

Council Meeting Tuesday 19 September 2023 5:00 pm ZOOM

Notice and Agenda of meeting livestreamed via the <u>Mansfield Shire Council website</u> Commencing at 5pm

Our aspiration for our Shire and its community

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

Councillors

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

Officers

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

Order of Business

1. Opening of the meeting

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

2. Present

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

3. Apologies

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

4. Statement of commitment

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

5. Acknowledgement of Country

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

6. Disclosure of conflicts of interest

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

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

7. Confirmation of minutes

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

8. Representations

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

9. Notices of Motion

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

10. Mayor's report

The Mayor provides a report on his activities.

11. Reports from council appointed representatives

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

12. Public question time

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

13. Officer reports

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

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

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

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

A Council position is adopted on the matters considered.

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

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

A Council position is adopted on the matters considered.

14. Council resolutions report

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

15. Advisory and Special Committee reports

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

16. Authorisation of sealing of documents

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

17. Closure of meeting to members of the public

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

18. Presentation of confidential reports

19. Reopen meeting to members of the public

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

20. Close of meeting

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

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Agenda

1. Opening of the meeting

2. Present

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

- Councillor Holcombe
- Councillor Rabie
- Councillor Sladdin
- Councillor 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.

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

3. Apologies

The Chair will call on the CEO for any apologies.

4. Statement of commitment

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

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

5. Acknowledgement of Country

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

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

6. Disclosure of conflicts of interest

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

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

7. Confirmation of minutes

Recommendation

THAT the Minutes of the Mansfield Shire Council meeting held on 15 August 2023 be confirmed as an accurate record.

8. Representations

9. Notices of motion

Nil

10. Mayor's report

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

Dr Niki Vincent, Public Sector Gender Equality Commissioner, visited Mansfield Shire early September to speak to her role overseeing the implementation for the Gender Equality Act, Councils obligations under the Act and how councils can promote gender equality in the next Council election. The insights provided by Dr Vincent during her visit will be instrumental in shaping Council's Gender Equity Action Plan.

Applications are open now for the Outlying Communities Infrastructure Fund, a program aimed at improving community facilities that enhance liveability in outlying communities within our Shire. As part of the 2023-24 Budget Council committed more funding to the program increasing its value to \$75,000. I encourage those in outlying communities to apply with applications open until Thursday 23 November 2023.

Council awarded Tomkinson Group the contract for the Mansfield Township Infrastructure Plan at the August meeting following successful grant funding from the Victorian Government's Streamlining for Growth Program. The plan will identify efficient land use to best support and shape the community as it grows and expands to 2040. It will consider additional needs for roads, parking, cycle and foot paths, transport, gardens, community facilities and other government services while also providing the strategic basis Council needs to apply a Development Contributions Plan Overlay into the Mansfield Planning Scheme

Alpine Civil were awarded the tender for the Apollo Street and High Street Stormwater Drainage Upgrade Works at the Council meeting in August. The works will significantly improve the drainage on Apollo Street and High Street and reducing flooding during rain events. These improvement works are expected to commence early 2024.

Cr James Tehan Mayor

Recommendation

THAT COUNCIL receive the Mayor's report for the period 15 August 2023 to 13 September 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	 Mayor Cr James Tehan Cr Steve Rabie Cr Mark Holcombe
Mansfield Shire CEO Employment Matters Committee	 Mayor Cr James Tehan Cr Steve Rabie Cr Mark Holcombe
Goulburn Murray Climate Alliance (GMCA)	 Cr Rohan Webb
Hume Regional Local Government Network (HRLGN)	 Mayor Cr James Tehan
Mansfield Shire Council Audit and Risk Committee	Mayor Cr James TehanCr Mark Holcombe
Municipal Association of Victoria (MAV)	 Mayor Cr James Tehan Substitute - Deputy Mayor Cr Steve Rabie
Rural Councils Victoria (RCV)	Mayor Cr James TehanCr Paul Sladdin

Recommendation

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

12. Public question time

Council welcomes questions from the community. A question must be submitted by midday on the Monday prior to the Council meeting. The <u>'ask a question' form</u> is available from Council's website.

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

13. Officer reports

13.1. Chief Executive Officer's report

File Number: E103

Responsible Officer: Chief Executive Officer, Kirsten Alexander

Introduction

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

The Chief Executive Officer report will provide information relation to:

- Customer Service
- Governance
- Capital Works
- Finance
- New Initiatives
- Statutory Planning
- Building Services
- Regulatory Services
- 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 15 August 2023 to 13 September 2023.

