which outlined 27 recommendations on how the planning department could operate more effectively and efficiently whilst improving communication and culture. Planning applications are now managed electronically with any overflow work being undertaken by the regional planning hub. We have seen a 48% increase in planning applications received over the past two years but pleasingly the number of applications completed within 60 days has increased from 64% to 90%. Additional key areas of progress to date include all staff undertaking an annual performance review, and training needs are identified as internal mentorship is provided. Although there are still areas identified for improvement significant progress has been made to address the key issues and problems that existed prior to 2020.

The Mansfield Shire Council Audit and Risk Committee plays a vital role in assessing the potential risks both financially and operationally for the organisation. Part of that is the consideration of the annual financial statements for financial year. The annual financial statements for 2021-22 showed a surplus of \$4.54 million, net assets of \$254 million and a year on year assets increase of \$15.4 million. The financial statements were approved by the Audit and Risk Committee, Council and VAGO and are now available to the public. I would like to thank the Audit and Risk Committee members for their input and in particular chairperson Bruce Potgieter who has resigned from the committee after 3 years of service, thank you Bruce.

Congratulations to the Goughs Bay Boat Club on receiving a \$1.5 million grant to do an extensive upgrade to their facility. Along with their \$450,000 co-contribution and a \$60,000 donation from the Mansfield District Community Bank the total upgrade will include a modern architecturally designed renovation with a new commercial kitchen, expanded bistro seating plus new deck areas. The car park will also be improved as well as access to the boat ramp.

*Cr James Tehan
Mayor*

Recommendation

THAT COUNCIL receive the Mayor's report for the period 20 September 2022 to 6 October 2022.

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 Mark Holcombe |
| Rural Councils Victoria (RCV) | <ul style="list-style-type: none"> ▶ Mayor Cr James Tehan ▶ Cr Paul Sladdin |

Recommendation

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

12. Public question time

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

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

13. Officer reports

13.1. Chief Executive Officer's report

File Number: E103

Responsible Officer: Chief Executive Officer, Kirsten Alexander

Introduction

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

The Chief Executive Officer report will provide information relation to:

- ▶ Customer Service
- ▶ Governance
- ▶ Capital Works
- ▶ New Initiatives
- ▶ Building Services
- ▶ Regulatory Services
- ▶ Revenue Services
- ▶ Community Health and Wellbeing
- ▶ Visitor Services (VIC and Library)
- ▶ Communications
- ▶ Procurement

| Recommendation |
|--|
| THAT COUNCIL receive and note the Chief Executive Officer's report for the period 13 September to 12 October 2022. |
| Support Attachments |
| 1. CEO Monthly Report September 2022 [13.1.1.1 - 36 pages] |

13.2. Infrastructure and Planning Directorate

13.2.1. Domestic Animal Management Plan 2022-25

| | | | |
|--------------------|-------|----------------------------|---|
| File Number | E9510 | Responsible Officer | Senior Coordinator Community Safety, Kevin Murphy |
| Purpose | | | |

The purpose of this report is to seek a council resolution to adopt the Domestic Animal Management Plan 2021-2025.

Executive Summary

The current Domestic Animal Management Plan 2017-2021 (DAMP) was adopted by Council in April 2018, in accordance with the *Domestic Animals Act 1994* (the Act) and the *Domestic Animal Regulations 2015* (the Regulations).

Under State legislation, a review of the DAMP is required every four years. The Act requires Councils to prepare the Plan in consultation with the Department of Jobs, Precincts and Regions (DJPR) guidelines. The Department has released practice notes and guidance material including a template-based format to assist Councils in their review.

The DAMP details the following:

1. How Council provides services and strategies to promote responsible pet ownership.
2. How Council will manage compliance with the Act and Regulations in relation to safety, nuisance and any other matters related to the management of dogs and cats that may affect the safety or amenity of people and animals.
3. An evaluation process for how effective the DAMP has been.

In order to comply with the requirement for review, a draft DAMP was developed by Council staff following an initial Community Engagement process. The DAMP sought to acknowledge and address all items raised through that consultation. The final draft DAMP was then exhibited through multiple platforms including social media, the local paper and on Council's Engage website.

The initial engagement process sought to explore with our community the main issues faced with management of domestic animals (dogs and cats) and enable these to be considered in the draft Plan. The final draft DAMP only received 2 submissions, although 289 people reviewed the document. The comments received added support for matters already considered within the draft Plan; including that further consideration be given to introduction of cat curfews and to the establishment of additional (fenced) dog off leash areas. No objections were recorded to the draft DAMP.

Key Issues

The draft DAMP has been developed to meet legislative requirements following 2 separate community engagement processes and broadly builds on the service currently delivered by Council to our community, under the earlier DAMP 2017-2021.

The first round of community engagement sought to gather issues of concern through structured questions and this input was utilised to develop the draft DAMP. The second round of engagement on the final draft DAMP was undertaken for a 3-week period until 8 September. Contact activity peaked following promotional media between 22 August and 2 September and officers extended the consultation period to close on 18 September to provide more time for submissions. A total of 289 visits were recorded to the Engage site. The summary report associated with this engagement is included as an attachment to this report.

The two submissions lodged during the second submission period related specifically to:

- *Cats should be contained within the boundaries of their properties.*
Officer Comment: The draft DAMP includes a section that focusses on programs to address wandering cats through an education program and outlines the availability of cat traps to assist in the removal of feral and stray cats. The referenced education program proposes the distribution of the “Safe Cat Safe Wildlife” material later this year and will look to gauge the level of support for Council introducing a cat curfew. Alternatively, Council could consider including a provision in the Community Local Law imposing a cat curfew. It is recommended that this suggestion be further considered after the planned actions are undertaken and form a component of a future review of the Community Local Law provisions. The Community Local Law was adopted in 2018 and can be reviewed at any time.
- *Provision of an ‘off-leash’ area in the reserve of Minerva Street, behind the Tennis Courts.*
Officer Comment: The draft DAMP, at Section 3.3, has an action to “Undertake feasibility study to determine possible location of additional ‘off-leash’ dog parks.” The draft plan identifies this action be undertaken in early 2023. This will allow broader community input into appropriate locations for such a park. Respondents also sought the provision of ‘dog litter bags’ to be installed at principal entry points to parks and reserves. This will also be further considered and an action to explore the need for additional dispensers will be undertaken.

All matters raised during the engagement processes have been considered and addressed in the final Plan, with actions included for implementation over the 4-year life of the DAMP. The Plan provides for a yearly review to track performance against the proposed and scheduled activities.

Recommendation

THAT COUNCIL adopts the Domestic Animal Management Plan 2021-2025 for submission to the Department of Jobs, Precincts and Regions for endorsement.

