



Mansfield Shire

# Council Meeting

Tuesday 17 October 2023 5:00 pm  
ZOOM

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

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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.

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## **Councillors**

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

## **Officers**

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

## Order of Business

### 1. Opening of the meeting

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

### 2. Present

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

### 3. Apologies

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

### 4. Statement of commitment

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

### 5. Acknowledgement of Country

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

### 6. Disclosure of conflicts of interest

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

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

### 7. Confirmation of minutes

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

### 8. Representations

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

### 9. Notices of Motion

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

### 10. Mayor's report

The Mayor provides a report on his activities.

## **11. Reports from council appointed representatives**

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

## **12. 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**

**13.2-13.4 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. 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 Webb

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

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

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

## 3. Apologies

The Chair will call on the CEO for any apologies.

## 4. Statement of commitment

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

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

## 5. Acknowledgement of Country

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

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

## 6. Disclosure of conflicts of interest

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

- Councillor Holcombe
- Councillor Sladdin
- Councillor Webb

## 7. Confirmation of minutes

### Recommendation

THAT the Minutes of the Mansfield Shire Council meeting held on 19 September 2023 be confirmed as an accurate record.

## 8. Representations

## 9. Notices of motion

## 10. Mayor's report

The chair will present the monthly Mayor's report to the Council as follows:

*The Victorian Government recently released its Housing Statement which details their plan to build more affordable homes in Victoria from 2024-34. Following the release of the statement amendments were made to all Planning Schemes in Victoria. While the full scope of what these changes mean to Mansfield Shire are still unclear Council will continue to engage with the State government to emphasise the importance of local input in the decision-making process.*

*After extensive community consultation it's great to see the horse and foal statue donated by Dr Will and Margie Twycross installed in the High Street median strip opposite Eisner's Lane. A generous donation that has already become a meeting place and attraction for both locals and visitors.*

*At the September Council meeting a permit was approved for a Childcare Centre and Indoor Pool (including hydrotherapy pool) at 2 Greenvale Lane Mansfield. These are two facilities the community is calling for and are needed to sustain the population growth our Shire has had and is still having. The Childcare centre has a capacity for 100 children from 0-5 years of age.*

*A Community Asset Committee agreement was endorsed by Council last month with The Mansfield Tennis Association, located on Elvins Street Mansfield, for 10 years with an unlimited amount of additional year 10 options. The agreement commenced on 1 October 2023 and will see the committee continue to occupy and manage the property/existing building as a Tennis Club without incurring any rental costs. The agreement aims to bolster collaboration, ensuring optimal land and tennis facility utilisation for the community's benefit. Council was very pleased to see this partnership recognised in the new agreement with a clear definition of responsibilities.*

Cr James Tehan  
Mayor

### Recommendation

THAT COUNCIL receive the Mayor's report for the period 20 September to 10 October 2023.

## 11. Reports from council appointed representatives

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

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

### Recommendation

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

## 12. Public question time

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

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

## 13. Officer reports

### 13.1. Chief Executive Officer's report

**File Number:** E103

**Responsible Officer:** Chief Executive Officer, Kirsten Alexander

#### Introduction

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

The Chief Executive Officer report will provide information relation to:

- ▶ Customer Service
- ▶ Governance
- ▶ Capital Works
- ▶ New Initiatives
- ▶ Statutory Planning
- ▶ Building Services
- ▶ Regulatory Services
- ▶ Waste Services
- ▶ Revenue Services
- ▶ Field Services
- ▶ Community Health and Wellbeing
- ▶ Visitor Services (Tourism & Events, Economic Development, Community Development, VIC and Library)
- ▶ Communications
- ▶ Digital Transformation Project

#### Recommendation

THAT COUNCIL receive and note the Chief Executive Officer's report for the period 19 September 2023 to 10 October 2023.

#### Support Attachments

1. CEO Monthly Report - September 2023 [13.1.1.1 - 44 pages]



## 13.2. Infrastructure and Planning Directorate

### 13.2.1. Station Precinct Masterplan

<b>File Number</b>	E10791	<b>Responsible Officer</b>	Strategic Planning Officer, Oscar Yencken
<b>Purpose</b>			

To present the final Station Precinct Masterplan to Council for adoption following extensive public consultation and community submissions.

#### Executive Summary

In 2019, Council approved the Mansfield Station Precinct Masterplan, aiming to enhance and strategically develop key areas in the Station Precinct. This plan, prepared by SJB consultants, was financially supported through a mix of grant funds and Council contributions. Following adoption of the plan, changes were introduced in the Mansfield Planning Scheme to streamline the precinct's development process.

Since the Masterplan's adoption, the detailed planning and design of key elements of the plan have progressed and the needs of the Mansfield community have continued to evolve. New landmarks like the Mansfield Heritage Museum and the Gadhaba Gathering Place, shifts in land usage from Stockman's Rise, and community feedback have prompted Council officers to review and update the original Masterplan. This work has been completed in-house, ensuring no additional costs, with important adjustments including changes in parking layouts, pathway additions, and decisions concerning the precinct's historic buildings.

This revised Masterplan is both a recognition of the changing infrastructure and community needs, and a forward-looking plan responding to residential growth and development and increasing visitation to the Shire. With new homes and a childcare centre on the horizon, the Station Precinct is positioned to be a central hub, providing essential amenities and spaces for residents and for visitors alike.

Key initiatives within the Masterplan, such as the inclusive, all abilities playground, dog-friendly areas, the Mansfield Heritage Museum, and rejuvenation of old structures, emphasize and support Council's dedication to community well-being, historical appreciation, and economic development.

Community feedback has been pivotal. From the original community consultation to the latest rounds of engagement, residents have had a consistent say in shaping the Masterplan's direction. The updated Mansfield Station Precinct Masterplan, October 2023 is now presented for Council's consideration.

#### Key Issues

The original Station Precinct Masterplan was prepared by SJB consultants for Council and adopted in 2019. The creation of the original plan had a total funding amount of \$150,000, with \$100,000 being grant funding and the remaining \$50,000 contributed by Council.

After being adopted by Council, the strategic planning team prepared, exhibited and implemented amendment C49mans to include the Mansfield Station Precinct Masterplan as an incorporated document to the Mansfield Planning Scheme. This amendment allows for any use that is generally in accordance with the plan to be undertaken without the need for planning permission. The main purpose of this amendment was to reduce administrative burden and allow more streamlined activation of the precinct.

Since the Masterplan's first creation, several changes have occurred to what was originally proposed on site, and further community and stakeholder feedback was obtained which warranted an expansion of the Masterplan scope/extent to include the area up to Withers Lane. These changes include:

- The final shape and location of the Mansfield Heritage Museum.
- The construction of the Gadhaba Gathering Place.
- The addition of public open space land from the original subdivision of Stockman's Rise, increasing the area of open space available for community use.
- The requirement for closure of the Stock Route as part of the Department of Transport permit conditions for the second stage of the Stockman's Rise subdivision.
- Community feedback as part of the Domestic Animal Management Plan consultation highlighting a need for easily accessible fenced off-leash areas, with space identified in the precinct that could fulfil this need.
- Feedback was also received in relation to the original Masterplan carpark location and the proposal to construct a new carpark on land to the rear of the Visitor Information Centre (VIC), with several requests that this be reviewed as it would impact on the ease of access to the Railway Station and VIC.

In light of the above, a review of the Masterplan was required to ensure that it continues to reflect the needs of Mansfield's growing community. This updated plan has been completed entirely in-house with no additional cost to the ratepayer or additional funding used. It also now includes some new projects such as the shared path along the Maroondah Highway, changes to car parking locations based on information from the Department of Transport, and retention of the old fertiliser shed, originally proposed to be removed. The historical items currently stored in the Goods Shed will be re-located to the fertiliser shed once repaired, to enable activation of the Goods Shed for other uses.

The activation of the Station Precinct is required to address future residential development to the north of the site which will include a new childcare centre and approximately 300 new dwellings. The Station Precinct will need to service these new residents as their primary public open space where there are currently no other public parks or gardens located nearby. Having a comprehensive plan which accurately reflects the needs of the evolving community is critical in the face of Mansfield's growth and development pressures, to maintain the existing quality of life while offering economic development and tourism opportunities.

### **Key Projects**

The Masterplan has several flagship initiatives that garnered significant community interest. A list and assessment of submissions related to these projects is included as an attachment to this report.

- **All Abilities Playground:** Inclusivity was a recurring theme throughout consultations, and this playground symbolizes that commitment.

- **Fenced Dog Off Leash Area and defining the dog off leash area:** A secure space for pets, crucial in promoting a harmonious coexistence with local wildlife.
- **Heritage Museum:** Capturing and celebrating Mansfield's rich history, from the Mountain cattlemen to indigenous heritage.
- **Revitalization of the Goods Shed:** An economic boost that marries historic architecture with contemporary uses.

### Previous Work

In creating the original plan, SJB performed an existing land use assessment, demand drivers, preferred land use mix, and defining opportunities and constraints for the land. For the consultation component of the project, weeknight drop-in sessions, an online survey and targeted stakeholder workshops were conducted.

The community consultation process for the original project involved:

- Public exhibition for 6 weeks between 2 January – 15 February 2019.
- The plan being made available at Council offices, the library, visitor information centre and key community hubs.

42 submissions were received as a result of that consultation. The main concerns cited in an officer's report for the ordinary meeting of Council on 19 March 2019 were that there were in relation to the proposed relocation of the library to the precinct. Other issues raised include the lack of consultation with the Taungurung for the proposed gathering space and the lack of consideration of the western portion of the precinct. The officer commented that additional consultation would be required for the Taungurung gathering place and that the western portion of the precinct be limited to expansion of natural features due to its limited walkability.

Overall, the main concerns from consultation identified in the officer report were the relocation of the library and elements of detailed design. These considerations were stated as being able to be resolved at a later stage when detailed project planning occurred.

### Community Engagement for the updated Masterplan

Public consultation has been a key element of the updated Masterplan's development. A series of community forums, letters to residents, site walks and online engagement opportunities ensured every voice was heard.

Through these platforms, officers received valuable insights that have directly influenced the direction of the plan. A comprehensive list of these submissions is attached to this report. The key issues raised through submissions were as follows:

- Concerns were voiced about the location of the pump track near the Information Centre, emphasizing the visual impact and the preservation of Mansfield's entrance.
- Mansfield's sports and recreation groups proposed multiple enhancements to the Station Precinct including safety improvements, parkland creation, and outdoor recreational facilities.
- Feedback was provided on the Masterplan's governance and emphasized the importance of retaining the current car park.
- Feedback was received regarding deviations from the 2019 Station Precinct Activation Plan, emphasizing the need for design cohesiveness and reconsideration of the bike path and pump track locations.

- Commentary that reducing the overall vision of the original masterplan has the potential to reduce Council's ability to advocate for funding.

To address these concerns, the following actions have been undertaken in the updated Masterplan:

### **Concerns about Pump Track Location**

In response to concerns about the visual impact and preservation of Mansfield's entrance, the location of the pump track has been moved to be further set back from the road. The new site ensures a harmonious blend with the surroundings, taking into consideration accessibility and visibility for local bike riders.

### **Governance and Masterplan Revision Concerns**

Council has recognised and addressed the governance/community engagement concerns highlighted in the feedback. Ensuring comprehensive community engagement has been a high priority in the approach to the update of the Masterplan. Officers have reached out widely to stakeholders, user groups and the broader community, ensuring that input is gathered more broadly to reflect a diverse range of perspectives. It should be noted that letters were sent to over 1200 residents located around the precinct to provide all members of the community with the option to be involved in the Masterplan's review.

### **Feedback on Activation Plan Deviations**

Recognising the importance of the 2019 Activation Plan, the updated plan retains a sizeable portion of what the plan originally proposed. By doing this, the integrity of the original vision is upheld while integrating valuable feedback from the community. This balanced approach ensures that the updated plan is both reflective of past insights and adaptive to current feedback.

Council has also incorporated a holistic design language for the entire site. This not only maintains the cohesion and aesthetic appeal but also ensures alignment with the intentions of the original plan.