Support Attachments

1. CEO Monthly Report August 2023 [13.1.1.1 - 46 pages]

13.2. Infrastructure and Planning Directorate

13.2.1. EB Mawsons Land Lease Agreement File Number AG868 Responsible Officer Manager Planning & Environment, Maya Balvonova Purpose Purpose

To seek Council approval to enter into a 5-year lease agreement, without the inclusion of any subsequent extension term, for part of the Crown Allotments 83A1, 83A, 82AB1, and 82AB2, located at Monkey Gully Road, Mansfield, Victoria 3722, with E.B. Mawson & Sons Pty Ltd.

Executive Summary

This report presents Council with the proposed 5-year land lease agreement for Crown Allotments 83A1, 83A, 82AB1, and 82AB2, located at Monkey Gully Road, Mansfield, Victoria 3722, with E.B. Mawson & Sons Pty Ltd.

The land included in the lease agreement has been leased since 30 June 2012, with successive annual extensions, with the end date being 31 July 2023. The leased area represents Section A and Section B, as per Figure 1 below:

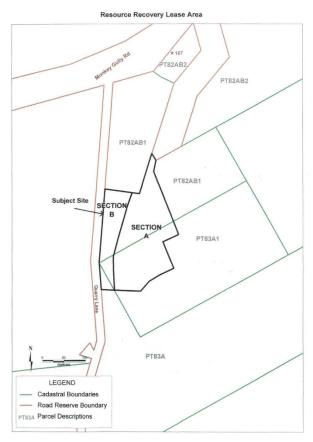


Figure 1: Land Allocation under Lease Agreement

This agreement includes requirements for Quarry Lane Maintenance as specified, together with various associated tasks such as mulching and slashing of regrowth along the roadside reserve to uphold clear sightlines, periodic grading, and re-sheeting of the Quarry Lane pavement,

clearing of obstructions within drainage systems, and other necessary tasks. Additional responsibilities include the maintenance of roadside safety signage and guideposts. These maintenance activities will be undertaken by E.B. Mawson & Sons Pty Ltd for the duration of the lease.

Key Issues

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

To address these requirements, a notice of intention to lease will be placed in the Mansfield Courier.

Recommendation

THAT COUNCIL:

- Approves the proposed lease of part of Crown Allotments 83A1, 83A, 82AB1, and 82AB2, located at Monkey Gully Road, Mansfield, Victoria 3722 for a period of 5 years, without the inclusion of any subsequent extension term, to E.B. Mawson & Sons Pty Ltd.
- 2. Sets the annual lease payment at \$8,560 per annum (ex GST) payable on a quarterly basis, with an annual CPI increase.
- 3. Provides public notification of the intention to lease the above-mentioned land.
- 4. Authorises the Chief Executive Officer to execute the lease agreement on completion of the public notification process.

Support Attachments

Land Lease Agreement - Mansfield Shire Council and E.B. Mawsons Sons [13.2.1.1 - 38 pages]

Considerations and Implications of Recommendation

Sustainability Implications

Not Applicable

Community Engagement

Community Engagement will be undertaken in accordance with Council's Community Engagement Policy by placing a notice of intention to enter into a lease agreement with E.B. Mawson & Sons Pty Ltd. in the Mansfield Courier and on Council's website.

Collaboration

Not Applicable

Financial Impact

The fee structure proposed under the lease agreement is based on a land value of \$214,000, with a market return of 4% per annum applied, resulting in an annual lease fee of \$8,560 (ex GST) payable quarterly, starting from the commencement date of 1 August 2023. An annual CPI increase will be applied.

The income from the proposed lease agreement will provide additional revenue to Council for this site, due to the review of the annual lease payment undertaken as part of the lease renewal.

Legal and Risk Implications

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

Regional, State and National Plans and Policies

Not Applicable

Innovation and Continuous Improvement

Not Applicable

Alignment to Council Plan

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

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

Governance - Disclosure of Conflicts of Interest

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

13.2.2. Mansfield Croquet Club and Delatite Cricket Club

File Number AG1257 Responsible Officer Manager Planning & Environme Maya Balvonova Maya Balvonova Maya Balvonova Maya Balvonova

Purpose

To seek Council endorsement of the proposal to enter into a 5-year license agreement with the Mansfield Croquet Club, for a period of 5 years with two (2) further terms of 5 years, commencing from 1 September 2023 and the Delatite Cricket Club, for a period of 5 years with one (1) further term of 5 years with the commencement date on 1 October 2023.

Executive Summary

The proposed license agreements aim to secure the clubs' continued usage of the Lords Ground Reserve and the Mansfield Recreational Reserve, fostering a supportive environment for the club members.