Support Attachments

1. Domestic Animal Management Plan 2021-2025 [13.2.1.1 - 32 pages]

2. Community Engagement Survey Results [13.2.1.2 - 4 pages]
3. Engage Mansfield - Domestic Animal Management Plan 15 August to 19 September 2022 [13.2.1.3 - 6 pages]

Considerations and Implications of Recommendation

Sustainability Implications

Domestic animals contribute to an individual's social landscape and in some cases can be the only real contact a person may have on a day-to-day basis. In accordance with State Government requirements, the Domestic Animal Management Plan concentrates on dogs and cats.

The Plan seeks to ensure pets are well catered for and that responsible pet ownership is encouraged. Responsible pet ownership also imposes duties on owners to care for their animals and be responsible for their actions. The DAMP recognises that to allow social interaction there are features that need to be available or considered by Council, such as off leash areas.

Community Engagement

Community Engagement has been undertaken in accordance with Council's Community Engagement Policy by seeking community input prior to development of the Plan and again in response to the final draft of the DAMP.

The second round of consultation raised no new issues, and the topics raised have been considered and incorporated as scheduled actions to be implemented during 2023.

Collaboration

Not applicable.

Financial Impact

Resource and financial implications have been considered in the development of the DAMP and whilst there is no specific budget allocated towards preparation or implementation of the Plan, it has been undertaken using existing staff resources and the implementation of the Plan is designed to be performed within existing resources and budget allocations.

The delivery of support for a desexing and microchipping program aimed to support disadvantaged families (one of the actions in the Plan) will be undertaken in 2022-23 with the successful receipt of grant funding.

Legal and Risk Implications

The review and implementation of the DAMP is a key action in managing risks to community safety through maintenance and review of Council processes for management and control of domestic animals. The actions referenced in the DAMP provide for an appropriate and timely response to issues identified by the community or by Council officers. An example of this is Council's commitment to timely intervention where dogs at large are reported to Council, or where dogs are reported to have menaced stock.

Regional, State and National Plans and Policies

DJPR have released practice notes and guidance material including a template-based format to assist Councils in review of their domestic animal management plans. The Plan has been updated in accordance with these guidelines.

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 3: A Trusted, Effective and Efficient Council

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

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. Emergency Management Policy and Framework

| | | | |
|--------------------|-------|----------------------------|---|
| File Number | E6828 | Responsible Officer | Senior Coordinator Community Safety, Kevin Murphy |
|--------------------|-------|----------------------------|---|

Purpose

The purpose of this report is to provide Council with an updated Emergency Management Framework and Emergency Management Policy for consideration and approval.

Executive Summary

Due to recent changes to the *Emergency Management Act 2013* and the emergency management arrangements that apply within Victoria, Council officers have undertaken a review and update to the Emergency Management Framework and the Emergency Management Policy to better reflect those changes.

The proposed Emergency Management Framework identifies Council's role and the requirement to comply with various pieces of legislation. It also provides a quick reference guide that identifies linkages between the Municipal Emergency Management Plan and other emergency management documents such as the Municipal Fire Management Plan. The Framework also provides an overview of the following roles:

- Municipal Emergency Management Officer
- Municipal Recovery Manager
- Municipal Fire Prevention Officer (and deputies)

The framework also details the relationship between externally focused emergencies and Council business continuity planning.

The Emergency Management Policy, previously adopted in 2016, details how Council delivers on its obligations and responsibilities. The policy has been updated to reference current legislation.

Key Issues

Prior to the legislative changes, Council appointed individuals, organisations and Agencies and council officers to the Municipal Emergency Management Planning Committee (MEMPC). The Committee was required to prepare an Emergency Management Plan, detailing the agreed arrangements addressing prevention, preparedness, response and recovery aspects of an emergency within the Municipality, for adoption by Council.

The *Emergency Management Act 2013* now determines the core membership of the MEMPC. The new requirements have the same broad purpose, however the Committee is now self-managed, determines its own additional membership and terms of reference and provides an Emergency Management Plan, with a supporting Assurance Statement, to the Regional Emergency Management Planning Committee for endorsement.

The legislation dictates that the Committee Chair is to be the Council CEO or other senior officer appointed by the CEO. Council's Senior Coordinator Community Safety – Kevin Murphy has been appointed as the MEMPC Chair.

| |
|---|
| Recommendation |
| THAT COUNCIL adopts the Emergency Management Framework and Emergency Management Policy. |
| Support Attachments |
| <ol style="list-style-type: none"> 1. Emergency Management Policy [13.2.2.1 - 5 pages] 2. Emergency Management Framework 2022 [13.2.2.2 - 16 pages] |

Considerations and Implications of Recommendation

Sustainability Implications

The proposed Policy and Framework documents provide direction to Council Officers contributing to community safety and preparedness activities and as such enhance sustainability for the community. The documents provide an update to earlier adopted policies and frameworks to address changed legislative requirements – without introducing any new requirements or obligations.

Community Engagement

Due to the technical nature of the documents, community feedback has not been sought on the Emergency Management Policy and Framework. Community engagement in the area of emergency management is currently underway with several grant funded projects including a resilience benchmarking project and a collaborative project with Murrindindi and Strathbogie Shires to develop Local Emergency Action Plans (LEAP).

The updated Municipal Emergency Management Plan and supporting documents are published on Council’s website for community reference.

Collaboration

The Local Emergency Action Plans (LEAP) project is a State Government funded 3-year collaborative project with an Officer working across Murrindindi, Strathbogie and Mansfield Shires to engage with 5 selected communities in each municipality with the aim to improve their resilience.

A separately funded resilience benchmarking project is underway to work with 11 communities in Mansfield Shire and identify and improve their capacity to respond to any emergency scenario. Council also sits on the Mt Buller Stirling Resort Emergency Management Committee and collaborates through joint meetings of the respective committees where possible.

Financial Impact

The review and update of the documents have been undertaken by existing staff resources in the emergency management area.

Legal and Risk Implications

The current Emergency Management Policy was adopted in 2016 and was listed for review in 2019. This action will address that review requirement.

The documents provide officers with direction on Council's obligations and have been updated to address recent legislative changes. 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

The Policy and Framework documents are consistent with regional and state emergency management plans and policies.

Innovation and Continuous Improvement

Continuous improvement has been achieved through the review and update of Council's current documents to respond to legislative change and by collaborating with others in the emergency management space. Council's close working relationship with the Mt Buller Mt Stirling resort management has been mirrored by the Alpine Shire working with Falls Creek and Mt Hotham resort management on emergency planning arrangements.