### **Funding Concerns**

Concerns raised regarding a 'piecemeal approach' have been mitigated by maintaining the precinct's overall vision to have a comprehensive approach to including complementary uses that contribute to the overall feeling of the area. Council does not propose to reduce the quality of the precinct by having smaller interventions on site which would require less funding. These smaller components can be constructed in tandem if funding is available but allow Council the flexibility to undertake smaller projects where substantial amounts of funding (more than \$4 million) may be required.

By taking these actions, Council aims to align closely with community expectations, valuing their input, and ensuring that the development of the Station Precinct is comprehensive and resonates with the residents and stakeholders of Mansfield Shire.

### **Final Consultation for the updated Masterplan**

Following the review and implementation of the above submissions, Council conducted one final round of community engagement following the plan's update. This involved the following:

- An advert in the Mansfield Courier.

- Images of the draft masterplan at the Visitor Information Centre and Community noticeboard with instructions on how to place a submission.
- Letters to interested parties.

Council received 2 submissions to the final draft plan which raised concerns regarding the design of the carpark at the northeast end, the location of the horse yards and the connectivity of paths throughout the site.

Council officers have since addressed these concerns by contacting horse riding groups to confirm that the relocation of these horse yards will not impact on any existing businesses. Those businesses and riders consulted have no objection to the relation of these horse yards and so they have been indicated as relocated on the plan. It was also confirmed that the final detailed design of the carpark will be subject to community consultation and landscaping in car park areas is a priority of Council. The location of footpaths has been clearly identified on the plan to show connectivity from Kitchen Street to the precinct and it has been confirmed that barbecue areas form part of the design of the all abilities play area.

<b>Recommendation</b>
THAT COUNCIL adopt the Mansfield Station Precinct Masterplan, October 2023.
<b>Support Attachments</b>
<ol style="list-style-type: none"> <li>1. Mansfield Station Precinct Masterplan Report Final October 2023 [13.2.1.1 - 33 pages]</li> <li>2. Mansfield Station Precinct Masterplan Final 10.10.2023 [13.2.1.2 - 1 page]</li> <li>3. Mansfield Station Precinct Masterplan Assessment of Submissions [13.2.1.3 - 9 pages]</li> <li>4. Mansfield Station Precinct Masterplan List of Submissions [13.2.1.4 - 8 pages]</li> <li>5. Mansfield Station Precinct Masterplan Assessment of Submission (1) [13.2.1.5 - 2 pages]</li> <li>6. Mansfield Station Precinct Masterplan List of Submissions (1) [13.2.1.6 - 2 pages]</li> </ol>

## Considerations and Implications of Recommendation

### Sustainability Implications

**Climate Change:** The enhancement of the precinct will take into consideration climate resilience. This includes the use of drought-resistant plantings, shaded areas, and sustainable design materials. The addition of more green spaces can also contribute to localised cooling, helping in mitigating the urban heat island effect.

**Economic:** The revitalisation and proper execution of the Station Precinct projects will support increased tourism, potential new businesses, and increased property values. This in turn can boost local economic growth and job opportunities.

**Environmental:** Improvements in the area will prioritize environmentally-friendly practices. This could include habitat restoration, the addition of native flora, and the establishment of zones to protect local wildlife. Water-sensitive urban design will also be a focal point, ensuring that stormwater management is both effective and beneficial to the environment.

**Social:** The upgraded precinct is set to improve community well-being by providing spaces for social interaction, recreation, and cultural appreciation. The emphasis on inclusivity, as seen with the All-Abilities Playground, ensures that the space caters to all members of the community, promoting social cohesion.

## Community Engagement

Community Engagement has been undertaken in accordance with Council's Community Engagement Policy by several rounds of engagement including a series of community forums, online submissions, letters to residents, and site walks. Feedback from these engagements has been crucial in shaping the final version of the Masterplan and has included over three distinct rounds.

## Collaboration

Not Applicable.

## Financial Impact

The updated Masterplan was completed using existing staff resources. The plan comprises projects of varying scales and financial needs. Potential financial support from state or federal government grants, or public-private partnerships will be explored to offset expenses, in addition to prioritisation and allocation of capital works funds during ongoing review of Council's 10 Year Capital Works Plan. Timing of the various projects included in the plan will be funding-dependent.

## Legal and Risk Implications

**Asset Risk:** There is potential risk in not maintaining or upgrading the assets in the Station Precinct. Neglecting this could lead to deterioration of assets which might cost more overall. The updated plan provides a clear strategic direction for upgrade of the precinct's assets.

**Reputation Risk:** There is potential for reputational damage if the Masterplan is not implemented in line with community expectations. Council has transparently and actively engaged with the community during preparation of the updated Masterplan, and further engagement will occur during execution.

**Social Risk:** The updated Masterplan addresses potential risks of social isolation and reduced community participation by providing a plan that has been developed with broad community input and support, and that responds to growth and development pressures.

**Strategic Risk:** Failure to adapt to the changing needs of the community or not planning for future development and growth could see the area become inadequate or not fit-for-purpose in the future. This underscores the importance of the Masterplan in guiding the precinct's future development in line with community needs.

## Regional, State and National Plans and Policies

Not Applicable

## Innovation and Continuous Improvement

Not Applicable

## Alignment to Council Plan

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

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

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

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

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

Strategy 2.1 Support our arts community and facilitate the delivery of festivals and events.

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

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

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

Strategy 3.2 Enhance township character

Strategy 3.3 Improve roads, drainage and footpaths

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

Strategy 5.1 Create conditions that enable local businesses

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

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

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

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

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

### **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. Botanic Park Masterplan

<b>File Number</b>	E10659	<b>Responsible Officer</b>	Strategic Planning Officer, Oscar Yencken
<b>Purpose</b>			

To present the Botanic Park Masterplan to Council for adoption following extensive public consultation and community submissions.

#### Executive Summary

The Mansfield Botanic Park Masterplan, developed through extensive community consultation since November 2021, has seen multiple revisions based on valuable feedback, emphasizing the park’s role as a crucial recreational and environmental hub. Key feedback addressed concerns over dog control, park amenities, infrastructure, and a strong call for environmental sustainability.

This project was originally funded through the Outdoor Activation Grant with Michael Smith and Associates engaged to create the original draft plan. Their valuable contribution towards the plan is recognised and was used to form the basis of the final plan as it now stands. Following feedback from the initial public consultation the plan was subsequently updated using in-house resources.

The Masterplan incorporates significant projects like a central avenue, a new wetland area, a dedicated dog off-leash space, a mountain biking circuit, an inclusive garden, and a multipurpose amphitheatre. Following adjustments to address final community feedback, especially regarding the length of the proposed central avenue, the plan is presented for Council’s consideration.

#### Key Issues

The Mansfield Botanic Park Masterplan is a comprehensive document that has undergone multiple iterations in its design phase. A copy of the Masterplan and supporting report can be found attached to this paper. This continual refinement has been driven by public consultation, feedback, and community aspirations.

#### Community Engagement

Public consultation has been a key element of the Masterplan’s development. A series of community forums, letters to residents, site walks and online engagement opportunities ensured a wide range of opportunities for community members to be heard. The plan went through multiple rounds of engagement after objections were received to the draft masterplan in February 2023. The following process has been followed to inform the plan:

Type of engagement	What	When	No. of Responses
Initial Engagement	Media Release and Facebook posts announcing engage platform with online community survey	November 2021	17 submissions



Type of engagement	What	When	No. of Responses
Workshops/site meetings	Briefing, online meetings and onsite meetings with Council Officers and Councilors	June and July 2022	N/A
Exhibition of draft plan	Media release and Facebook posts with draft plan for comments, site meeting and online meetings.	December 2022 till February 2023	19 submissions including 17 objecting to the plan. Copies of these are attached to this paper (Botanic Park Masterplan Submissions to original draft Masterplan).
Amendment of draft plan prepared based on submissions	Sent to consultant for review and updating	March 2023	N/A
Update sent to all residents Redgum Estate and all submitters (total of 270 letters)	Advice that plan was being reviewed and a further opportunity to comment would be provided	March 2023	N/A
Exhibition of amended Masterplan undertaken	Media release, updated Engage page, notification to interested parties (1578 properties notified directly), Two site walks undertaken	June and July 2023	2 written submissions, suggesting small changes. A range of generally positive survey responses. Copies of these are attached to this paper (Mansfield Botanic Park Masterplan List of Submissions and Assessment of Submissions).
Exhibition of amended masterplan undertaken	Media release, updated Engage Mansfield webpage, notification to all previous submitters, signs put on site and community notice board.	September 2023	8 Written submissions, suggesting changes to the length of the proposed central avenue/car park. Copies of these are attached to this paper (Mansfield Botanic Park Masterplan Final Engagement List of Submissions and Assessment of Submissions).

Through these platforms, valuable insights have been obtained that have directly influenced the direction of the plan. A comprehensive list of these submissions is included as attachments to this report. Overall, the community sentiment towards the Mansfield Botanic Park Masterplan is largely positive, as indicated by the broad engagement and the constructive feedback provided in the survey responses. It is clear that the park holds significant value to the community, serving as an essential space for recreation, leisure, and connection with nature. The two

written submissions to exhibition of the plan in mid-2023 raised other points, and it is recommended that a comprehensive management plan and a clear identity for the park are required to address the points raised. In addition, a list of recommended plantings has been included and consideration of volunteer labour to help manage the park has been added.

The survey responses also indicate an appreciation for the current state of the park, with a particular emphasis on its open spaces and walking paths. The preservation of these features should be a priority in the masterplan. However, the lower rating for picnic areas and art installations suggests a need for improvement in these aspects. The main concern arising from the survey feedback relates to the management of shared spaces, particularly in relation to dog control. The community has indicated a need for restricted off-leash areas for dogs to prevent conflicts between different park users.

Solving this issue could involve the creation of designated off-leash zones, as well as fenced areas where dogs should be restricted, such as playgrounds. Clearer signage and education about these areas could also help manage user expectations and maintain harmony among different park users.

Another concern relates to park amenities and infrastructure. Many respondents requested additional picnic areas and shelters, improved walking paths, and more car parking. Addressing these needs could involve infrastructure upgrades, as well as a thorough assessment of the park's capacity to handle increased vehicle traffic without detriment to its natural environment.

The community's strong emphasis on environmental sustainability suggests potential tension between development and preservation. This concern could be managed by integrating sustainability principles throughout the Masterplan, such as by prioritising native vegetation in new landscaping, ensuring new structures are eco-friendly, and treating stormwater onsite to nourish the park's vegetation and improve wetland areas.

Finally, with 7 of the 8 final submissions raising concerns about the proposed length of the central avenue/carpark, it is recommended that the design is amended to only extend up to the roundabout to address the points raised by the community.

### **Key Projects**

Some key projects incorporated into the updated draft Masterplan include:

- A central avenue within the park to improve accessibility and provide space for possible future events.
- A new large wetland with adjacent BBQ shelters and a new public toilet in the center of the expanded park.
- A fenced dog obedience area to assist with reducing community concern over dog-related incidents within the park.
- A mountain biking circuit in the northwestern corner of the park.
- An accessible garden which caters to all age groups.
- A multiple purpose amphitheater located within the existing oval area to cater for events, performances and allow for use also as a picnic shelter.

Council officers have undertaken the final round of community consultation and updated the plan to respond to the community concerns raised in the final exhibition of the plan where possible, ready for its presentation to Council for consideration.