Productive discussions have taken place with both clubs, and they are aware that they need to pay for the usage of the Lords Ground Reserve and the Mansfield Recreational Reserve, consistent with the requirements of Council's Property Leasing and Licensing Policy 2022. To secure their continued presence, it is proposed for license agreements be offered to the Mansfield Croquet Club and the Delatite Cricket Club as outlined in this report.

Mansfield Croquet Club

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

In accordance with Council's Property Leasing and Licensing Policy 2022, the club qualifies as a Category 4 group (community group run by volunteers), which would reduce their charges to being 1% of the total for use of the Lords Ground Reserve, resulting in a recommendation for a license fee of \$152 (ex GST) to be paid annually, with an annual CPI increase, effective from the commencement date 1 September 2023.

Delatite Cricket Club

The fee structure has been calculated based on the same evaluation process used for calculation of fees for other sporting grounds based on the land valuation and would attract an annual charge of \$44,250 (ex GST), proportionately reduced for 5 months usage to \$18,440 (ex GST), prior to discount.

In accordance with Council's Property Leasing and Licensing Policy 2022, the club would qualify as:

- Category 1 (community group holding a liquor license), which would reduce their charges to 17% of the total for the Lords Ground Reserve, and;
- Category 2 (sporting club without a liquor license) which would reduce their charges to 14% of the total for the Mansfield Recreational Reserve.

The resulting recommendation is for a license fee of \$2,771 (ex GST) to be paid annually for the cricket season from October to March each year, with an annual CPI increase, effective from the commencement date on 1 October 2023.

Key Issues

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

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

Recommendation

THAT COUNCIL:

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

Support Attachments

Nil

Considerations and Implications of Recommendation

Sustainability Implications

Not Applicable

Community Engagement

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

Collaboration

Not Applicable

Financial Impact

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

Legal and Risk Implications

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

Regional, State and National Plans and Policies

Not Applicable

Innovation and Continuous Improvement

Not Applicable

Alignment to Council Plan

The following strategies are relevant to this report: Theme 1: Connected and Healthy Community Strategic Objective 2: Activities that promote connection and fitness of our people and visitors

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

Theme 3: A Trusted, Effective and Efficient Council

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

Governance - Disclosure of Conflicts of Interest

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

13.2.3. Mansfield Tennis Association

File Number	AG1238	Responsible Officer	Manager Planning & Environment, Maya Balvonova
Purpose			

To seek Council approval to enter into a Community Asset Committee agreement for the Mansfield Tennis Association (MTA), regarding the property located at 14-16 Elvins Street, Mansfield.

Executive Summary

The appointment of the Community Asset Committee Agreement is for a period of 10 years, together with an unlimited number of additional ten (10) year agreement options, commencing on 1 October 2023. It is proposed that the agreement can be terminated by either party.

Under the terms of the agreement, it is proposed that the Committee continue to occupy and manage the property and the existing buildings without incurring any rental costs. The area proposed to be part of the agreement is detailed in Figure 1, below.



Figure 1: Plan of Area

The Committee's continuing management and upkeep of the property is proposed as adequate consideration under the agreement and no rent payment is proposed, in recognition of the tennis club's original contribution to the construction of the facilities and their continuous use and management of the site. Council currently contributes to the operating costs of the site but does not contribute to the management or upkeep of the buildings or the courts. Establishing a Community Asset Committee will include a requirement that all these costs be borne by the relevant committee (refer Figure 2: 2022-23 Property Utility Charges).

Key Issues

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

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

Recommendation

THAT COUNCIL:

- 1. Enter into Community Asset Committee agreement for the Mansfield Tennis Association (MTA) for a period of 10 years, together with an unlimited number of additional ten (10) year agreement options, commencing on 1 October 2023.
- 2. Provides public notification of the intention to create a Community Asset Committee with the above-mentioned party.
- 3. Endorses the Chief Executive Officer executing the Community Asset Committee agreement on completion of the public notification process.

Support Attachments

Nil

Considerations and Implications of Recommendation

Sustainability Implications

Not Applicable

Community Engagement

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

Collaboration

Not Applicable

Financial Impact

The proposed agreement will not impact on the Council's current resourcing and will have a positive effect on Council's current operational budget as it will require the operational costs currently met by Council to be paid by the Mansfield Tennis Association (refer table below).