Alignment to Council Plan

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

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

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

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

Strategy 6.2 Building organisational capacity through its people

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

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

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 Scheme Amendment C48

| | | | |
|--------------------|-------|----------------------------|---|
| File Number | E7986 | Responsible Officer | Strategic Planning Officer, Oscar Yencken |
|--------------------|-------|----------------------------|---|

Purpose

To advise Council of the outcome of the Panel Hearing for amendment C48 to the Mansfield Planning Scheme.

To recommend that Council split amendment C48mans into 2 parts, adopt Part 1 to the Mansfield Planning Scheme, and abandon Part 2.

To recommend that Council prepare a new amendment if C48mans Part 2 is abandoned.

Executive Summary

At the November 2021 meeting of Council, amendment C48mans was referred to an independent planning panel to consider a number of unresolved submissions. This report responds to the outcome of the Panel Hearing, recommending that part of amendment C48mans be adopted, which comprises a Design and Development Overlay applying to residential zones along the township approaches, while the rest of the amendment is abandoned and a new one created in its place.

Key Issues

The Township Approaches Planning Controls and Guidelines Study, Mansfield, June 2018 was prepared to address development pressures that had arisen on the four main approaches into Mansfield township, these being:

- Approach 1: Maroondah Highway (west) approach.
- Approach 2: Mount Buller Road (east) approach.
- Approach 3: Midland Highway (north) approach.
- Approach 4: Mansfield-Whitfield Road (north) approach.

The adopted study formed the basis for the preparation of two (2) schedules for the Design and Development Overlay (DDO) exhibited under Amendment C48 to address and protect design, siting and scenic value in the four major corridors and apply the two DDO schedules to these areas.

Amendment C48mans proposes to implement the adopted Township Approaches Planning Controls and Guidelines Study, Mansfield, June 2018 by:

- Amending Clause 11.01-1L-01, Mansfield Township.
- Amending Schedule 1 to the Design and Development Overlay, to now be retitled as Mansfield Township Approach Guidelines - Mixed Use, General Residential 1, Low Density Residential and Rural Living Zones.
- Introducing new Schedule 2 (Mansfield Township Approach Guidelines - Farming, Urban Floodway, Industrial 1, Commercial 1 and Commercial 2 Zones) to the Design and Development Overlay.

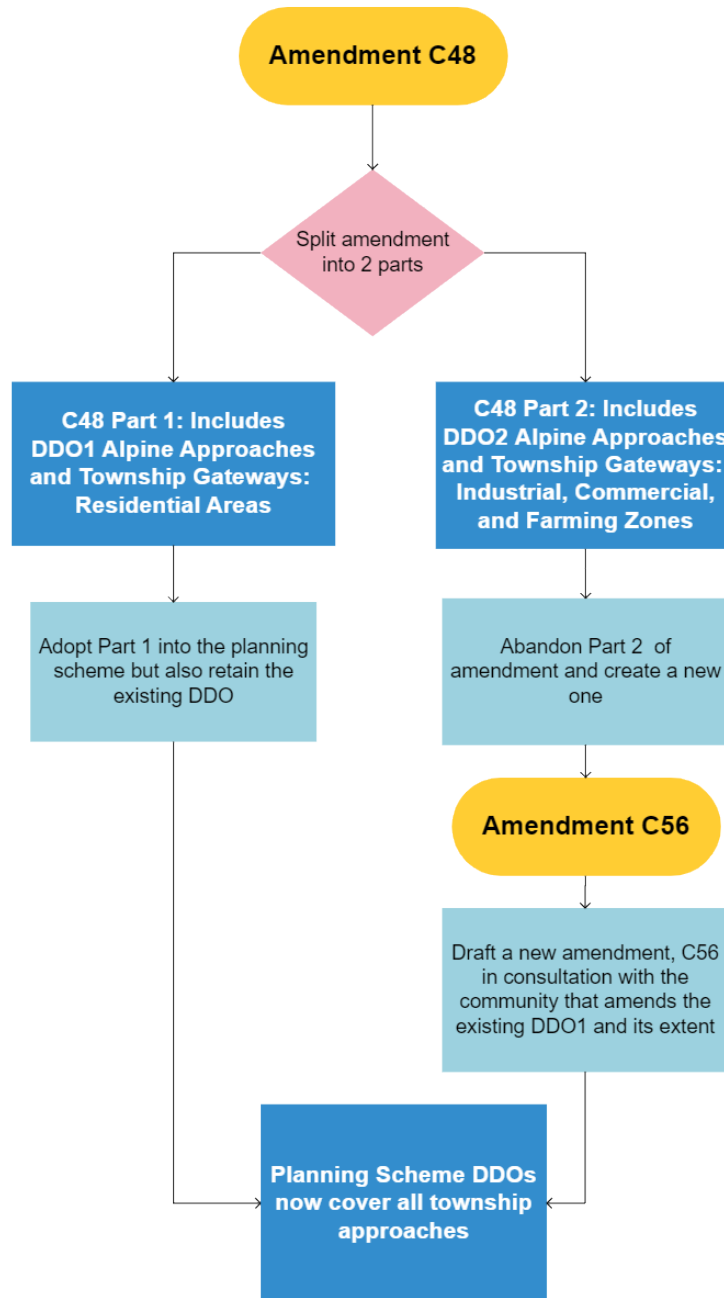
- Applying the Design and Development Overlay 1 to applicable areas of Mixed Use, General Residential 1, Low Density Residential and Rural Living Zone (Planning scheme maps 11DDO and 12DDO and new Planning scheme map 9DDO).
- Applying the Design and Development Overlay 2 to applicable areas of Farming, Urban Floodway, Industrial 1, Commercial 1 and Commercial 2 Zone (Planning scheme maps 11DDO and 12DDO).

The *Planning and Environment Act 1987* requires multiple actions for an amendment to be implemented into the Mansfield Planning Scheme.

Following exhibition of the proposed C48 amendment, 11 unresolved submissions were referred to Planning Panels Victoria. The panel hearing was held on 21 and 22 February 2022, with the panel report submitted to Council in April 2022. A copy of this report can be found at Attachment 1. The report highlighted some errors in the exhibition of the amendment, and the recommendations that resulted have caused some concern over whether the controls will provide adequate protection for the various township approaches.

The officer assessment of the impact of the panel recommendations is that the priority for Council should be to maintain the protections in the Mansfield Planning Scheme that are considered necessary for Approach 1, adopt the elements of the amendment that are not contested, and to progress the implementation of the guidelines to the commercial and industrial areas through a new amendment. A copy of the existing DDO provisions can be found at Attachment 2.

Proposed future process for amendment C48



Responses to Panel Submissions

The recommendations of the panel in relation to the key issues raised by submitters have been summarised as follows:

Mandatory Planning Controls

The exhibited amendment, and council's adopted position, included performance-based measures for the approaches. Some of the submissions requested that these measures be made mandatory and less open to a site-specific response. The panel recommendation is that the performance-based provisions are appropriate and did not support the change to mandatory controls. The panel report discusses mandatory requirements on page 21 and refers to the Planning Practice note in the response.