<b>Recommendation</b>
THAT COUNCIL adopt the Mansfield Botanic Park Masterplan.
<b>Support Attachments</b>
<ol style="list-style-type: none"> <li>1. Final Botanic Park Masterplan Report, October [13.2.2.1 - 54 pages]</li> <li>2. Final Mansfield Botanic Park Masterplan, October [13.2.2.2 - 1 page]</li> <li>3. Engagement Round 1 Botanic Park Masterplan Assessment of Submissio [13.2.2.3 - 20 pages]</li> <li>4. Engagement Round 1 Botanic Park Masterplan List of Submissions Red [13.2.2.4 - 31 pages]</li> <li>5. Engagement Round 2 Mansfield Botanical Park Masterplan Assessment [13.2.2.5 - 4 pages]</li> <li>6. Engagement Round 2 Mansfield Botanical Park Masterplan List of Sub [13.2.2.6 - 23 pages]</li> <li>7. Assessment of Submissions Botanical Park Masterplan Engagement (1) [13.2.2.7 - 4 pages]</li> <li>8. List of Submissions Botanical Park Masterplan Engagement Round (1) [13.2.2.8 - 6 pages]</li> </ol>

## Considerations and Implications of Recommendation

### Sustainability Implications

**Climate Change:** The Mansfield Botanic Park Masterplan incorporates sustainable landscaping and the planting of additional vegetation. By prioritizing the expansion of vegetation, the park can contribute to the sequestration of carbon, mitigating some of the impacts of climate change through urban greening.

**Economic:** Enhancing the Botanic Park will potentially attract more visitors, promoting local businesses and increasing the community's economic prosperity. Investing in the park's infrastructure will also generate short-term employment opportunities.

**Environmental:** The Masterplan prioritizes environmental conservation, as evidenced by projects that focus on plantings, wetland enhancement, and stormwater treatments. These initiatives will bolster local biodiversity and ensure the park remains an ecological sanctuary.

**Social:** The park serves as a crucial recreational space for the community. By addressing concerns like dog control and amenity enhancement, the Masterplan ensures that it remains a hub for leisure, promoting well-being, and fostering community connections.

### Community Engagement

Community Engagement has been undertaken in accordance with Council's Community Engagement Policy. This involved online surveys, site walks, media releases, community forums, letters to residents, and feedback sessions, reaching out to a large portion of the community to gather diverse input.

### Collaboration

Not Applicable

## Financial Impact

The preparation of the final plan was completed using existing staff resources. Although implementation of the Botanic Park Masterplan is not currently allowed for within Council's budget or 10 Year Capital Works Plan for the expanded park area, opportunities for funding the expansion will be explored in future years. There are some budget allocations within the Capital Works budget for the continued improvement of the existing park facilities in the 10 Year Capital Works Plan. The timing of the complete implementation of the Masterplan will be dependent on the availability of government grants and funding.

## Legal and Risk Implications

**Social Risk:** If community concerns, especially those voiced in the submissions, are not adequately addressed, there is a risk of public disapproval or reduced park utilization. Ongoing engagement is essential to mitigate this risk.

**Strategic Risk:** Any change to the park's structure or use could affect its long-term viability or the community's perception. By staying aware of community needs and environmental trends, this risk can be managed.

## Regional, State and National Plans and Policies

Not Applicable

## Innovation and Continuous Improvement

Not Applicable

## Alignment to Council Plan

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

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

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

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

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

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

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

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

Strategy 3.2 Enhance township character

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. DP001/19 - 294 Monkey Gully Road, Mansfield

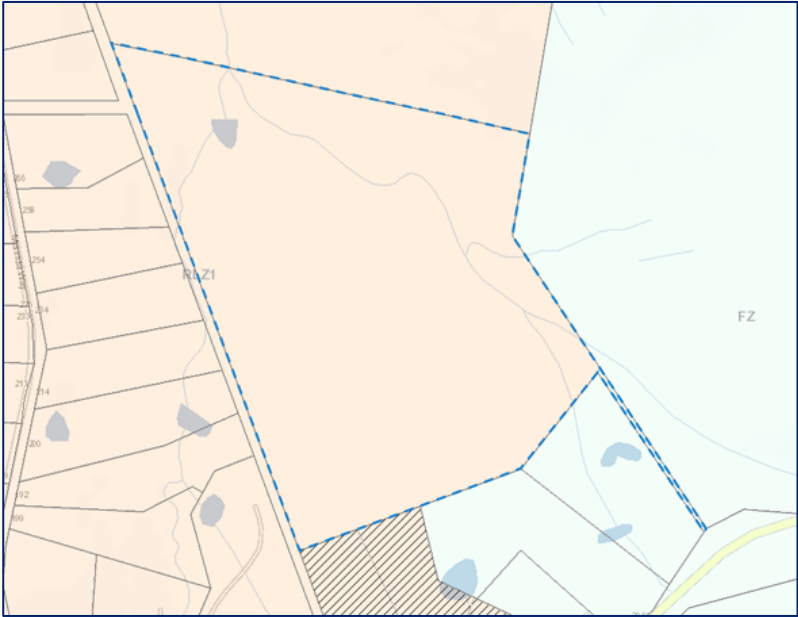
<b>File Number</b>	DA2665 DP001/19	<b>Responsible Officer</b>	Coordinator Statutory Planning, Nicole Embling
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**Purpose**

The purpose of this report is to seek Council’s determination of application DP001/19, lodged for the approval of a Development Plan for Rural Living land at 294 Monkey Gully Road Mansfield.

**Executive Summary**

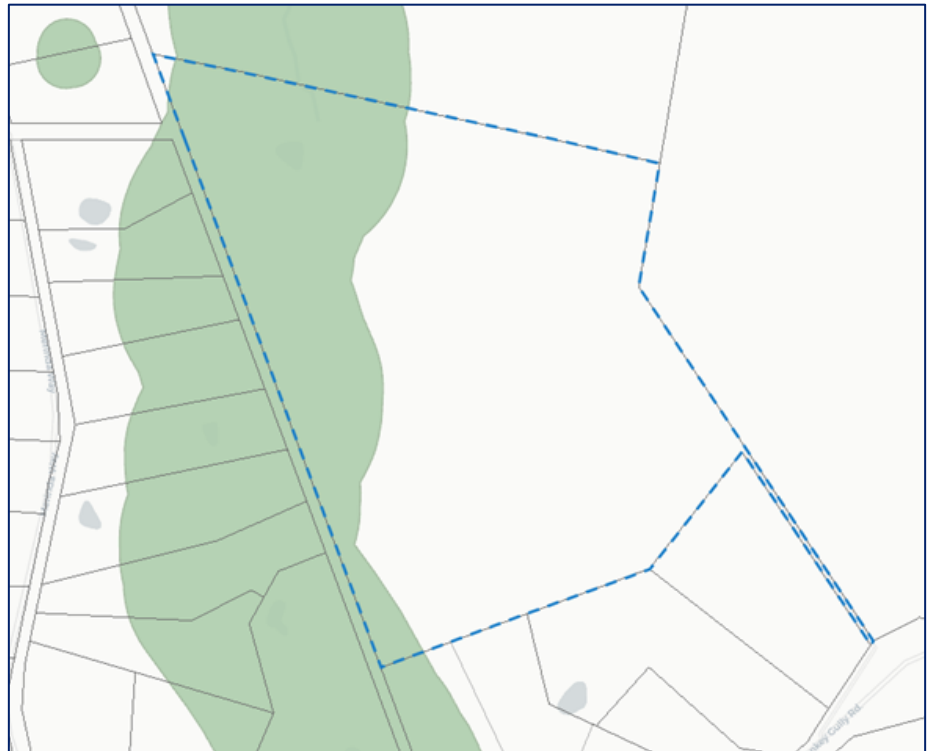
<i>Application Details</i>	
<b>APPLICANT</b>	Ellen Hogan & Associates
<b>PROPOSAL</b>	Development Plan – Rural Living Zone
<b>NOTICE AND SUBMISSIONS</b>	<p>Notice was provided during 24 January to 23 February 2023 in the form of Letters to the adjoining and nearby owners and occupiers.</p> <p>Following the notice period thirteen (13) Objections were received.</p> <p>Following a Consultative Meeting three (3) Objections were withdrawn.</p> <p>To date there are ten (10) outstanding Objections to the proposed Development Plan.</p>
<i>Property Details</i>	
<b>PROPERTY ADDRESS</b>	294 Monkey Gully Road, Mansfield
<b>LAND DESCRIPTION</b>	Lot 1 on PS 206686E
<b>RESTRICTIVE COVENANTS</b>	None
<b>LAND AREA</b>	62.05 hectares
<b>EXISTING USE</b>	Vacant land
<i>Planning Provisions</i>	

<p><b>ZONE</b></p>	<p>Clause 35.03 Rural Living Zone – Schedule 1                      Clause 35.07 - Farming Zone (partial)</p> 
<p><b>OVERLAYS</b></p>	<p>Clause 43.04 – Development Plan Overlay                      Schedule 3 – Rural Living Zone</p>
<p><b>MUNICIPAL PLANNING STRATEGY</b></p>	<p>Clause 02.03-1 - Settlement                      Clause 02.03-2 – Environmental and Landscape Values (Landscapes)                      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</p>
<p><b>PLANNING POLICY FRAMEWORK</b></p>	<p>Clause 12.01-1L – Protection of Biodiversity                      Clause 12.01-2S – Native Vegetation Management                      Clause 12.03-1S – River and Riparian Corridors, Waterways, Lakes, Wetlands and Billabongs                      Clause 13.02-1S – Bushfire Planning                      Clause 13.02-1L – Bushfire Management                      Clause 14.02-1S – Catchment Planning and Management                      Clause 14.02-1L – Catchment Planning and Management                      Clause 16.01-3S – Rural Residential Development                      Clause 16.01-3L – Rural Residential Development</p>
<p><b>PARTICULAR PROVISIONS</b></p>	<p>Clause 52.17 - Native Vegetation</p>
<p><i>Requirements under Mansfield Planning Scheme</i></p>	
<p><b>CLAUSE 43.04 – DEVELOPMENT PLAN OVERLAY</b></p>	<p>Clause 43.04-2 Requirement before a permit is granted  <i>A permit must not be granted to use or subdivide land, construct a building or construct or carry out works until a development plan has been prepared to the satisfaction of the responsible authority.</i></p>

	<p>Clause 43.04-4 Preparation of the Development Plan  <i>The development plan may consist of plans or other documents and may, with the agreement of the responsible authority, be prepared and implemented in stages.</i></p>
<p><b>SCHEDULE 3 TO          CLAUSE 43.04          DEVELOPMENT PLAN          OVERLAY</b></p>	<p>A development plan must include the following requirements:</p> <ul style="list-style-type: none"> <li>• <i>Site assessment and design response, including natural features, slope and orientation, drainage lines, native vegetation, heritage and archaeological significance, potential impacts, viewlines and adjoining land.</i></li> <li>• <i>Proposed subdivision layout and density, indicating internal roads, external road linkages and impacts, pedestrian linkages and if appropriate, lot layout.</i></li> <li>• <i>All servicing, including roads, water (for domestic, stock and fire fighting purposes), onsite wastewater disposal, drainage and stormwater, electricity and telecommunications to meet the standards of the relevant service authority to meet the standards of the relevant service authority.</i></li> <li>• <i>An assessment of relevant bushfire risk and bushfire protection measures for the site and area, as appropriate.</i></li> <li>• <i>Existing and future open space, including linkages to and between open spaces.</i></li> <li>• <i>Proposed measures to address native vegetation, landscaping and streetscape treatment.</i></li> <li>• <i>The stages, if any, in which the land is to be subdivided and developed.</i></li> <li>• <i>Consistency with any adopted structure plan, urban design framework or strategy relevant to the area.</i></li> <li>• <i>If the proposal is likely to have an effect on an arterial road, a Transport Impact Assessment Report (TIAR) should be prepared to the satisfaction of the relevant road authority. The TIAR must have regard to the relevant road authority's access management policies and determine the extent of mitigating works required on arterial roads in consultation with the relevant road authority.</i></li> </ul>
<p>Other</p>	

**CULTURAL SENSITIVITY**

A significant portion of land is within an area of Cultural Heritage Sensitivity, shown green below:



The requirement is for a Cultural Heritage Management Plan to be conducted prior to a planning permit being issued for subdivision, therefore at this stage of the Development Plan a Cultural Heritage Management Plan is not required.

**Subject Site and Surrounds**

The proposal is for the land at 294 Monkey Gully Road, Mansfield, formally known as Lot 1 PS206686E, which is 62.05 hectares in size. The subject land is situated approximately 5km south-west of the Mansfield Township and has vehicle access via Monkey Gully Road and Merinda Way to Stoneleigh Road.