The following operational costs are proposed to be transferred to the MTA:

2022-23 Utility C (Including G	
Water Charges	\$1,011.16
Electricity Charges	\$2,113.00
Waste & Fire Services Property Levy	\$985.05
Insurance	\$2,442.00
Total	\$6,551.21

Figure 2: 2022-23 Property Utility Charges

There are no regular maintenance or safety compliance activities completed by Council for the clubhouse facilities at this site. This will remain the responsibility of the MTA.

The Parks and Gardens team will continue to do the maintenance of the outside areas, such as the car park and surroundings only.

The only area within the Council's responsibility to manage will be the playground area, given its public use, consistent with the Mansfield Open Space Strategy to maintain and improve playgrounds and recreational spaces.

Legal and Risk Implications

The Community Asset Committee agreement has been drafted in accordance with the Local Government Act 2020. The Council will advertise its intention to enter into the agreement with the Mansfield Tennis Association in the Mansfield Courier and on Council's website, in accordance with Section 115 of the Local Government Act 2020.

Regional, State and National Plans and Policies

Not Applicable

Innovation and Continuous Improvement

Not Applicable

Alignment to Council Plan

The following strategies are relevant to this report:

Theme 1: Connected and Healthy Community

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

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

Theme 3: A Trusted, Effective and Efficient Council

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

Governance - Disclosure of Conflicts of Interest

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

13.2.4. Fees and Charges Waiver Requests

File Number E10965 Responsible Officer Manager Planning & Environment Maya Balvonova Maya Balvonova Maya Balvonova Maya Balvonova

Purpose

To seek Council approval for the proposed criteria for considering and issuing waiver requests for fees and charges associated with Local Law Permit Applications.

Executive Summary

Revisions were made to fees and charges in the 2023-24 Budget in response to community consultation feedback. Notably, the blanket fee exemption for community groups included in the Fees and Charges Schedule in 2022-23 was removed for 2023-24 following feedback from community members over changes made to fees applicable to local sporting and community groups for use of Council facilities or land.

The Fees and Charges Schedule included the following Local Law Permit items and associated permit fees:

1. Use of council land or a public place for distribution of unsolicited material – Fee of \$60 in 2022-23, increased to \$63 in 2023-24.

2. Permits not specified elsewhere – Fee of \$150, no change from 2022-23 to 2023-24.

3. *Permits issued to community organisations* – No fee applicable in 2022-23. This line item was removed in 2023-24 due to a more comprehensive schedule of fees for community use of Council facilities being included in the schedule.

The absence of a clear definition for "community organisations" led to only 16 permits in this category incurring fees over 18 months, whereas 165 permits were issued with no fee. The removal of the blanket exemption aimed to adopt a more nuanced approach, with the objective of clarifying fee application, recovering administrative costs, and addressing community confusion.

Following the changes made to fees and charges in the 2023-24 Budget, various community groups are now required to pay for local law permits, prompting concerns and requests for fee waivers. To address these concerns, Council officers are recommending the establishment of clear guidelines for considering and issuing fee waivers based on specified criteria.

Notably, fee waivers would not apply to rate notices, statutory fees, waste management charges, or planning and building permit fees, in accordance with relevant legislation. The report also introduces specific definitions for assessment purposes.

Key Issues

Each permit incurs administrative costs for Council, necessitating some level of cost recovery for this service.

It is proposed that the following definitions be used in the assessment of fee waiver requests:

ltem	Definition
Charity	An entity determined by the Australian Charities and Not-for-profits Commission (ACNC) to be a charity.
Community Group	A group of people who work for the benefit of the public.
Local	Groups based within the Mansfield Shire Council municipal boundaries.
Non-profit Organisation	An organisation that does not operate for the profit, personal gain, or other benefit of particular people.
Sporting Club	A group of people formed for the purpose of playing sports.

Proposed Criteria for Waiver of Local Law Permit Fees

The following criteria are proposed to be applied for local law permit fees:

- 1) The waiver will only apply to ad hoc Local Laws Permit applications.
- 2) Waivers will be issued to Community Groups and Sporting Groups that are considered local to Mansfield Shire. Waivers will not be issued to these groups if any of the following parameters apply:
 - a) The permit is for something that has an alternative funding stream
 - b) Entry fees will be charged to people attending
 - c) Alcohol is to be served in a public place
 - d) The group receives income from electronic gaming machines.
 - e) The event may have an impact on traffic, car parking, public spaces, transport activity, and (or) pedestrian issues may arise because of the event activity. (Noting that Council's events management team will consider on a case-by-case basis the payment of applicable permit fees as an in-kind Council contribution to the event).
- 3) Waivers will be considered for Charities and Non-profit organisations if any of the following parameters apply:
 - a) The permit pertains to an activity that offers a public benefit.
 - b) The program is not funded through a grant or other funding stream

Assessment Process for Waiver of Local Law Permit Fees

Council officers will assess each request on a case-by-case basis against the criteria described in this report and with reference to any other relevant Council policies. These permits are issued by the Customer Service and Administrative Support Officer for Community Safety. Requests will be escalated where necessary in accordance with the organisational structure, and a biannual review of Local Law Permits issued with a fee waiver will be undertaken by the Manager Planning and Environment.