Name of the Schedules

The panel has supported the change of the name of the schedules to be “Alpine Approaches and Township Gateways”. This is in accordance with Council’s adopted position and the submissions to this matter and will be included in both C48mans Part 1 for adoption, as well as the new amendment to be prepared.

Land Use Regulations

The panel report recommends redrafting of the schedules to remove requirements to regulate land use. This includes the removal of the reference to drive through facilities, which is not in accordance with Council’s adopted position. The panel position was that the other controls in the DDO would manage this effectively, particularly with the following provisions that would be applied to consideration of a drive through facility:

- Vehicle access should not be a dominant or prominent element when viewed from a township approach.
- Expanses of car park exceeding 6 car spaces should be located away from direct views lines from a township approach.

This matter is mainly of concern in relation to Approach 1, Maroondah Highway. The officer recommendation for this matter is to not adopt this element but prepare and exhibit a new amendment for the DDO that would apply to commercial areas. Due consideration of how use provisions are reflected in the documents will be given at this point.

Access and Circulation

The panel supported the inclusion of a new “Buildings and Works” requirement in relation to vehicle access points as follows:

- Vehicle access points to sites located on arterial roads should be minimised and be provided by side streets or via shared access ways, wherever possible.

This was in accordance with Council’s adopted position. This element is included in C48mans Part 2 and is proposed to be abandoned at this point. While this was a request from the Department of Transport, it does provide some additional controls that could be considered with any potential drive through facilities and will be included in the new amendment to be prepared.

Building Heights

Council’s adopted position was that building heights should not exceed 9 metres, with submissions wanting the height limit to be 6 metres. The panel has supported Council’s adopted position with the height of 9 metres. However, as this element is included in the part of the amendment to be abandoned, this will be open to community consultation in the new amendment. This new amendment will maintain a 9-metre height limit generally but look to retain the 6-metre limitation on the areas currently covered by the DDO1 on the Maroondah Highway approach.

Advertising Signage

The panel acknowledged that there should be controls in relation to signage in the controls, however due to the erroneous omission of this detail from the DELWP website through the exhibition period, the report does not recommend the inclusion of signage controls.

Unfortunately, this is not in accordance with Council’s adopted position. The comments of the panel (page 45) are as follows:

- While the Panel agrees with DoT and other submitters that it would be beneficial to include requirements for signs in the Schedules to the DDO, the Panel also agrees with

140 High Street Pty Ltd that signage requirements may not have been adequately exhibited.

- Council final versions introduce more restrictive signage controls than those intended to be exhibited. The Panel is of the view that further notice may be required to affected landholders and occupiers before these controls can be introduced into the Planning Scheme.

The two Design and Development Overlays proposed as part of this amendment have been split into the following areas:

1. DDO1 – to be applied to areas in the Mixed Use, General Residential, Low Density Residential and Rural Living Zones.
2. DDO2 – to be applied to areas in the Farming, Urban Floodway, Industrial 1, Commercial 1 and Commercial 2 Zones.

An analysis of the proposed signage provisions and the impact of this omission on the approaches has resulted in the recommendation to abandon the adoption of the DDO for the commercial areas at this time (Part 2). However, it is considered appropriate that the lack of inclusion of additional signage controls will not be negatively impacted for the residential areas (Part 1), due to the existing controls in Clause 52.05, *Signs*, as the only signs not needing a permit in those zones are as follows:

1. Bed and breakfast/Home based business sign, only one to each premises, no larger than 0.2sqm.
2. Direction sign.

Recommendation

THAT COUNCIL:

Having been authorised by the Minister for Planning to prepare Amendment C48mans to the Mansfield Planning Scheme under Section 8A (4) of the *Planning and Environment Act 1987* ('the Act');

Having prepared and exhibited Amendment C48mans to the Mansfield Planning Scheme under Section 19 of the Act;

Having considered all submissions to Amendment C48mans under Section 22 of the Act;

Mansfield Shire Council resolves to:

1. Split Amendment C48mans to the Mansfield Planning Scheme into two parts, Part 1 to include all content in attachment 3, titled "C48mans Part 1" and Part 2 to include all content included in attachment 3 titled "C48mans Part 2".

PART 1:

2. Adopt Amendment C48mans Part 1 to the Mansfield Planning Scheme in accordance with Section 29 of the Act, adopting the amendment with the following changes, as outlined in the attached Amendment C48mans, Part 1.
3. Submit Amendment C48mans Part 1 to the Mansfield Planning Scheme, together with the prescribed information, to the Minister for Planning in accordance with Section 31 of the Act.

PART 2:

4. Abandon Amendment C48mans Part 2 to the Mansfield Planning Scheme in accordance

with Section 23(1)(c) of the Act.

5. Advise the Minister for Planning in accordance with Section 28(1) of the Act of Council's decision to abandon Amendment C48mans Part 2 to the Mansfield Planning Scheme.
6. Request the Minister for Planning under Section 30(1)(c) of the Act to publish a notice of lapsing of Amendment C48mans Part 2 to the Mansfield Planning Scheme in the Government Gazette in accordance with Section 30(2) of the Act.

And: Prepare a new amendment to the Mansfield Planning Scheme in place of abandoned amendment C48mans Part 2 to include improved policy and controls.

Support Attachments

1. C 48 Panel Report [13.2.3.1 - 76 pages]
2. Existing DDO to be retained [13.2.3.2 - 4 pages]
3. C 48 mans Part 1 Adoption [13.2.3.3 - 20 pages]
4. C 48 mans Part 2 [13.2.3.4 - 9 pages]

Considerations and Implications of Recommendation

Sustainability Implications

Adoption of the amendment will strengthen the resilience of Mansfield Township by providing clear guidance on the design and siting of structures which will in turn lead to the net effect of more sustainable and efficient design of buildings along these approaches.

The amendment has been considered against Ministerial Directions enabled through the *Planning and Environment Act 1987* which require planning authorities to consider the sustainability implications of any amendment. It is considered that the amendment will have no negative impacts on the environment.

Community Engagement

Community engagement will be undertaken with the proposed development of a new amendment which covers the policy matters not currently being implemented within amendment C48mans Part 2. Further community engagement will be required for this amendment, should it proceed, in accordance with the *Planning and Environment Act 1987*.

Collaboration

Not Applicable

Financial Impact

Prescribed fees for the amendment, should it proceed, will be \$488.50 to adopt the amendment. If Council resolves to undertake a new amendment prescribed fees and resource implications apply to undertake the additional work. Please note that all costs above will be funded by the strategic planning budget.