This site is an irregular shape with a narrow (18.04 metres) frontage to Monkey Gully Road and indirect access to Merinda Way via an un-made Government Road Reserve near the north-west corner. There is an Electricity Easement (E-1) on the existing Title where overhead powerlines traverse the north-west corner of the site.

The subject land is within the Rural Living Zone (RLZ1) and partly within the Farming Zone (FZ), and the Development Plan Overlay – Schedule 3, Rural Living Zone (DPO3) applies to the land. The ‘battle-axe handle’ of the land is the only portion within the FZ and is approximately 3,600 square metres, the remainder of the land and specifically the area subject to future development is within the RLZ1.

There is one natural waterway which traverses the land from west to north and is within an area of Cultural Heritage Sensitivity and a secondary creek is located near the east boundary. There are three (3) existing farm dams and some Stock Yards near the creek, otherwise the land is vacant. Topographically the site slopes down away from Monkey Gully Road to its lowest point at the natural waterway in the north-west corner, the overall slope of the slope is fairly gentle and consistent.





**Figure 1: Aerial imagery of the subject land and surrounds**

This application for a Development Plan has also considered the use of the Hollams Road Reserve for a future road connection to Merinda Way, this road reserve is currently unused and has some native vegetation.

The surrounding properties are mostly developed in a rural living manner, with single dwellings on large allotments ranging from 2ha to 8ha and most of the surrounding land is also in the Rural Living Zone. Directly adjoining the subject land to the west is the existing Merinda Way development, which extends north and connects with Stoneleigh Road.

### **Proposal**

The submitted Development Plan provides objectives and performance measures for future subdivision, use and development. Consideration of the existing waterways and drainage lines within the subject land and adjoining properties has been incorporated into the Development Plan and provides for a road layout which responds to the natural characteristics of the land. Further consideration of the existing native vegetation, particularly within the Hollams Road Reserve has been addressed and included in the application which aims to protect and avoid some of the higher value native trees.

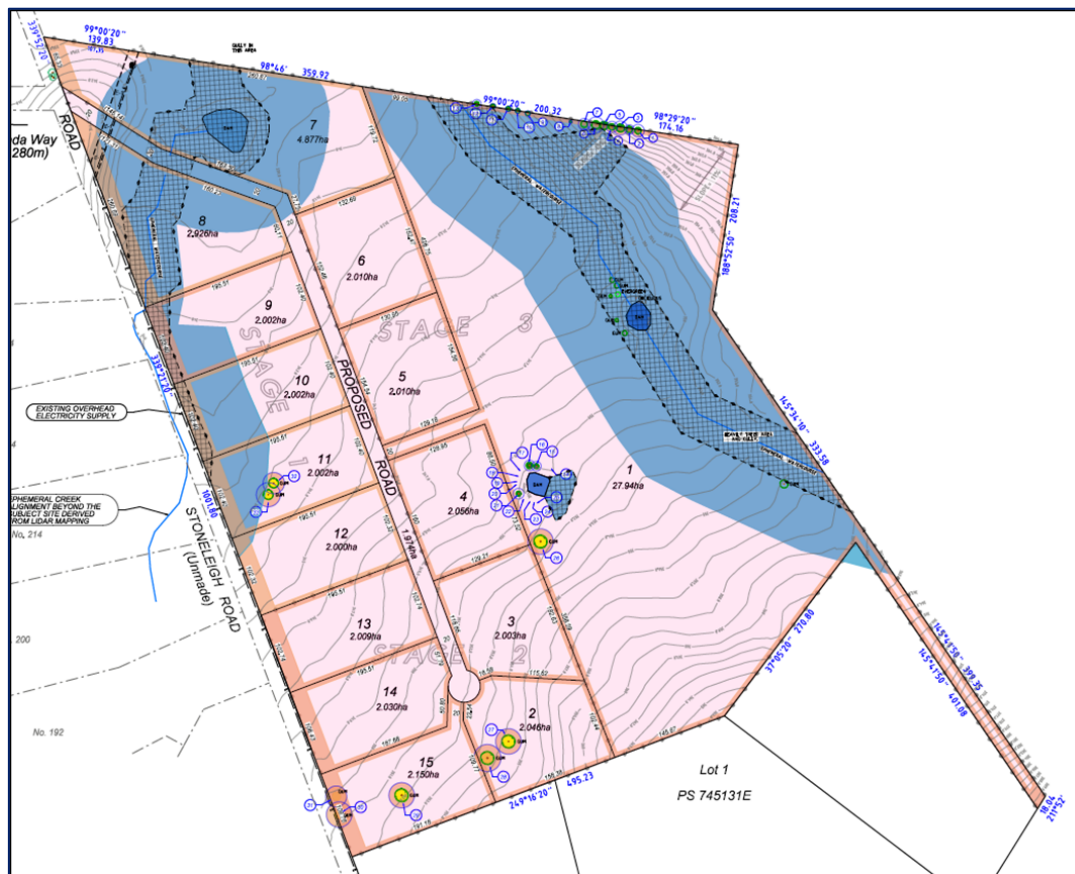
The Development Plan provides for an indicative fifteen (15) lot subdivision layout including one large balance lot. The smaller lots are proposed to range from 2 to 4.977 hectares, each of the lots would be capable of containing a dwelling. The balance lot, proposed Lot 1, is estimated to be 27.94 hectares and will retain the secondary waterway on the land, stock dam and existing stock yards. The waterway through proposed Lot 1 is significant in the landscape and there would be environmental benefits in retaining the waterway within a single parcel of land.

The Development Plan provides for future controls to be included in a Section 173 Agreement on Title for any new lot created through subdivision, in relation to Design and Siting the controls detail:

- *All roofing materials to be non-reflective and of muted tones;*
- *Boundary fencing to be post and wire;*

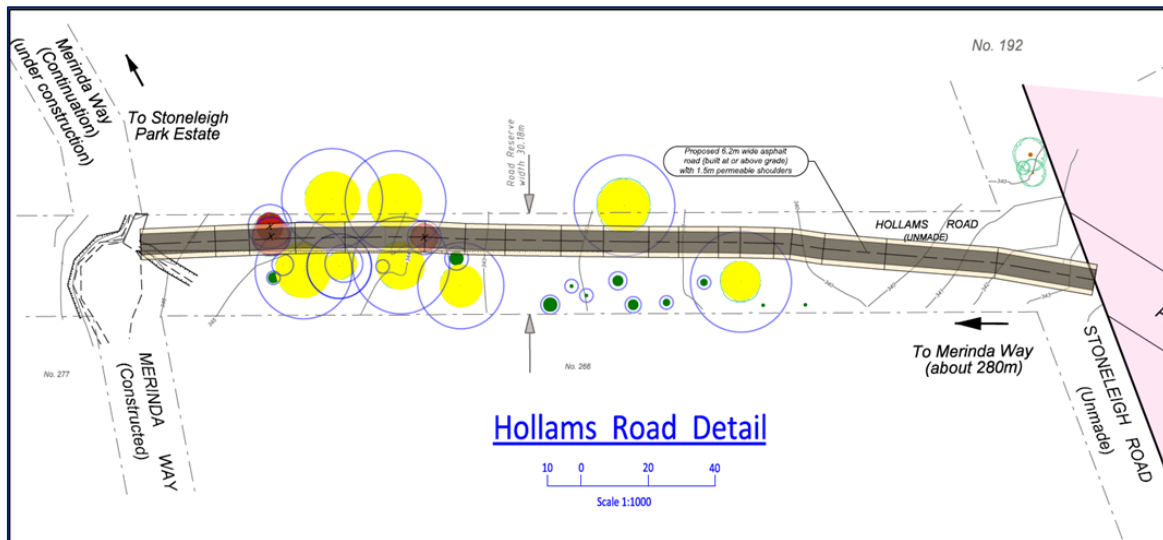
- *Building and effluent exclusion zones to protect waterways, slopes over 15% and setbacks to be a minimum of 20 metres from road boundaries and 5 metres from other lot boundaries;*
- *Protection and management of land within internal drainage lines;*
- *Protection of environmental features, such as mature paddock trees.*

The submitted plans detail six (6) large native trees which are proposed to be protected through the Development Plan and any future planning permit issued for subdivision. The alignment of the proposed lot boundaries protects the native vegetation and would not create any ‘deemed lost’ native vegetation.



**Figure 2: Proposed Development Plan**

The proposal includes the creation of a new road in the Hollams Road Reserve, which would then continue through the subject land to a court bowl, with each lot gaining direct access from the new road. The Hollams Road Reserve includes some large and small native trees, it is proposed through detailed design that three (3) of the smaller trees would require removal for the creation of a new road. The current design layout protects all the large trees, including the trees on the adjoining properties, however some encroachment into the Tree Protection Zones would be necessary.



**Figure 3: Hollams Road Reserve access to the Subject Land**

The application is supported by an extensive Land Capability Assessment (LCA) which has detailed building and effluent exclusion zones in relation to the waterways onsite. This LCA would be able to be endorsed through any future planning permit issued to ensure future development does not have any impact on the waterways.

The submitted Development Plan is attached.

### History of the Application

The application was originally submitted to Council 4 July 2019 for a similarly designed proposal. At the time CFA raised concerns with the application, which were supported by Council, in relation to the restricted access to and from the site. The access to the site was proposed to be only from Monkey Gully Road, via Merinda Way and the unmade Government Road Reserve, Hollams Road, there was no access to the north via Stoneleigh Road.

The subject land does have a direct connection to Monkey Gully Road which may have satisfied CFA as an alternative access, however it is located on a blind corner and is not suitable for vehicle traffic to enter Monkey Gully Road. The Applicant determined to put the application on hold until such time as the connection through Merinda Way to the north was completed and a secondary access via Stoneleigh Road.

More recently, the Applicant met with Council's Engineering and Planning Departments onsite to discuss the future use of the Hollams Road Reserve. Initially the submitted plan showed a winding road in between the native vegetation, it was determined that this design layout would be unsuitable and unsafe for a future connection road and was not protecting the trees, as was the intention. Following discussions, the application was suitably amended to straighten the road and move the alignment of the road closer to the northern boundary to protect the large native trees. The supporting Arborist Report details recommendations which could enable the retention and protection of all the large native trees within the road reserve, which is supported by Council's Engineering Department.

Additionally, following a Consultative Meeting with the Objectors to the Application, the submitted Development Plan was amended to increase the depth of lots west of the internal road and reduce the number of lots abutting the balance lot, proposed Lot 1. This outcome was supported by the relevant referral authorities, and in particular DEECA who determined that less

lots abutting the balance lot with the ephemeral waterway is environmentally beneficial to the waterway and its surrounding environs. The minor re-design also resulted in the withdrawal of three (3) Objections by neighbouring property owners.

Overall, the Development Plan submitted has maintained a proposed fifteen (15) lot layout with a new internal road connected to the currently unmade Hollams Road Reserve, and the retention of native vegetation on the subject land.