Current Waiver Requests

Council officers are in receipt of two other recent waiver requests – one for a waiver of the hire fee for a council facility and one for a local law permit fee, as follows:

1. Upper Murray Family Care Inc.

Upper Murray Family Care Incorporated (UMFC) is a community organisation providing essential services in Northeast Victoria and Upper Murray. They partner with Mansfield Shire Council to offer various programs, including family therapy and financial counselling.

UMFC has requested a waiver for meeting room hire fees at the Mansfield Family & Children's Centre at an hourly rate of \$9.45 (ex GST). It is proposed that a hire fee waiver is granted for 50

hours annually, valued at \$472.50 (ex GST), to support their valuable community services. This request aligns with UMFC's efforts to address regional service gaps, particularly in reducing waitlists for psychological support, making it a significant initiative for the community.

2. Mansfield Mount Buller Cycling Club

The Mansfield Mount Buller Cycling Club organises a Summer Race Series and have been charged \$161 (ex GST) for a permit under the Events and Festivals category on Council Land. They previously received a permit at no charge under the now-discontinued *Permits issued to Community Organisations* category.

The club has requested a fee waiver, citing practices in other municipalities and organisations, where fees are not imposed for similar road racing events. However, due to the impacts on Council's road network for the Summer Race Series, it is recommended that a fee still be charged but that the club is offered a permit for all events in the Summer Series, with an annual fee to be negotiated.

A local law permit fee waiver request was also previously received from the Bush Market Inc. requesting reimbursement for the market annual permit fee paid in January 2023, as their organisation operates as a not-for-profit entity. A fee of \$1800, equivalent to four markets at a rate of \$450 per market in accordance with the 2022-23 Fees and Charges Schedule, was paid by Bush Market Inc. on 5 January 2023. Bush Market committee members gave a presentation to Councillors at the 4 July 2023 Councillor Briefing in relation to this matter, and further information was requested by Councillors prior to consideration of the request at a future meeting of Council.

Recommendation

THAT COUNCIL:

- 1. Approves the proposed Criteria for Waiver of Local Law Permit fees.
- 2. Notes that the Criteria will be implemented immediately upon approval by Council.
- 3. Approves a waiver for the hire of rooms at the Mansfield Family and Childrens Centre for up to 50 hours for the 2023-24 Financial Year to Upper Murray Family Care Incorporated.
- 4. Authorises the CEO to negotiate an annual fee with the Mansfield Mount Buller Cycling Club for their events, to be processed as one permit for the year.

Support Attachments

Nil

Considerations and Implications of Recommendation

Sustainability Implications

Not Applicable

Community Engagement

Community Engagement was undertaken in accordance with Council's Community

Engagement Policy during the process of preparing and adopting the 2023-24 Budget, including the updated Fees & Charges Schedule. This report responds to further community feedback received since the Budget was adopted.

Collaboration

Not Applicable

Financial Impact

The proposed Criteria will not impact on Council's current resourcing or operational budget as it maintains the existing budget allocations and is supported by existing council staff resources. Council has not been receiving fees for these permits in the past, and it is anticipated that there will be a small increase in income from local law permits for groups that do not comply with the recommended criteria and have previously used the "*Permits Issued to Community Organisations*" fee exemption.

The waiver of room hire fees for Upper Murray Family Care Incorporated will result in Council not receiving \$472.50 in hire fees in the 2023-24 Financial Year. It is noted that this was not budgeted income, so is not anticipated to have an impact on the budget.

Legal and Risk Implications

Not Applicable

Regional, State and National Plans and Policies

Not Applicable

Innovation and Continuous Improvement

Not Applicable

Alignment to Council Plan

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

13.2.5. P068/23 - 600 Aldous Road Mansfield

File Number	DA8072	Responsible Officer	Senior Statutory Planner, Claire
	P068/23		Wilkinson

Purpose

The purpose of this report is to seek Council's determination of planning permit application P068/23, lodged for subdivision of land into two (2) lots. This application is being referred to Council for determination as the Officer recommendation is to issue a refusal to grant a permit.