Legal and Risk Implications

Strategic Risk: The DDO should be implemented to protect and enhance existing township approaches. Without these additional planning controls, Mansfield Township is at risk to potential adverse developments that do not reflect the desired character of the town, and if

approved the effects from these developments are likely irreversible. Adoption of Part 1 of amendment C48mans will implement it into the Mansfield Planning Scheme.

Regional, State and National Plans and Policies

This amendment was prepared in accordance with the following relevant State Policies for Planning Scheme amendments, in addition to the *Planning and Environment Act 1987*:

- Ministerial Direction – The Form and Content of Planning Schemes
- Direction No. 1 – Potentially Contaminated Lane
- Direction No. 11 – Strategic Assessment of Amendments
- Ministerial Direction No. 15 – The Planning Scheme Amendment Process

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

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

Strategy 3.2 Enhance township character

Governance - Disclosure of Conflicts of Interest

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

13.2.4. P101/22 827 Dry Creek Road, Ancona

| | | | |
|--------------------|--------------------|----------------------------|---|
| File Number | DA7799/P101/2 2 | Responsible Officer | Acting General Manager Infrastructure & Planning, Melissa Crane |
| Purpose | | | |

The purpose of this report is to seek Council’s determination of application P101/22 that was lodged for the Use and Development of land for a dwelling. The application is being referred to Council for determination as the officer’s recommendation is to refuse to grant a permit.

| Executive Summary | |
|------------------------------------|---|
| <i>Application Details</i> | |
| APPLICANT | Central Vic Planning Consultants |
| PROPOSAL | Construction of a dwelling in Farming Zone |
| APPLICATION LODGED | 19 May 2022 Further information requested on 1 June 2022 Further information provided on 23 June 2022 |
| ELAPSED TIME | 117 (as at 18 October 2022) |
| NOTICE AND SUBMISSIONS | Application was advertised to nearby and adjoining owners. No objections were received. |
| <i>Property Details</i> | |
| PROPERTY ADDRESS | 827 Dry Creek Road, Ancona |
| LAND DESCRIPTION | Lot 4 PS 112510 |
| RESTRICTIVE COVENANTS | None |
| LAND AREA | 19.4 hectares |
| EXISTING USE | Vacant |
| <i>Planning Provisions</i> | |
| ZONE | Clause 35.07 Farming Zone |
| OVERLAYS | Clause 42.01 Environment Significance Overlay Schedule 1 Clause 44.06 Bushfire Management Overlay |
| MUNICIPAL PLANNING STRATEGY | Clause 02.03-2 – Environmental and landscape values (Landscape) Clause 02.03-3 – Environmental risks and amenity (Bushfire) Clause 02.03-4 – Natural resource management (Water and Declared Special Water Supply Catchments) Clause 02.03-6 – Housing |
| PLANNING POLICY FRAMEWORK | Clause 11.03-6S - Regional and local places Clause 12.01-2S Native vegetation management Clause 12.05-2S – Landscapes |

| | |
|---------------------------------------|---|
| | <p>Clause 12.05-2L Significant landscapes, ridgelines and alpine approaches</p> <p>Clause 13.02-1S Bushfire planning</p> <p>Clause 14.01-1S Protection of agricultural land</p> <p>Clause 14.02-1S Catchment planning and management</p> <p>Clause 14.02-2S – Water quality</p> <p>Clause 15.01-6S – Design for rural areas</p> |
| PARTICULAR PROVISIONS | <p>Clause 52.17 Native Vegetation</p> <p>Clause 52.29 Land adjacent to the principal road network.</p> <p>Clause 53.02 Planning for Bushfire</p> |
| <i>Permit Triggers</i> | |
| CLAUSE 35.07-1 (FZ) | A permit is required to use the land smaller than 40 hectares for dwelling. |
| CLAUSE 35.07-4 (FZ) | <p>A permit is required for building or works associated with section 2 of Clause 35.07-1.</p> <p>A permit is required for building within 100 m from a waterway.</p> |
| CLAUSE 42.01-2 (ESO1) | A permit is required for buildings and works associated with the construction of a new dwelling where new wastewater is generated. |
| CLAUSE 44.06-2 (BMO) | A permit is required to construct a building or construct or carry out works associated with accommodation. |
| <i>Other</i> | |
| CULTURAL SENSITIVITY | The subject land is identified as partially affected by areas of Aboriginal Cultural Heritage Sensitivity. |
| DWMP RISK RATING (IF RELEVANT) | High Risk |

The Planning Policy Framework and Local Planning Policy Framework of the Mansfield Planning Scheme seek to protect, support and enhance the integrity of agricultural land. The proposal fails to respond to the relevant Planning Policy Framework as the proposal seeks to use and develop the land for a dwelling on an allotment less than 40 hectares in size which is already used as a grazing paddock without a dwelling on site. A Notice of Refusal to Grant a permit is recommended, as the proposal will lead to the further fragmentation of agricultural land where there is capacity for the site to be consolidated into a larger farming property.

Key Issues

A detailed delegate report with the full officer assessment of the proposal can be found at Attachment 1. A copy of the Farm Management Plan can be found at Attachment 2. In summary though, the key issue considered as part of this assessment is as follows:

- Farming: Although horticulture and grazing animal production systems require regular supervision and management, the need for a permanent dwelling on site is not justified,

especially given the relative proximity to Mansfield and other population centres. The supplied Title does not have any encumbrances, caveats or notices in place to protect against further subdivision or further dwellings. This presents a risk that the dwelling may be sold and further fragmented from surrounding farmland.

The plans contain limited detail regarding farm operation and environmental management, particularly in relation to how the horticultural activities will be supplied with adequate water.

The officer assessment of this application is that the proposed farming practices have not adequately justified the need for a dwelling on site for the ongoing management of the land for farming purposes and should not be supported.

Recommendation

THAT COUNCIL having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* and under the provisions of the Mansfield Planning Scheme, issue a Notice of Refusal to Grant a Planning Permit for the use and development of the land for a dwelling in the Farming Zone on a lot less than 40 hectares, at 827 Dry Creek Road, Ancona (Lot 4 on Plan of Subdivision 112510, Certificate of Title Volume 09044 Folio 872) on the following grounds:

1. The proposal is not in accordance with Clause 02.02-6 *Housing* as the land is not identified in policy to provide for future housing needs.
2. The proposal is not in accordance with Clause 14.01-1S, Protection of Agricultural Land, as the proposal:
 - a) Will result in the permanent removal of agricultural land for primary production purposes and will detract from the long – term capacity of productive agricultural land to continue production.
 - b) Fails to protect farming and other agricultural practices from the encroachment of urban growth;
 - c) Fails to retain productive land for agricultural purposes.
3. The proposal is not in accordance with Clause 35.07, Farming Zone as it will lead to the further fragmentation of agricultural land by limiting the ability of the parcel to become consolidated with adjoining or nearby land and will not protect or enhance agriculture and will create a residential use in a farming environment.
4. The proposal is not in accordance with the decision guidelines at Clause 65.01 of the Mansfield Planning Scheme as the proposal does not advance the objectives of planning in Victoria and would not result in an orderly planning outcome.