## Key Issues

### Referral Responses

<b>Referral Agency</b>	<b>Response</b>
<b>AUSNET ELECTRICITY SERVICES (AUSNET)</b>	2 February 2023 Support for the Development Plan Indicative conditions provided for a future subdivision planning permit
<b>COUNTRY FIRE AUTHORITY (CFA)</b>	17 April 2023 Support for the Development Plan Comments supporting the minimum BAL-12.5 construction standard for future dwellings and the potential for building exclusion zones to set reasonable defensible space within proposed lots through future planning permit subdivision
<b>DEPARTMENT ENERGY, ENVIRONMENT AND CLIMATE ACTION (DEECA)</b>	6 September 2023 Support for the Development Plan Comments supporting the lot layout and protection of the ephemeral waterway in proposed Lot 1, with minimum lots adjoining Lot 1 providing the best possible protection, and support for the Arborist Report recommendations protecting the native vegetation in the Hollams Road Reserve
<b>GOULBURN BROKEN CATCHMENT MANAGEMENT AUTHORITY (GBCMA)</b>	19 September 2023 Support for the Development Plan Comments supporting the minimum 30m vegetation buffers and 100m exclusion zones from the waterway, spare proposed Lot 8, which has a 35m exclusion zone and is supported by GBCMA due to the drainage divide
<b>GOULBURN MURRAY WATER (GMW)</b>	12 September 2023 Support for the Development Plan
<b>COUNCIL'S ENVIRONMENTAL HEALTH (WASTEWATER) DEPARTMENT</b>	4 September 2023 Support for the Development Plan, based on the submitted Land Capability Assessment and the opportunity to require the exclusion zones in a future planning permit for subdivision
<b>COUNCIL'S ENGINEERING DEPARTMENT</b>	31 August 2023 Support for the Development Plan
<b>COUNCIL'S STRATEGIC PLANNING DEPARTMENT</b>	31 January 2023 Support for the Development Plan

Referral Agency	Response
	<p>Information provided including that the subject land was re-zoned from Farming to Rural Living Zone in March 2006 as the land was identified as being:</p> <ul style="list-style-type: none"> <li>– <i>Closer to infrastructure and town facilities</i></li> <li>– <i>Of a high visual amenity</i></li> <li>– <i>Capable of sustaining a higher density lot yield [based on Land Capability Assessment]</i></li> </ul> <p>Further comments noted that each future lot approved through subdivision less than 4ha would require further planning approvals for a dwelling</p>

**Public Notice**

Advertising was carried out in the form of letters to 74 adjoining and nearby owners and occupiers.

Following the public notice period thirteen (13) Objections were received.

To date there are ten (10) Objections maintained to the proposed Development Plan, in summary the Objections relate to flooding, wastewater disposal and the minimum lot size being less than the nearby properties. The objections are assessed in detail below.

Objection	Applicant Response	Officer Assessment
<b>Loss of Views</b>	<p>The subject land sits topographically below the adjoining land to the west, where the views are generally over the subject land, to the hills east which are significantly elevated.</p> <p>The use of the minimum lot size down to 2ha retains approximately half of the subject land as open paddocks, with the potential for only one dwelling, rather than dispersing 4ha lots across the entire subject land. The future dwellings would be more consolidated and less likely to impact the views from nearby properties.</p>	<p>The layout of the submitted Development Plan would enable future dwellings to be constructed near the shared boundary between the subject land and the adjoining Merinda Way development, which would reduce the visual impact in the landscape and maintains the balance lot as mostly undeveloped land.</p> <p>The land has been zoned Rural Living for more than 16 years, with the expectation that it would be further developed.</p> <p>Planning controls do not consider the ‘right to a view’ and therefore whilst the Development Plan has been designed in a relatively respectful way of the views of nearby residents, these concerns do not hold weight against the proposal.</p>
<b>Change of the unmade Hollams Road Reserve and</b>	<p>Hollams Road Reserve can developed for the purpose of a road, provided that the Council’s Infrastructure</p>	<p>As previously discussed, the proposed plans show the alignment of the road within the Road Reserve near the north boundary which allows the</p>

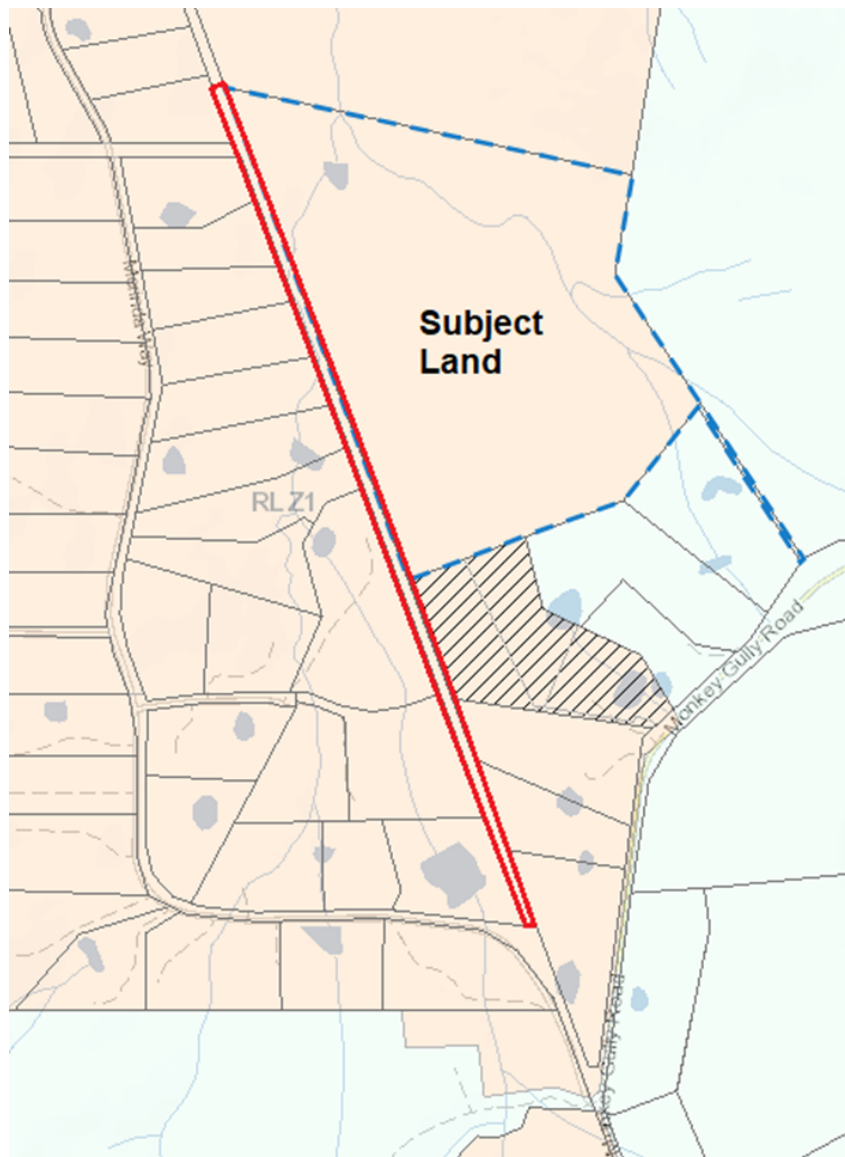
Objection	Applicant Response	Officer Assessment
<b>impact to vegetation</b>	<p>Design Manual is able to be complied with for future construction.</p> <p>The detailed design will be resolved during a future planning permit application for subdivision.</p>	<p>protection and retention of the existing large native trees, ensuring the character of the area and natural visual buffers are retained. It is likely that any future planning permit issued would also require additional street tree planting as a continuation of the existing vegetation.</p>
<b>Lot size is less (almost half) than the properties adjoining to the west</b>	<p>The proposed lots vary from 2ha to 27.94ha and is in accordance with Schedule 1 to the Rural Living Zone. The proposed lot sizes are based on and justified by land capability in relation to the treatment and retention of wastewater onsite for each future lot.</p>	<p>The Rural Living Zone, Schedule 1 requires a minimum subdivision are of <i>2 hectares with an average lot size of 4 hectares</i>.</p> <p>The submitted Development Plan proposes a total of 15 lots varying from 2ha to 27.94ha, with an average lot size of 4.004ha, in accordance with the relevant policy.</p> <p>The purpose of the minimum lot size in the Rural Living Zone is to achieve a higher density development with design considering environmental factors. In this instance the lot layout is designed around the topography of the land and to protect the ephemeral waterway within one lot.</p>
<b>Flooding</b>	<p>The application is supported by a plan detailing contours of land with a fall of the land from south to north. It is identified that there is low lying land within the waterway near the north-west corner of the land, which has been considered. In response to the potential for surface water the proposed lots within the low-lying land are larger and provide for appropriate building and effluent exclusion zones.</p>	<p>The Development Plan application has been referred to the relevant water authority in relation to flooding, GBCMA, who have determined that the proposed lot layout is suitable and is not at risk from flooding. The response received from GBCMA detailed support regarding the building and effluent exclusions zones from the waterways, which would likely be enforced through a Section 173 Agreement on future Titles for any subdivision planning permit issued. It is noted that the subject land, nor adjoining land, is not within an identified flood plain, however Owens Creek does traverse the subject land across the north-west corner.</p>

Objection	Applicant Response	Officer Assessment
<p><b>Existing access to Monkey Gully Road</b></p>	<p>The subject land currently has direct access to Monkey Gully Road, via a shared crossover with two (2) adjoining properties. This access is not proposed to be used for future subdivision or development. The balance lot would gain access from the proposed new internal access road connected to the Hollams Road Reserve and Merinda Way; however, it is not proposed to close or deny private vehicle access through the existing access to Monkey Gully Road.</p>	<p>The subject land currently has two (2) legal access points, being the existing established driveway access direct to Monkey Gully Road, from the southern boundary, and the unmade Hollams Road Reserve at the north-west corner of the land. The proposal is to utilise the Hollams Road Reserve for a new internal road, which would provide direct vehicle access to Merinda Way, with dual connections to Monkey Gully Road and Stoneleigh Road. The road design is suitable in relation to emergency vehicle access and has been assessed in detail by Councils Engineering Department who are satisfied with the proposed road locations.</p> <p>Additionally, at the time of a subdivision planning permit application there would likely be a requirement for a Traffic Impact Assessment and Construction Management Plan which would determine the access route for construction vehicles.</p>
<p><b>Construction of Unmade Stoneleigh Road Reserve adjoining the land to the west</b></p>	<p>The construction of a road within the unmade Stoneleigh Road Reserve was considered during the early stages of design, however it was determined to be unsuitable as the road reserve is where Owens Creek traverses and the impact to the waterway would be inappropriate and unlikely to be supported by the relevant Water Authorities.</p>	<p>The existing unmade Stoneleigh Road Reserve is located along the west boundary of the subject land and connects to Merinda Way south of the subject land, see Figure 4 below. This Road Reserve has previously been identified as inappropriate for road construction as Owens Creek traverses the road reserve for approximately 280 metres where it abuts the subject land. Any construction within the road reserve would cause significant impact to the waterway and could have further implications downstream and to adjoining private properties.</p>
<p><b>Geotechnical Reports</b></p>	<p>The Development Plan is supported by a Land Capability Assessment (LCA)</p>	<p>A LCA and additional supporting documentation were prepared and submitted as part of the application</p>

Objection	Applicant Response	Officer Assessment
	<p>prepared by Paul Williams &amp; Associates, who also conducted the previously approved LCA's for the existing subdivisions surrounding the subject land, Merinda Way, Stoneleigh Park, and a smaller subdivision on adjoining land. The LCA has determined that all proposed lots are suitably capable of treating and retaining wastewater onsite, outside the effluent exclusion zones, in accordance with the relevant requirements and Guidelines.</p>	<p>which has subsequently been referred to the relevant authorities, including Goulburn Murray Water as the responsible authority for the water catchment area, and Councils Environmental Health Department. All relevant authorities have provided support for the Development Plan and supporting LCA for the treatment and retention of wastewater onsite for the proposed future lots. It is considered that the development is appropriate in relation to the effluent treatment and disposal and is in accordance with Council Domestic Wastewater Management Plan and the relevant Guidelines for catchment areas.</p>
<p><b>Removal of Native Vegetation</b></p>	<p>The application is supported by a comprehensive Arboricultural Subdivision Impact Assessment to detail any impact to Native Vegetation, specifically within the Hollams Road Reserve for the construction of the new road.</p> <p>The proposal includes the removal of three (3) young (small) River Red Gums in the Hollams Road Reserve and retention of all other vegetation, including 17 trees in the Road Reserve. The Impact Assessment details recommendations for how the trees to be retained will be able to be protected through specific design of the future road.</p> <p>Additionally, the Impact Assessment details:  <i>In the area of Hollams Road, there is no understorey or native grasses in this area.</i></p>	<p>The lot layout and design of the future road with the Hollams Road Reserve has been considered by Councils relevant Officers and DEECA who are reasonably satisfied that the proposed outcome for removal of three (3) small native trees is reasonable and allows protection of all other vegetation with the Road Reserve and subject land. The lot layout has appropriately considered the location of existing native trees and ensures that there is no 'deemed lost' vegetation. Additionally, future conditions of a subdivision planning permit would be able to protect the remaining vegetation within lots through a Section 173 Agreement on Title. The remaining trees within the Hollams Road Reserve will be able to be protected through detailed design drawings of the road to ensure appropriate construction methods are undertaken and there is minimal impact the root structures.</p>