Executive Summary	
Application Details	
APPLICANT	North East Survey Design Pty Ltd (for Diane Quick)
PROPOSAL	Re-Subdivision of land into two (2) lots
APPLICATION LODGED	15 May 2023
NOTICE AND	Notices sent to nine (9) Owners/Occupiers of surrounding
SUBMISSIONS	properties (3 August 2023 – 24 August 2023).
	Notice on site - Yes
	No objections received.
Property Details	
PROPERTY ADDRESS	600 Aldous Road, Mansfield
LAND DESCRIPTION	Crown Allotment 47A and 47B Parish of Maindample
RESTRICTIVE COVENANTS	Nil
LAND AREA	Approximately 64.59ha
EXISTING USE	Dwelling and agricultural activities
Planning Provisions	
ZONE	Clause 35.07 Farming Zone
OVERLAYS	Nil
MUNICIPAL PLANNING	Clause 02.03-1 – Settlement
STRATEGY	Clause 02.03-4 – Natural resource management
	Clause 02.03-6 – Housing
	Clause 02.03-7 – Economic development
PLANNING POLICY	Clause 11.01-1S – Settlement
FRAMEWORK	Clause 13.02-1S – Bushfire planning
	Clause 14.01-1S – Protection of agricultural land
	Clause 14.01-1L – Dwellings and subdivisions in rural areas
	Clause 14.01-2S – Sustainable agricultural land use
	Clause 14.02-1S – Catchment planning and management
	Clause 14.02-2S – Water quality Clause 16.01-3S – Rural residential development
PARTICULAR PROVISIONS	Nil
Permit Triggers	
FARMING ZONE	Clause 35.07.3 A permit is required to subdivide land
	Clause 35.07-3 – A permit is required to subdivide land.

Other	
CULTURAL SENSITIVITY	The subject land is not located in an area of aboriginal cultural heritage sensitivity

The permit applicant, North East Survey Design, seeks approval for the re-subdivision of the subject land at 600 Aldous Road, Mansfield (Crown Allotments 47A and 47B Parish of Maindample) into two (2) lots.

Subject Land

The subject site is located on the northern side of Aldous Road and is formally identified as Crown Allotments 47A and 47B Parish of Maindample. The site is rectangular in shape and is generally flat, with a high point towards the rear of the site at the 340m AHD contour. Both Crown Allotments comprise an area of approximately 32.29ha, with the westernmost parcel (CA47A) containing an existing dwelling and agricultural land, and CA47B comprising agricultural land.

The site has a frontage of approximately 401.33 metres to Aldous Road, with access to the site from same. The subdivision proposes to retain a 75m wide strip on the western side of the land for access to the farm lot (proposed Lot 2) via Aldous Road. Lots in the surrounding area in all directions generally comprise farming zoned lots, with areas between 12ha to 130ha. The majority of lots in the immediate area are held as tenements, and generally used for grazing or cropping activities, made viable by the land area afforded across multiple lots. There are few dwellings scattered through the landscape, and almost all of them are located on sites undertaking productive agricultural activities. A large number of 'paddock trees' are present throughout the landscape, with agricultural activities occurring around these – the trees form part of the character and biodiversity value of the immediate environs.

The site is connected to reticulated power, but not water and sewer.



Image 1: Aerial image of subject site and immediate surrounds (includes abutting lot to east, distinguished by change in colour of grass).

Proposal

The subject site currently comprises 2 lots, contained in certificate of title Volume 8008 Folio 109, with the proposal seeking to re-subdivide these lots to create a House Lot Excision for the existing dwelling on the land, as detailed below:

Existing Lots

- CA47A (house lot) 32.29ha
- CA47B (vacant lot) 32.29ha

Proposed Lots

- Lot 1 (house lot) 6.835ha
- Lot 2 (vacant lot) 57.75ha

A copy of the existing and proposed subdivision plan is provided below:

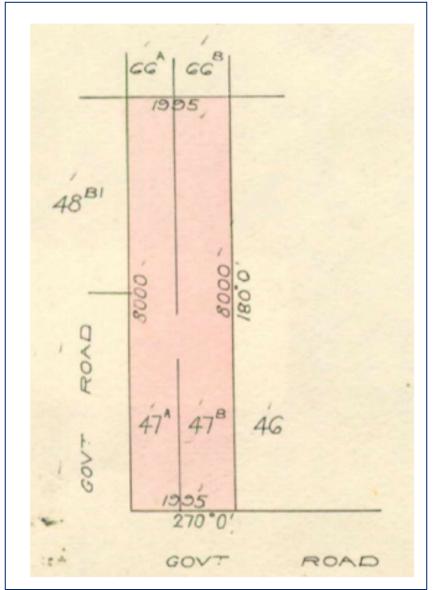


Image 2: Existing lot alignment.