Support Attachments

1. Delegate Report 827 Dry Creek Road Ancona [13.2.4.1 - 17 pages]
2. P 101 22 Farm Management Plan 827 Dry Creek Road Ancona [13.2.4.2 - 18 pages]

Considerations and Implications of Recommendation

Sustainability Implications

No impacts to native vegetation are proposed. The application has been assessed in accordance with the Planning Scheme, and all relevant sustainability clauses.

Community Engagement

The Planning Permit application was advertised to the owner/occupiers of neighbouring properties, no objections were received.

Collaboration

Not Applicable

Financial Impact

Not Applicable

Legal and Risk Implications

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

Regional, State and National Plans and Policies

Is in accordance with the *Planning and Environment Act 1987*.

Innovation and Continuous Improvement

Not Applicable

Alignment to Council Plan

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

Strategy 3.1 Protect natural vistas and farmlets

Strategy 3.4 Plan for and encourage appropriate housing

Governance - Disclosure of Conflicts of Interest

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

13.3. Community and Corporate Services Directorate

13.3.1. Independent Audit Member Recommendation

| | | | |
|--------------------|--------|----------------------------|---|
| File Number | E10349 | Responsible Officer | Manager Business & Performance, Tony Cooper |
| Purpose | | | |

To seek Council endorsement for the nomination of Jane Watson to the vacant independent Audit and Risk Committee member position.

Executive Summary

The Mansfield Shire Council Audit and Risk Committee comprises councillors and three (3) or four (4) independent committee members. The term of appointment for each member is, where possible, arranged to provide an orderly rotation of membership. Each independent member is appointed for a three (3) year term and is required to be filled again through a competitive process. This provides for stability and continuity on the Committee going forward.

Bruce Potgieter has been an independent member of the Mansfield Shire Council Audit and Risk Committee since November 2019. He has now fulfilled his three-year term with his tenure ending on 12 November 2022.

Council commenced an expression of interest process in September to fill this vacancy and received three applications. Mr Potgieter chose not to re-apply for the role for personal reasons. Mansfield Shire Council would like to acknowledge his positive contribution to council in his time with the Audit and Risk Committee and wish him the best in his future endeavours

Key Issues

Interviews were conducted on 5 October 2022, with the panel consisting of Councillor Mark Holcombe, General Manager Community and Corporate Services Dena Vlekkert and Independent Audit and Risk Committee member Peter Johnson.

The panel after deliberation, unanimously endorsed making a recommendation to Council for the appointment of Jane Watson to the Mansfield Shire Council Audit and Risk Committee for a period of three (3) years commencing on 13 November 2022.

Jane Watson brings to the role of independent member over twenty 20 years of experience in finance. Jane has two years local government experience as the Chief Financial Officer at Baw Baw Shire Council. Prior to this, she spent nine years with the Victorian Auditor General Office (VAGO) as the Chief Finance Officer and Senior Business Manager. Jane is currently the Chief Financial Officer at the National Stroke Foundation.

Whilst this will be Jane's first appointment as an independent member of an Audit and Risk Committee, the panel believes that she will bring her experience with VAGO, and her management and financial accounting experience to the role. With this experience she is deemed a good fit with the other independent members of the committee.

Jane's first Audit and Risk Committee meeting will be on 21 November 2022, subject to Council support for the panel's recommendation.

| |
|--|
| Recommendation |
| THAT COUNCIL appoints Jane Watson to the Mansfield Shire Council Audit and Risk Committee for a three-year term commencing 13 November 2022. |
| Support Attachments |
| Nil |

Considerations and Implications of Recommendation

Sustainability Implications

The filling of the vacant independent committee member position on the Audit and Risk Committee ensures that the committee can continue to operate sustainably, by providing continuity and stability through an orderly transition of new committee members.

Community Engagement

Not Applicable

Collaboration

Not Applicable

Financial Impact

Not Applicable

Legal and Risk Implications

The Audit and Risk Committee has an important role in providing oversight of Council's governance and risk management.

Regional, State and National Plans and Policies

Under Section 53 of the Local Government Act, Council is required to establish an Audit and Risk Committee, with the majority of committee members not being Councillors of Mansfield Shire Council.

Innovation and Continuous Improvement

Not Applicable

Alignment to Council Plan

Theme 3: A Trusted, Effective and Efficient Council

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

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

Governance - Disclosure of Conflicts of Interest

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

13.3.2. Quarterly Budget Report

| | | | |
|--------------------|-----|----------------------------|---|
| File Number | E39 | Responsible Officer | Manager Business & Performance, Tony Cooper |
| Purpose | | | |

This report provides information on Council’s financial performance against the 2022-23 Budget for the period 1 July 2022 to 30 September 2022. 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 2022-23 financial year at its meeting of 28 June 2022. This report explains material variances between the year-to-date actual financial results and the Budget 2022-23. Favourable variances are reported as positive values, while unfavourable variances are shown as negative values.

Key Issues

Operating Finance Report

Operating Income & Expenditure Actual against Budget

The year-to-date operating result is favourable (underspent) against the 2022-23 Budget by \$125k (1%). Major variances are summarised below.

Favourable Variances:

- \$56k Revenue Services – Fire Services Property Levy has been invoiced in 2022-23 for the 2021-22 year totalling \$52k.
- \$85k Salaries & Wages Clearing – This is a timing issue only due to year end accrual adjustments and timing of public holidays.
- \$68k Aged & Disability Services – Aged care has now been handed over to the Mansfield District Hospital with most program wind-up costs being processed to the 2021-22 year.
- \$121k Youth Services - \$68k Youth Bushfire Recovery Income has been received which was not budgeted. This grant funding is expected to be fully spent this year. The Youth Services area have recently been through a restructure. Staff have now been appointed, but short-term vacancies in this area have resulted in reduced expenditure both in relation to the wages and program costs. It is anticipated that program costs will be fully expended this year.
- \$55k Emergency Management Recovery – Timing only. Full year MERP Income has been received.
- \$64k Field Services - Rental Income has not been budgeted totalling \$37k (for a two-year period). Remaining variances are timing only.