Objection	Applicant Response	Officer Assessment
<p><b>Bushfire Risk and Evacuation in an Emergency</b></p>	<p>The application has received support from CFA in relation to the design and road access.</p> <p>The design of the roads in relation to emergency access is similar to the recently completed subdivision at Range View Court [Stoneleigh Park] whereby 13 lots gain access and filter out onto Stoneleigh Road.</p>	<p>The layout of the proposed internal road would provide the fifteen (15) lots with direct access to Merinda Way, which has dual access to the north and south. Future residents, or emergency service vehicles, would be able to travel north to Owens Creek Drive and Stoneleigh Road, or south to Monkey Gully Road.</p> <p>The finished connection from Merinda Way to Stoneleigh Road has satisfied the previous concerns by CFA in relation to emergency access.</p>
<p><b>Referral Authorities</b></p>	<p>The referral authorities are supportive of the Development Plan</p>	<p>As previously detailed, the relevant referral authorities being AusNet, CFA, DEECA, GBCMA, and GMW have provided written support in relation to the Development Plan. Their responses include comments for consideration at subdivision planning permit application stage.</p> <p>It is noted that any future planning permit application for subdivision will also require referral in accordance with Section 55 of the <i>Planning and Environment Act 1987</i> and therefore the authorities would have opportunity to require conditions on any permit issued.</p>
<p><b>Design and Siting</b></p>	<p>The written portion of the Development Plan provides design and siting guidelines which could be incorporated into a Section 173 Agreement for any future planning permit issued for subdivision.</p>	<p>The submitted Development Plan includes Design and Siting Guidelines, which are generally in accordance with previous requirements and the existing built form of the surrounding area. The nearby Merinda Way development has generally been developed in a similar form, with open style farm fencing on property boundaries and muted colours for external building materials which ensures development design is sensitive to the surrounding natural landscape.</p>



**Figure 4: Stoneleigh Road Reserve**

### **Consultative Meeting**

A Consultative Meeting was hosted by Council Officers Thursday 18 May 2023, where all Objectors and the Applicant were invited to attend. In total, ten (10) Objectors attended the Meeting along with the Applicant, supporting Consultant and the Landowner.

The purpose of the meeting was to clarify and discuss issues raised through the objections and any further concerns with the submitted Development Plan, through mediation methods some concerns were able to be resolved.

The discussions and outcomes of the meeting are summarised below:

- The likely result in a restriction for the balance lot, proposed Lot 1, to not be further subdivided which would maintain the average lot size across the development.
- Further investigation into the Land Capability Assessment to provide further explanation.

This resulted in the slight redesign and layout of the lots to achieve greater setbacks from the waterways and less lots adjoining the balance lot providing better protection of the ephemeral waterway.

- A Cultural Heritage Management Plan will be required before any planning permit can be approved for subdivision.
- The requirement by the Rural Living Zone to have a 2ha minimum lot size and average of 4ha was determined by Council to ensure lot size diversity in the Rural Living Zone and to allow subdivision design that responds to the natural environment, allowing protection of waterways and native vegetation.

### **Conclusion**

The Development Plan has been submitted to Council to satisfy the requirements of Clause 43.04 Development Plan Overlay (DPO) of the Mansfield Planning Scheme. The DPO requires a Development Plan to be approved prior to any planning permits being issued for subdivision or development.

The land was previously zoned Farming and in 2006 was re-zoned to Rural Living Zone, Schedule 1 in accordance with Councils strategic plans to provide housing diversity. The re-zoning process involved community consultation and was approved by Council and the Minister for Planning.

In addition to the requirements of the DPO, the local and state planning policy provisions and municipal planning strategy provide objectives and strategies specifically relating to the development of rural living land. The submitted Development Plan appropriately responds to the requirements of the state and local planning policies and sets out requirements for future development.

The Development Plan sets out performance measures and guidelines for future subdivision and development (dwellings) in relation to:

- avoiding development on slopes greater than 15%
- dwellings to be built to a minimum BAL-12.5 for bushfire
- external materials of dwellings to be of muted tones
- new boundary fencing to be open farm style
- building and effluent exclusion zones
- protection of mature native trees
- protection of waterways.

The proposed layout for future roads and lots would enable considerable protection of existing vegetation, including all the large native trees within the subject land.

If approved, any future planning permit application would need to comply with the performance measures and guidelines of the Development Plan and any relevant planning policy.

The submitted Development Plan is considered to be in accordance with the relevant planning policies and in particular the Development Plan Overlay, Schedule 3 Rural Living Zone Land. The Development Plan and the associated plan detail a layout which will provide additional residential development in a rural setting adjacent to existing rural living land with good access to the Mansfield Township.

## Recommendation

THAT COUNCIL approves the submitted Development Plan for Rural Living Zone land on Lot 1, Plan of Subdivision 206686E, commonly addressed as 294 Monkey Gully Road Mansfield.

## Support Attachments

1. Delegate Report - Planning Scheme Assessment [13.2.3.1 - 10 pages]
2. Submitted Development Plan [13.2.3.2 - 7 pages]
3. Land Capability Assessment [13.2.3.3 - 19 pages]
4. LCA Explanatory Report [13.2.3.4 - 5 pages]
5. Native Vegetation Removal Report [13.2.3.5 - 7 pages]
6. Native Vegetation Impact Assessment [13.2.3.6 - 54 pages]
7. CONFIDENTIAL - Applicant Response to Submissions - April 2023 [13.2.3.7 - 12 pages]
8. CONFIDENTIAL - Consultative Meeting Minutes - May 2023 [13.2.3.8 - 6 pages]
9. CONFIDENTIAL - Applicant Response to Submissions - August 2023 [13.2.3.9 - 17 pages]
10. CONFIDENTIAL - OBJECTION [13.2.3.10 - 1 page]
11. CONFIDENTIAL - OBJECTION [13.2.3.11 - 4 pages]
12. CONFIDENTIAL - OBJECTION [13.2.3.12 - 1 page]
13. CONFIDENTIAL - OBJECTION [13.2.3.13 - 1 page]
14. CONFIDENTIAL - OBJECTION [13.2.3.14 - 2 pages]
15. CONFIDENTIAL - OBJECTION [13.2.3.15 - 3 pages]
16. CONFIDENTIAL - OBJECTION [13.2.3.16 - 1 page]
17. CONFIDENTIAL - OBJECTION [13.2.3.17 - 1 page]
18. CONFIDENTIAL - OBJECTION [13.2.3.18 - 1 page]
19. CONFIDENTIAL - OBJECTION [13.2.3.19 - 3 pages]

## Considerations and Implications of Recommendation

### Sustainability Implications

The application has been assessed against the provisions of the Mansfield Planning Scheme, including all relevant sustainability principles and policies.

### Community Engagement

The Development Plan has been subject to notification to nearby and adjoining owners and occupiers, by way of letters. As part of this process ten (10) objections were received. An assessment of the objections, the responses from the application and officer consideration of each objection has been undertaken.

### Collaboration

Not Applicable.

### Financial Impact

The application has been assessed as part of the operations of the Statutory Planning team with existing Council resources.

### Legal and Risk Implications

This Development Plan is being undertaken in accordance with the requirements of the *Planning and Environment Act 1987*.

## **Regional, State and National Plans and Policies**

This application has been assessed in accordance with the *Planning and Environment Act 1987* and the future subdivision of the land will be in accordance with the requirements of the Mansfield Planning Scheme.

## **Innovation and Continuous Improvement**

Not Applicable.

## **Alignment to Council Plan**

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

Strategy 3.1 Protect natural vistas and farmlets

Strategy 3.3 Improve roads, drainage and footpaths

Strategy 3.4 Plan for and encourage appropriate housing

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

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

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

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

## **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. Election (Caretaker) Period Policy

<b>File Number</b>	E513/2	<b>Responsible Officer</b>	Interim Coordinator Governance & Risk, Jane Carter
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**Purpose**

To seek Council endorsement of the Election (Caretaker) Period Policy.

**Executive Summary**

The Election (Caretaker) Period Policy is required to be reviewed 12 months prior to a general election. There is a general election scheduled for 26 October 2024.

**Key Issues**

The policy has been reviewed to ensure that the general election for the Mansfield Shire Council on Saturday 26 October 2024 is conducted in a manner that is ethical, fair, and equitable.

The policy addresses the requirements of the Act regarding the responsibilities, actions, and behaviours of Councillors and Council officers in the period leading up to a general election. This includes a requirement to append a copy of the current policy to Council’s 2022 Governance Rules.

**Recommendation**

- THAT COUNCIL:
1. Endorse the Election (Caretaker) Period Policy 2023.
  2. Endorse the appending of the revised Election (Caretaker) Period Policy to the Governance Rules 2022 to replace the existing Election Period Policy.

**Support Attachments**

1. Election (Caretaker) Period Policy 2023 [13.3.1.1 - 9 pages]

### Considerations and Implications of Recommendation

#### Sustainability Implications

Not Applicable

#### Community Engagement

Community Engagement was undertaken in 2022 as part of the updated Mansfield Shire Council Governance Rules 2022, which included the Election Period Policy (now titled the Election (Caretaker) Period Policy). As no material changes have been made to the content of the existing policy, no further community engagement is considered necessary.

## **Collaboration**

Not Applicable

## **Financial Impact**

Not Applicable

## **Legal and Risk Implications**

Compliance with the Act and Regulations is a no risk position for Council.

Section 93B of the Local Government Act requires Council to adopt an election period policy and to review the policy no later than 12 months before the commencement of each general election period.

## **Regional, State and National Plans and Policies**

Not Applicable

## **Innovation and Continuous Improvement**

Not Applicable

## **Alignment to Council Plan**

Theme 3: A Trusted, Effective and Efficient Council Strategic Objective 8 A consultative Council that represents and empowers its community  
Strategy 8.1 Increase community trust in Council to make informed decisions with “no surprises”

## **Governance - Disclosure of Conflicts of Interest**

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

### 13.3.2. Governance and Management Checklist 2022-2023

<b>File Number</b>	E7383	<b>Responsible Officer</b>	Interim Coordinator Governance & Risk, Jane Carter
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#### Purpose

Council is required to authorise the Mayor and CEO to certify the Governance and Management Checklist.

#### Executive Summary

The Governance and Management Checklist is part of the Local Government Performance Reporting Framework and requires Council to report on compliance with 24 corporate governance and management practices.

The checklist is published in Council’s Annual Report and on the *Know Your Council* website managed by Local Government Victoria.

#### Key Issues

Section 98 of the *Local Government Act 2020*, stipulates the contents of a Council’s Annual Report including:

- 98 (2)(a) – a report of operations; and
- 98 (3)(d) – the report of operations must include any other information prescribed by the regulations.

Regulation 9 (2)(c) and Schedule 1 of the *Local Government (Planning and Reporting) Regulations 2020* prescribe the format and content of the governance and management checklist. This includes certification by the CEO and the Mayor that the information presents fairly the status of Council’s governance and management arrangements.

Council has met all 24 indicators in the checklist, refer attached report for further detail.

#### Recommendation

THAT COUNCIL:

1. Receive and note the Governance and Management Checklist 2022-23, and
2. Authorise the Mayor and CEO to sign the Governance and Management Checklist 2022-23 for the purposes of inclusion in the 2022-23 Annual Report.

#### Support Attachments

1. Governance and Management Checklist 2022 2023 [**13.3.2.1** - 3 pages]

## Considerations and Implications of Recommendation

### Sustainability Implications

Not Applicable



## Community Engagement

The Governance and Management Checklist forms part of Council's Annual Report which will be available to the Community on Council's website. Notice of the meeting at which the Annual Report is discussed is also advertised locally.