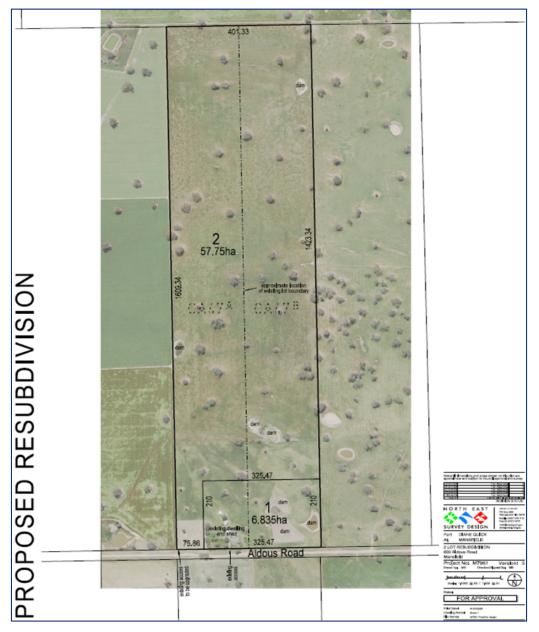


Image 3: Proposed plan of subdivision

Referral Authorities

The application has not been referred to Goulburn Murray Water (GMW) as the application is recommended for refusal.

The application has no internal referrals.

Public Notice

The application was advertised with a sign on site, and letters were sent to the owners and occupiers of all properties adjoining and surrounding the subject land, which included nine (9) properties. Notification was carried out in accordance with the requirements of the *Planning and Environment Act 1987*, by way of:

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

As a result of public notification, no objections to the application have been received.

Consultation

Council officers advised the permit applicant prior to advertising that the application was unlikely to be supported, as it was contrary to planning policy in the Mansfield Planning Scheme relating to excisions and subdivision of rural land. The permit applicant made amendments to the proposal (resulting in the proposal now being assessed), however officers continued to advise the applicant that the proposal was inconsistent with relevant policy. The permit applicant has sought for the application to be processed and determined as applied for.

Officer Assessment

Having assessed the application against the relevant clauses of the Mansfield Planning Scheme, it is considered that the subdivision fails to find support in numerous state and local agricultural policies; as well as the Farming Zone purposes and relevant decision guidelines. The proposal represents an outcome that planning policy in the Mansfield Planning Scheme explicitly seeks to discourage. If this proposal is supported the result would be a fragmentation of agricultural land and a potential increase in dwellings in an active, working farming area.

The application is therefore recommended for refusal.

Key Issues

Land Use Compatibility between Lifestyle and Agricultural Uses

The strategic direction of the Mansfield Planning Scheme clearly sets out the challenges faced in relation to rural land use and development, particularly the competing pressures of rurallifestyle developments and subdivisions in areas of productive agricultural land. Policy is clear in seeking to protect productive agricultural land from fragmentation, ensuring ongoing viability of agricultural land for agricultural purposes, and preventing land use conflict. This proposal is contrary to this strategic direction – specifically, it creates a smaller house lot, which is too large to reasonably be maintained as a rural residential property, and too small to be used for agriculture, and includes several pieces of rural infrastructure and land that could be reasonably retained with the farming property.

Entitlement for a further dwelling in the Farming Zone

While the proposed subdivision is not explicitly creating further dwellings, it has the practical effect of creating a further rural living style lot (within the Farming Zone), where there is already an oversupply of such parcels of land; and creating an additional dwelling opportunity on the balance land where one does not currently exist. Council's strategic direction for housing directs such growth to townships and designated rural living areas, rather than locations such as the subject site which are within the core of productive, active farming zone areas of Mansfield Shire.

Creation of a rural lifestyle allotment

The proposal removes a dwelling from a 32ha parcel (farmed as a tenement), where an on-site manager could reasonably be required, and creates a large rural lifestyle block and opportunities for dwelling proliferation, contrary to orderly settlement planning.

Protection of agricultural land

Agricultural production is considered to be one of the most significant industries in Mansfield Shire, and as such productive agricultural land should be protected. In considering a proposal to use or develop agricultural land, the following factors (*Clause 14.1-1S – Protection of Agricultural Land*) must be considered:

 The desirability and impacts of removing the land from primary production, given its agricultural productivity:

While the proposed subdivision does not explicitly claim to remove land from primary production, ultimately the creation of a 6.835ha house lot (and additional dwelling opportunity on the balance lot) will have this effect. The subject land is 62.59ha in area, with no evidence to suggest that it is not productive agricultural land – it is clear that land in the area is used for productive agricultural purposes. There is no support for the removal of the subject land from primary production.