- \$52k Community Assets & Land Management – Timing only. \$21k relates to Fire Services Property Levy not yet paid on Council owned land. \$27k relates to the timing of the Mansfield Pool budget where increased costs will occur over the summer months.
- \$155k Waste Management – Waste income is higher than budget, as anticipated. It is expected that this will be partially offset by increased expenditure later this financial year.

Unfavourable Variances:

- \$202k Financial Services – Victorian Grants Commission income was paid 75% in advance (paid and processed in last financial year).
- \$58k Customer Service & Records - \$29k has been spent on Digitalising Development Applications. Funding for program was received in the 2021-22 year and not fully spent. Timing issues relating to software payments made in advance. Significant periods of staff leave have been taken in this area which has required backfill staff (unbudgeted).
- \$136k Economic Development – Business & Industry – Council have received grants in prior years that have not yet been fully expended. Expenditure on these programs were not budgeted in the 2022-23 year. Programs include Activating Outdoors, Council Assistance Fund and Exceptional Assistance & Immediate Support.
- \$65k Economic Development – Tourism & Events - Tourism North East payments have been made upfront with the budget phased over the full year.
- \$77k Road Network Maintenance - Victorian Grants Commission income was paid 75% in advance (paid and processed in last financial year).
- \$84k Risk Management – Insurance costs higher than budgeted due to increased premiums.
- \$72k Engineering Services - \$18k relates to the timing of the GIS software budget (paid upfront). In addition, capital works staff time will be allocated to the Capital program where applicable (to be completed).
- \$56k Human Resources – Recruitment and Legal costs currently over budget, partially due to additional grant-funded roles.

Capital Finance Report

Capital Income & Expenditure Actual against Budget

The net year to date capital works variance (net of capital income) is \$197k (47%) overspent compared to the 2022-23 year to date Budget. Costs incurred year to date mainly relate to projects carried forward from the 2021-22 year. Carry forward requests are presented separately for Council consideration.

Summary of Financial position compared to Budget

| | |
|--------------------|--------------------|
| Operating Variance | \$124,903 |
| Capital Variance | <u>(\$197,141)</u> |
| Total Variance | (\$72,238) |

*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 = 4.94 (494%), as compared with 2.53 (253%) as at the end of 2021-22 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 (debtors). The first instalment of rates fell due on 30 September 2022.

Recommendation:

THAT COUNCIL receives the Quarterly Budget Report for the period 1 July 2022 to 30 September 2022.

Support Attachments

1. Quarterly Finance Report - 30 September 2022 [**13.3.2.1** - 8 pages]

Considerations and Implications of Recommendation

Sustainability Implications

Not Applicable.

Community Engagement

The 2022-23 budget engagement process facilitated opportunities for community input to and feedback on Council's budget. There has been no community engagement around the actual results against the 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.

13.3.3. Annual Report

| | | | |
|--------------------|--------|----------------------------|-------------------------------|
| File Number | E10256 | Responsible Officer | Mayor, Councillor James Tehan |
| Purpose | | | |

To present Council’s Annual Report 2021-22.

Executive Summary

The Annual Report contains a report of operations, which gives an overview of Council’s performance against the first year of the Council Plan 2021-2025, and a financial report, which contains the audited financial statements and performance statements.

This is the first year that the *Local Government Act 2020* (LGA 2020) requires the Annual Report to be presented by the Mayor.

Key Issues

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

Council approved the in-principle Financial and Performance Statements at the Ordinary Council Meeting held on 20 September 2022. The statements have been audited, endorsed by Council’s Audit and Risk Committee, certified by two Councillors authorised by Council, and contain the opinion certificates from the Victorian Auditor General.

Section 100 of the LGA 2020 contains a requirement stating that the Mayor must report on the implementation of the Council Plan by presenting the Annual Report at a Council Meeting open to the public within four months of the end of the financial year.

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

Annual Report overview

This is the first Annual Report that details how we performed against our Council Plan 2021-2025 and it includes detailed information for our community on the progress made against the initiatives in that Plan.

It was a high performing year with Council’s strengthening community sentiment being reflected in strong results in the Community Satisfaction Survey, demonstrating that Council’s strategic objectives aligned with community expectations and the community is recognising Council’s improved performance across all services.

Council delivered \$9.5 million of capital works projects, with a large component of the funding coming from State and Commonwealth Government grants. Council achieved a surplus of \$4.5 million in 2021-22. The adjusted underlying surplus of Council, after removing non-recurrent capital grants, cash capital contributions and non-monetary capital contributions is a surplus of \$0.3 million or 1.1% when compared to adjusted underlying revenue. Sustaining an adjusted

underlying surplus is a critical financial strategy to provide capacity to renew the \$231 million worth of community assets under Council’s control.

Throughout the year, Council completed its review of aged care services considering reforms in the aged and disability sectors which had a significant impact on the way home and community care programs were funded, planned and delivered. As a result of the review, which included comprehensive community consultation, Council was able to confidently recommend Mansfield District Hospital as the main provider of home and community care services for Mansfield Shire. At the end of the reporting period on 30 June 2022, Council ceased its in-house services and said goodbye to the many staff who had served the community in aged and disability services on behalf of Council. Council continues to advocate and plan for the needs of older people in the community.

The annual report reflects also on the volatility that businesses and community members had to endure with changing restrictions that had serious impact on the local economy. Council was able to provide direct support to businesses through this period and continue to deliver on our commitments despite restrictions on service delivery.

And finally, Kaylene Conrick announced her resignation at the end of the financial year. We would like to thank Kaylene for her service to Council and wish her all the best for the next stage in her career.

Implementation of Council Plan

This is the first year Council reports on progress in delivering the strategies contained in the Council Plan 2021-2025.

There are three key themes contained within the Council Plan. The Annual Report addresses each of the initiatives undertaken by Council to meet its strategic objectives for the year in the ‘Our Performance’ section of the Annual Report.

| |
|--|
| Recommendation |
| <p>THAT COUNCIL:</p> <ol style="list-style-type: none"> 1. In accordance with section 100 of the Local Government Act 2020, Council receives and notes the Annual Report 2021/22 as presented; and 2. Delegates to the Chief Executive Officer the authority to correct any errors including typographical in the operations report that do not materially alter the underlying message of the report. |
| Support Attachments |
| <ol style="list-style-type: none"> 1. Annual Report 2021-22 [13.3.3.1 - 224 pages] |

Considerations and Implications of Recommendation

Sustainability Implications

Not Applicable

Community Engagement

The Annual Report presents comprehensive information to our community about Council's operations and performance during the 2021-22 financial year and will be made available for reference by the community on Council's website.

Collaboration

Not Applicable

Financial Impact

The Annual Report containing audited Financial Statements and Performance Statement for the year ended 30 June 2022 shows that Council is financially sustainable and that Council services are being delivered within expected parameters.