## Collaboration

Not Applicable

## Financial Impact

Not Applicable

## Legal and Risk Implications

Compliance with the Act and Regulations will have nil risk for Council.

LOCAL GOVERNMENT ACT 2020 - SECT 98

### **Annual report**

- (1) A Council must prepare an annual report in respect of each financial year.
- (2) An annual report must contain the following—
  - (a) a report of operations of the Council;
- (3) The report of operations of the Council must contain the following—
  - (d) any other information prescribed by the regulations.

LOCAL GOVERNMENT (PLANNING AND REPORTING) REGULATIONS 2020 - REG 9

### **Service performance indicators**

- (2) For the purposes of section 98(3)(d) of the Act, the prescribed information is the following—
  - (c) an assessment of Council's governance and management in the form set out in Schedule 1.

## Regional, State and National Plans and Policies

The checklist is part of the Local Government Performance Reporting Framework. The framework is a mandatory system of performance reporting for all Victorian councils. It ensures that councils are measuring and reporting on their performance in a consistent way to promote transparency and accountability in the local government sector.

## Innovation and Continuous Improvement

The Governance and Management Checklist is a tool that can be used to measure the continuous improvement in governance and management of the organisation and is accessible to the community through its inclusion in the Annual Report.

## Alignment to Council Plan

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

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

## Governance - Disclosure of Conflicts of Interest

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

### 13.3.3. High Country Library Shared Service Agreement 2023 - 2026

<b>File Number</b>	E11104	<b>Responsible Officer</b>	Senior Coordinator Community & Economic Development, Saskia Van Bever
<b>Purpose</b>			

To seek Council approval to sign the High Country Library Shared Service Agreement 2023 - 2026

#### Executive Summary

Mansfield Shire Council initially joined the High Country Library Network in 2016.

The High Country Library Corporation was established in 1996 under section 196 and 197 of the Local Government Act 1989 and served four local government authorities – Alpine Shire, the Benalla Rural City, Mansfield Shire, and the Rural City of Wangaratta.

In January 2015, the Board resolved to conduct a comprehensive review of the service. The objective was to identify opportunities to increase operational efficiency, minimise annual financial contributions whilst maintaining or improving library services.

The final report recommended a shared service model, replacing the Corporation with a new collaborative service where member libraries purchase services from a hub including collection, cataloguing and support services.

Alpine Shire Council provides the ‘hub’ services to the High Country Library Network.

The Hub administers the library management system (LMS) and library collection on behalf of members to ensure the current collection is maintained and circulated amongst branches in the most efficient and cost-effective way.

The High Country Library Network provides:

- Economies of scale leading to financial savings,
- Extends our service to the community, and
- Facilitates improvements and innovation by sharing of knowledge.

The Hon Adem Somyurek MP, as Minister for Local Government approved a procurement exemption for Mansfield Shire Council to directly engage Alpine Shire Council in a joint library services agreement from 1 July 2020 to 30 June 2029 inclusive of two by three-year extension options.

The High Country Library Shared Service Agreement 2023 –2026 is the first of the two potential extensions within this exemption.

#### Key Issues

Alpine Council recover their internal and the external costs associated with the services provided to all four members. The 2023-24 expenditure budget is detailed below. Mansfield Council’s share of the expenditure for 2023-24 is \$115,771 based on a cost attribution formula that is determined by ABS population statistics of each member.

Hub Expenses	FY 2023-24 Budget
Collection	\$373,732
Freight	\$46,898
Management System	\$27,117
Operations	\$63,198
Rent & Overheads	\$39,034
Employee Expenses	\$221,056
<b>Total</b>	<b>\$771,035</b>

The Hub’s annual financial surplus or deficit is passed through to participating Council’s in the following financial year.

In the event the arrangement ceases to provide the expected benefits, the agreement enables Council with six months’ notice to remove itself from the agreement at a financial year end.

**Recommendation**

THAT COUNCIL

1. Approves entering into the service arrangement for a further three-year period.
2. Authorises the CEO to sign the High Country Library Shared Service Agreement 2023-2026.
3. Notes the estimated total amount for the term of the agreement is \$347,313 (based on the 2023-24 service fee).

**Support Attachments**

1. High Country Library Shared Service Agreement 2023 - 2026 [13.3.3.1 - 25 pages]

## Considerations and Implications of Recommendation

### Sustainability Implications

The network arrangement provides an opportunity for Mansfield Library to extend their services to the community in a cost-effective shared service arrangement.

### Community Engagement

Not Applicable

### Collaboration

This has been a collaboration with Alpine Shire Council, Benalla Rural City Council, and Wangaratta Rural City Council.

### Financial Impact

Mansfield’s contribution for 2023-24 is \$115,771 which is accounted for in the Council Budget 2023–24. Over three years the total contract amount is greater than the \$200,000 financial delegation of the CEO, hence the request for Council approval to renew the service agreement.

### Legal and Risk Implications

Not Applicable.

### Regional, State and National Plans and Policies

Not Applicable

## **Innovation and Continuous Improvement**

The network arrangement provides an opportunity for sharing of knowledge between councils which is valuable for ongoing improvements.

### **Alignment to Council Plan**

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

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

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 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.

### 13.3.4. Performance Statements 2022 - 2023

<b>File Number</b>	E11037	<b>Responsible Officer</b>	Executive Manager Community Health & Wellbeing, Nola Bales
<b>Purpose</b>			

This report presents the Performance Statements 2022-23 to Council for certification.

#### Executive Summary

The Performance Statement is a required document under the Local Government Act 2020 as part of the Local Government Performance Reporting Framework. The statement is published within Council's Annual Report and contains some of the statistics that are publicly available through the Know Your Council website managed by Local Government Victoria.

The Performance Statement 2022-23 has been prepared by Council officers in line with the requirements of Sections 98 and 99 of the Local Government Act 2020, and the Local Government (Planning and Reporting) Regulations 2020. The Performance Statement 2022-23 has been audited by the Victorian Auditor General's Office (VAGO).

The Performance Statement 2022-23 was considered by the Audit and Risk Committee on 4 October 2023.

The Performance Statement must be certified by Council after any amendments or changes requested by VAGO have been made, prior to adoption by Council. In a change from previous requirements, Section 100 of the Local Government Act 2020 now requires the Mayor to report on the implementation of the Council Plan by presenting the Annual Report at a Council meeting open to the public, no later than 31 October 2022. The final, signed Performance Statement will become part of the Annual Report for presentation to Council.

#### Key Issues

##### Items to note:

**AF7 Cost of aquatic facilities** – Decrease 18.3% - In 2021-22 there had been some forced closures for COVID-19 outbreaks which meant costs accrued but no income. In the 2022-23 season there were no forced closures due to outbreaks.

**AM5 - Animals rehomed** – Increase 44.2% - Good publicity by Council of available pets for rehoming through Councils Facebook page which provided good reach to community and there has been good demand for pets post Covid.

**AM6 – Cost of Animal management service per population** – Decrease 16.3% – The Domestic Animal Management Plan was reviewed in 2021/22 resulting in higher costs that year. This year it is more in line with previous cost for service.

**FS1 – Time taken to action food complaints** – Increase 30% – Majority of complaints were actioned within 3 days of receipt. There were difficulties actioning some complaints due to limited hours of business operations. Results remain at very low levels

**G1 – Council decisions made at meetings closed to the public** – Increase 57% - Achievement in the capital works program has required more tenders to be awarded than previous years. Due to the commercial nature these reports must be considered in confidential meetings, however most resolutions are made public after they have been made.

**LB1 – Physical library collection usage** – Decrease 16.9% - The collection usage has been impacted by the library refurbishment project, with the library closed for six weeks and relocated to another less central building for three months.

**LB5 – Cost of library service per population** – Increase 10.8% - There were additional costs associated with the library refurbishment. Additional staffing was required for the relocation to the temporary location. There were also additional IT expenses associated with the refurbishment.

**R1 – Sealed Local Road Requests** – Increase 218% - Due to bad weather and flooding in 2022-23 sealed roads were affected hence more sealed road requests. The result appears to have been affected by condition issues on roads managed by DoT but reported to Council due to confusion over the relevant road manager.

**R3 – Cost of sealed local road reconstruction** – Increase 278% - This result includes the Heavy Vehicle Alternate Route Stage 1. The overall cost of materials has also increased since the COVID pandemic.

**R4 - Cost of Sealed Local Roads resealing** - Increase 59% - The biggest element in sealing is bitumen which is a type of petroleum, and the price of petroleum has increased every month. The increase in 2022-23 is also associated with the timing of resealing works due to the collaborative tender and associated carryover of 2021-22 works.

**R5 – Satisfaction with sealed local roads** - Decrease 14% - The result appears to have been affected by condition issues on roads managed by DoT. Feedback from the community has highlighted this issue.

**SP1 – Statutory Planning time taken to decide planning applications** – Increase 59% - There has been a significant increase in the number of applications and complexity, therefore timeframes for decisions have reflected this. New software and increased resourcing will assist in returning the time taken to pre-2022-23 levels

**SP2 Planning applications decided within required timeframes** – Decrease 27.5% - There has been a significant increase in the number of applications and complexity, therefore timeframes for decisions have reflected this. Additional resources allocated in the 2023-24 budget will assist in improving this.

**SP3 - Cost of statutory planning service** – Decrease 15% - Cost of service has decreased as the increase in applications was not matched with increased resources. The result is positive in terms of cost of service; however, the timeframes have been affected by this increase.

**WC2 - Kerbside collection bins missed** – Decrease 19% - The decrease percentage of kerbside collection bins missed mainly reflects the increased number of residents. However, the previous year's data also recorded a higher missed collection rate due to reported increased staff turnover and recruitment challenges experienced by the waste contractor.

**L1 - Current assets compared to current liabilities** – Decrease 23% - Council received a significant increase in pre-paid grants, with the liability balance increased compared to the prior year.

**L2 - Unrestricted cash compared to current liabilities** - Decrease 203% - The increase in pre-paid grants and a lower cash and cash equivalents balance has contributed to the decrease in the ratio. This indicator does not include other financial assets (including investments) of \$16.4 million. Including \$16 million of unrestricted investments in the unrestricted cash balance would produce a result of 83.37%.

**O3 - Loans and borrowings repayments compared to rates** – Increase 88% - Council took out a new loan late in the 2021-22 financial year.

**O5 – Asset renewal and upgrade compared to depreciation** – Increase 13% - Council continues to increase its investment in infrastructure asset renewal.

**OP1 - Adjusted underlying surplus (or deficit)**– Increase 134% - Rates and charges revenue growth was greater than the increase in controllable costs.

**S2 Rates compared to property values** – Decrease 19% - Increasing property values in a rate capped environment contributed to this outcome.

**C7 - Staff turnover rate** – Decrease 17% - In 2021-22 there was an increase in staff turnover due to the cessation of Home and Community Care services on 30 June 2022. However, the decrease can also be attributed to a significant effort over the past 12 months to focus on positive workplace culture. In addition, a new and comprehensive recruitment and onboarding program was introduced.

### Recommendation

THAT COUNCIL:

1. Approves in principle the Performance Statements of Mansfield Shire Council for the year ended 30 June 2023; and
2. Authorises Cr \_\_\_\_\_ and Cr \_\_\_\_\_ to certify the Performance Statements of Mansfield Shire Council for the year ended 30 June 2023, subject to any amendments or changes made as required by the Victorian Auditor General’s Office.

### Support Attachments

1. Performance Statements 2022-23 [13.3.4.1 - 5 pages]

## Considerations and Implications of Recommendation

### Sustainability Implications

Not Applicable

### Community Engagement

Not Applicable

### Collaboration

Not Applicable

## **Financial Impact**

All activities reported on were accounted for in the Mansfield Shire Council Budget 2022-23.

## **Legal and Risk Implications**

Not Applicable.

## **Regional, State and National Plans and Policies**

Is in accordance with the Victorian Local Government Act 2020.

## **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

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.