Legal and Risk Implications

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

Regional, State and National Plans and Policies

Section 100 of the Local Government Act 2020 contains a requirement stating that the Mayor must report on the implementation of the Council Plan by presenting the Annual Report at a Council Meeting open to the public within four months of the end of the financial year.

Innovation and Continuous Improvement

Council worked with in-house designer this year rather than employing an external designer to maximise cost-efficiencies in preparation of the Annual Report. In addition, this year Council will not print hard copies of the report except on an as-needs basis.

Alignment to Council Plan

Theme 3: A Trusted, Effective and Efficient Council

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

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

Governance - Disclosure of Conflicts of Interest

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

13.3.4. Carry Forward Projects

| | | | |
|--------------------|-------|----------------------------|---|
| File Number | E9456 | Responsible Officer | Manager Business & Performance, Tony Cooper |
|--------------------|-------|----------------------------|---|

Purpose

This report seeks a decision of Council in relation to the recommended carry forward projects from 2021-22.

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 2022-23 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 has increased the proposed carry forward amounts above what would normally be expected.

It is recommended that Council approve carry forward projects totaling \$1,443,313 in operating (net of income) and \$4,072,656 in capital (net of income).

Key Issues

The following items have been identified as requiring carry forward to 2022-23 in accordance with Council’s Carry Forward Projects Policy 2021.

OPERATING

- Total operating underspend against updated budget 2021-22 - \$2,821,073
- Total amount of operating carry forward - \$1,433,313
- Percentage unspent funds carried forward - 51%

| Project | Carry over amount (\$) | Rationale |
|---------------------------------------|------------------------|--------------|
| Mansfield Emergency Response Program | \$13,638 | Grant funded |
| Primary Prevention of Family Violence | \$35,490 | Grant funded |
| Integrated Family Services | \$23,117 | Grant funded |
| Enhanced Maternal and Child Health | \$18,242 | Grant funded |
| Maternal and Child Health | \$28,303 | Grant funded |
| Supported Playgroups | \$16,506 | Grant funded |

| | | |
|---|--------------------|---------------------|
| FReeZA | \$18,280 | Grant funded |
| Engage! | \$22,350 | Grant funded |
| L2P | \$15,057 | Grant funded |
| Seniors Festival | \$6,700 | Grant funded |
| Youth Week | \$2,000 | Grant funded |
| Emergency Water Supply Project | \$120,000 | Grant funded |
| Building Community Resilience through a Benchmarking Approach | \$110,520 | Grant funded |
| Digitisation of Planning Applications Project | \$89,554 | Grant funded |
| Planning Scheme Amendment C51 | \$27,475 | Grant funded |
| Kerbside Transition Planning Grant | \$24,060 | Grant funded |
| Roadside Weed Funding | \$9,091 | Grant funded |
| Bonnie Doon Structure Plan | \$22,000 | Fixed term contract |
| Lake Eildon Boat Ramps | \$55,500 | Grant funded |
| Goughs Bay Boat Club Redevelopment | \$303,150 | Grant funded |
| Exceptional Assistance and Immediate Support | \$11,648 | Grant funded |
| Activating Outdoors | 207,994 | Grant funded |
| Council Assist Fund | 262,637 | Grant funded |
| Total | \$1,443,313 | |

CAPITAL

- Total capital underspend against updated budget 2021-22 - \$3,918,485 (Note this figure has been adjusted to remove the \$1.3m unbudgeted land purchase).
- Total amount of capital carry forward - \$4,072,656
- Percentage unspent funds carried forward - 104%

| Project | Carry over amount (\$) | Rationale |
|--|------------------------|--------------|
| Purchase of Plant - Lawnmower | \$9,900 | Contracted |
| Purchase of Plant - Mulcher | \$27,750 | Contracted |
| Purchase of Plant - Chipper | \$45,586 | Contracted |
| Bridges – Renewal Malcolm Street culvert | \$63,300 | Contracted |
| Bridges – Structural Assessment (including Gooleys Bridge barrier) | \$75,000 | Contracted |
| Living Libraries Project | \$498,761 | Grant funded |
| Shire Office Refurbishment | \$23,589 | Contracted |
| Toilet Block Refurbishment Program | \$90,336 | Contracted |
| Mansfield Wetlands Drainage Design | \$11,432 | Contracted |
| Water & Stormwater Management Program | \$39,690 | Contracted |
| Gadhaba Edible & Medicinal Garden Project | \$29,314 | Grant funded |
| Goughs Bay Streetscape | \$50,000 | Contracted |
| Reseals | \$628,096 | Contracted |
| Reseal Preparation | \$585,398 | Contracted |
| Resheet Program | \$971,690 | Contracted |
| Heavy Vehicle Alternative Route Construction Stage 1 | \$611,596 | Contracted |
| Howqua Boat Ramp | \$83,300 | Grant funded |

| | | |
|---|--------------------|--------------|
| Malcolm Street Footpath | \$27,919 | Grant funded |
| Lakins Road Masterplan | \$200,000 | Grant funded |
| Total | \$4,072,656 | |
| Total Recommendation | | |
| <p>THAT COUNCIL approve carry forward funds from the 2021-22 budget to the 2022-23 budget for the completion of the projects listed in this report, totaling \$1,433,313 in operating (net of income) and \$4,072,656 in capital (net of income).</p> | | |
| Support Attachments | | |
| 1. MSC Carry Forward Projects Policy 2021 [13.3.4.1 - 5 pages] | | |

Considerations and Implications of Recommendation

Sustainability Implications

Not Applicable

Community Engagement

Not Applicable

Collaboration

Not Applicable

Financial Impact

Carry forwards contain the financial resources required to deliver the Council Plan

Legal and Risk Implications

There are no known legal and risk implications associated with this report.

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

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

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 a schedule of outstanding actions and those recently completed from Council meetings held from 1 July 2021 to 12 October 2022.

Since 1 July 2021, there are now only 10 incomplete items on the Register, of which nine are in progress and three are awaiting external response.

| |
|---|
| Recommendation |
| THAT Council receive and note the Mansfield Shire Council Meeting Resolution Actions Status Register as at 12 October 2022. |
| Support Attachments |
| 1. Council Resolution Action Register [14.1.1 - 8 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 19 below. |

18. Confidential Reports

18.1. Lakins Road Industrial Precinct Master Plan Project

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. 2022-23 Resheeting Program

Confidential

This report contains confidential information pursuant to the provisions of Section 66(2) of the Local Government Act 2020 under Section 3(h) - confidential meeting information, being the records of meetings closed to the public under section 66(2)(a);

19. Reopen meeting to members of the public

Recommendation

THAT COUNCIL reopen the meeting to members of the public.

20. Close of meeting