### 13.3.5. Annual Financial Statements 2022-23

<b>File Number</b>	E11037	<b>Responsible Officer</b>	General Manager Business & Economic Development, Julie Williams
<b>Purpose</b>			

This report presents the Financial Statements for the year ended 30 June 2023 to Council for certification.

#### Executive Summary

The Financial Statements 2022-23 have been prepared by Council officers in line with the requirements of Sections 98 and 99 of the Local Government Act 2020, and the Local Government (Planning and Reporting) Regulations 2020.

The Financial Statements 2022-23 have been prepared in accordance with Australian Accounting Standards, and the Local Government Victoria model.

The Financial Statements 2022-23 must be certified by Council after any amendments or changes requested by VAGO have been made, prior to adoption by Council.

In a change from previous requirements, Section 100 of the Local Government Act 2020 requires the Mayor to report on the implementation of the Council Plan by presenting the Annual Report at a Council meeting open to the public, no later than 31 October 2023. The final, signed Financial Statements will become part of the Annual Report.

#### Key Issues

The final, signed Financial Statements 2022-23 will become part of the Annual Report 2022-23, which will be a publicly available document.

#### Officer's Comments

The Financial Statements 2022-23 show the following key statistics:

- Surplus of \$3.9m for the year
- Net asset revaluation increment of \$15.6m
- Net assets of \$261m including \$253m in property, infrastructure, plant and equipment
- Cash of \$20.4m including term deposits

#### Net Asset Revaluation

To ensure the carrying value of Council assets do not materially differ from that which would be determined using fair value at 30 June 2023, comprehensive revaluations were undertaken on Buildings, Recreational, Leisure and Community assets and Off Street Carparks. Managerial revaluations using an indexation method were undertaken for all other asset classes.

The comprehensive and managerial revaluations were undertaken by Brightly Assetic – other than Land assets that were assessed using the Valuer-General Victoria's vacant land average indexation factor. Revaluations are in line with best practice ensuring that carrying amounts in the accounts are relevant.

These revaluations saw an increase in the Net Asset Revaluation reserve of \$15.6m.

### Grant Income

Total Grant Income of \$8.23m was recognised in the 2023 financial year with the split as follows:

Source of Funding	Revenue Recognised (\$'000s)
Operating Grants	
Recurrent Commonwealth Government	4,629
Recurrent State Government	1,011
Non-recurrent Commonwealth Government	100
Non-recurrent State Government	1,703
<b>Total Operating</b>	<b>7,443</b>
Capital Grants	
Non-recurrent Commonwealth Government	599
Non-recurrent State Government	188
<b>Total Capital</b>	<b>787</b>
<b>Total</b>	<b>8,230</b>

The Unearned grant income (prepaid grant income) liability balance at 30 June 2023 is \$5.1m, reflecting a \$2.97m increase in the balance of over the prior year end.

### Contributions - Non Monetary

Non monetary contributions reflecting the fair value of the assets contributed to Council over the course of the financial year to June 2023 have been accounted for as revenue at 30 June.

In accordance with AASB 116, the cost of assets contributed to Council by developers is deemed to be the fair value of the assets at the date acquired.

The table below provides detail of the financial class of the asset contributed to Council.

Financial Asset Class	Gifted Value (\$'000s)
Bridges	19
Drainage	1,305
Footpaths & Cycleways	418
Roads	1,040
Land under Roads	3
<b>Total</b>	<b>2,785</b>

### Asset Disposals

For the 2023 financial year the written down value of assets disposed of was \$972k – being the amount recognised as an expense during the financial year.

The disposed assets relate to stage 1 of the Heavy Vehicle Alternative Route project. This project requires an upgrading of roads and intersections to allow for heavy vehicle movement and to ensure new road levels match with existing bridge levels. The project has required the removal of certain sections of road, and in accordance with the accounting standards the assets removed have been written off.

### Waste Management Reserve

A discretionary Waste Management Reserve was recognised in the financial statements for the first time in 2019-20. As at 30 June 2021 the reserve was in deficit to the value of \$425k. During 2021-22, the reserve deficit increased by \$332k, to leave the reserve in deficit to the value of \$757k. The negative balance reflects that council had not been fully cost recovering the increased waste management charges from rate payers.

Through the 2022-23 Budget, Council increased the waste charges significantly to achieve full cost recovery and to recover a large portion of the accumulated deficit. The transfer from the accumulated surplus to the reserve in 2022-23 is \$724k leaving a closing balance at 30 June 2023 of a deficit of \$33k.

The transfer to the reserve was larger than planned due to Council's significant efforts to both decrease waste transferred to landfill and the raising of additional income from recovery of materials. Also, lower employee costs were achieved through roles being vacant for longer than expected.

### Landfill Provisions

Council owns one licensed landfill (Monkey Gully landfill) and unlicensed closed landfills as follows:

- Mairdample – Owned by Parks Victoria
- Rifle Butts – Owned by Parks Victoria
- Maintongoon – owned by Council
- Deadhorse Lane, Mansfield – both sites privately owned.

Management undertook an assessment of activities and the associated costs required to meet its legal obligation in respect to the landfills to determine the 30 June 2023 provision.

The total provision reflected in the Financial Statements at 30 June 2022-23 in present value terms to meet the future obligations in relation to the unlicensed and licensed land fill sites is \$2.03 million (\$0.20 million current and \$1.83 million non-current).

The net movement in the provision for the year to 30 June 2023 is an increase in the provision of \$0.96 million (which is substantially all movement in the non-current provision). This amount is expensed through materials and services – waste management, for the 2022-23 financial year.

### Significant accounting judgements and estimates

There have been no significant accounting judgements and estimates applied to the 2022- 23 financial statements that require specific review.

### **Recommendation**

THAT COUNCIL:

1. Approves in principle the Financial Statements of Mansfield Shire Council for the year ended 30 June 2023; and
2. Authorises Cr \_\_\_\_\_ and Cr \_\_\_\_\_ to certify the Mansfield Shire Council Financial Statements for the year ended 30 June 2023 on behalf of Council, subject to any amendments or changes made as required by the Victorian Auditor General's Office.

## Support Attachments

1. Annual Financial Statements- GPF S-2023 13 Oct 23 [13.3.5.1 - 66 pages]

## Considerations and Implications of Recommendation

### Sustainability Implications

Not Applicable

### Community Engagement

Not Applicable

### Collaboration

Not Applicable

### Financial Impact

Not Applicable

### Legal and Risk Implications

Not Applicable.

### Regional, State and National Plans and Policies

Not Applicable

### Innovation and Continuous Improvement

Not Applicable

### Alignment to Council Plan

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

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

### Governance - Disclosure of Conflicts of Interest

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

## 13.4. Executive Services Directorate

### 13.4.1. Council Christmas Function – Early Office Closure

<b>File Number</b>	E9506	<b>Responsible Officer</b>	People & Culture Advisor, Janique Snyder
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#### Purpose

To endorse the early closure of Council’s offices and identified services on Friday 1 December 2023 at 12.30 pm so the Council staff may attend Council’s Christmas Function.

#### Executive Summary

It is proposed that the Mansfield Shire Council Main Office, Works Depot and services including Community Services, Youth and Family Services, Visitor Information Centre, and Library be closed at 12.30 pm on Friday 1 December 2023 to enable staff to attend Council’s Christmas function.

#### Key Issues

The function is to be held in Mansfield Shire. The proposed time is to ensure that the maximum number of Council staff can attend the function.

Council’s essential and emergency services will continue to be available during this period, including school crossing supervisors.

#### Recommendation

THAT COUNCIL endorse the closure of its offices including the main office, community services, youth and family services, visitor information centre, library and field services depot for the period between 12.30 pm and 5.00 pm on Friday 1 December 2023.

#### Support Attachments

Nil

## Considerations and Implications of Recommendation

### Sustainability Implications

Not Applicable

### Community Engagement

Mansfield Shire Council offices, community service, youth and family services, visitor information centre, library, and field services closures will be advertised in Mansfield Matters (Mansfield Courier), on Council’s website and via Council’s Facebook page.

Council’s telephone voice message for the period of time concerned will be edited to advise of closure details and provide alternative emergency contacts if required.

## **Collaboration**

Not Applicable

## **Financial Impact**

There are minimal financial impacts associated with the closure.

## **Legal and Risk Implications**

On-call officers will be rostered to cover the office closure period.

## **Regional, State and National Plans and Policies**

Not Applicable

## **Innovation and Continuous Improvement**

Not Applicable

## **Alignment to Council Plan**

Theme 1: Connected and Healthy Community

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

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

## **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.

### 13.4.2. Friends of Venilale - Memorandum of Understanding

<b>File Number</b>	E789	<b>Responsible Officer</b>	Chief Executive Officer, Kirsten Alexander
<b>Purpose</b>			

To present Council with the signed renewed Memorandum of Understanding (MoU) between Mansfield Shire Council and the Sub-District Administration of Venilale.

#### Executive Summary

In 2000 the Victorian Local Governance Association and the Municipal Association of Victoria decided to encourage friendship relationships between Timor-Leste (East Timor) and councils across Australia to develop and support cross-cultural understanding.

In 2004 the Mansfield-Venilale friendship was agreed to by Mansfield Shire Council and the Sub-District (now Posto Administrativo) of Venilale in the municipality of Timor Leste. Venilale is a small town in Timor-Leste about 30km south of Baucau municipality in East Timor. Venilale is an administrative post that comprises of eight sucos, or villages.

In 2005 a delegation from Mansfield, including the Mayor and CEO of Mansfield Shire, visited Venilale.

The Sub-District Administration of Venilale facilitated the signing of a renewal Memorandum of Understanding which was signed by Mayor Cr James Tehan on 14 August 2023 and the Administrator of the Posto Administrativo de Venilale on 31 August 2023.

#### Key Issues

The MoU provides an opportunity for Council to demonstrate deep connections with communities from other parts of the world. The gesture of signing the MoU supports and celebrates the benefits of cultural diversity.

Renewing the MoU between Mansfield Shire Council and the Sub-District Administration of Venilale reaffirms the Friendship between the Sub-District Administration of Venilale, Democratic Republic of Timor Leste and the Shire of Mansfield.

#### Recommendation

THAT COUNCIL receive and note the signed renewed Memorandum of Understanding between Mansfield Shire Council and the Sub-District Administration of Venilale.

#### Support Attachments

1. Memorandum of Understanding ( Mo U) between Mansfield Shire Council and the Sub-District Administra [13.4.2.1 - 2 pages]

## Considerations and Implications of Recommendation

### Sustainability Implications

Not Applicable

### Community Engagement

Not Applicable

### Collaboration

This has been a collaboration with the Friends of Venilale and the Sub-District Administration of Venilale.

### Financial Impact

There are no resource or financial implications in signing the MoU.

### Legal and Risk Implications

The Memorandum of Understanding (MoU) has no legal effect or implication. The purpose of the MoU is to ensure Council's continued recognition, support for and strengthening of the community-to-community relationships already established.

### Regional, State and National Plans and Policies

Not Applicable

### Innovation and Continuous Improvement

Not Applicable

### Alignment to Council Plan

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

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

### 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

<b>Recommendation</b>
THAT Council receive and note the Mansfield Shire Council Meeting Resolution Actions Status Register as at 9 October 2023.
<b>Support Attachments</b>
1. Action Register as at 9 October 2023 [ <b>14.1.1</b> - 7 pages]

## 15. Advisory and Special Committee reports

### 15.1. Audit & Risk Committee Meeting Agenda & Minutes

The Agenda & Minutes of the Mansfield Shire Audit and Risk Committee, held 4 October 2023, are attached for the Councils information.

<b>Recommendation</b>
THAT COUNCIL receive the Agenda & Minutes of the Mansfield Shire Audit and Risk Committee meeting held 4 October 2023.
<b>Support Attachments</b>
1. Additional Audit and Risk Committee Agenda - 4 October 2023 [ <b>15.1.1</b> - 17 pages]
2. Additional Audit and Risk Committee Minutes - 4 October 2023 [ <b>15.1.2</b> - 4 pages]

## 16. Authorisation of sealing of documents

Nil

## 17. Close of meeting