• The compatibility between the proposed or likely development and the existing uses of the surrounding land:

A proliferation of non-agricultural land uses in this area would be incompatible with the existing agricultural land uses surrounding the subject land and surrounding properties and would limit the expansion of those same agricultural uses.

• Assessment of the land capability:

No assessment of land capability was provided with the application. However, it is evident that the land and surrounding area is productive agricultural land and used for such purposes. The protection of agricultural land, particularly larger holdings in productive areas with competing land use/price concerns is seen as a major concern. In the absence of compelling information, it is reasonable to conclude that the proposed subdivision will remove almost 7ha from direct agricultural production and inflate the value of the balance land (due to the new 'as of right' dwelling opportunity) such that it is unlikely to contribute to the agglomeration of any nearby agricultural enterprise.

Justification for a House Lot Excision

The Mansfield Shire has a wide array of rural living areas, and lots in the Farming Zone with existing houses, such that there is no shortage of supply of dwellings in these areas. Agricultural land is under constant pressure from further dwelling development. Indeed, this array of lot and housing options means that further dwellings and subdivisions in the Farming Zone may rarely be required to support agricultural activities. In this application, there is no convincing evidence put forward, as to why the dwelling to be removed from the land is no longer reasonably required to support the agricultural activities of the land, and importantly the form of application is such that it creates a further dwelling opportunity on the balance lot, where one does not currently exist. There is also no information before Council that suggests that even if the house is surplus, why it cannot be leased to a caretaker or other user, rather than being fully removed from the holding without potential for reintegration should it be required.

Size of House Lot Excision (proposed Lot 1)

The proposal seeks to create a house lot well in excess of what is reasonably required to create a suitably sized house lot. There are no specific encumbrances or land constraints on this land or the surrounding area, that necessitate a 6.835ha house lot. Indeed, the house lot would include with it, dam infrastructure that would ordinarily support agricultural use, and cleared land suitable for cropping and grazing. At its furthest point, the subdivision includes land several

hundred metres from the dwelling itself, which could quite readily remain as part of the agricultural holding. This is contrary to policy (*Clause 14.01-1L – Dwellings and Subdivision in Rural Areas*) that seeks specifically to limit house lots to no more than 2ha.

Inconsistent with surrounding land use character

This is an area where there are no excised dwellings on a lot of equivalent to that proposed here. The surrounding context is one of an active, working farming zone area, with larger holdings (usually in tenements) supported by the dwellings sited on the properties. The introduction of a new, rural living property in this context, has a potential to reduce the ongoing viability of rural production in the area, both by way of potential land use conflicts to the house lot, as well as dwelling proliferation on both the balance lot, and other lots in the area to which a house right applies. The underlying intent is to protect the surrounds for agricultural production, which is not achieved in this application. This is an area where land fragmentation is minimal and reflecting an area that agricultural policy is seeking to protect.

Sustainable Agricultural land use

As discussed above, the proposal does not facilitate agricultural use, productivity or investment in the subject site or surrounding area. The proposed subdivision removes infrastructure, such as farm dams and grazing land, that could reasonably be retained as part of the agricultural lot. The permit application refers to these dams providing potable water for the dwelling; however, it would be unusual for a potable water supply to be provided from a dam, rather than rainwater tanks connected to the dwelling and any associated outbuildings or sheds. The proposal is not put forward to support sustainable agricultural use, or to diversify agricultural activities; rather the proposal is simply to remove the dwelling for the personal circumstances of the owners (as detailed in the submission submitted with the application).

Conclusions

The proposal is considered to reflect a disorderly planning outcome, that does not advance relevant Planning Policy in the Mansfield Planning Scheme. The proposal conflicts with existing and future use of land in the area under the Farming Zone, with no net community benefit to offset the impacts of the proposal. While there are no physical impediments or natural hazards preventing subdivision, the proposal is contrary to the intent of the primary planning control applying to the land, and as such cannot be supported. Having assessed the application against the relevant clauses of the Mansfield Planning Scheme, it is considered that the subdivision fails to find support in numerous state and local agricultural policies; as well as the Farming Zone's purposes and appropriate decision guidelines. The proposal represents an outcome that planning policy in the Mansfield Planning Scheme explicitly seeks to prevent.

Recommendation

THAT COUNCIL, resolves to issue a **Notice of Decision to Refuse to Grant a Permit** for Planning Application P068/23 for the Subdivision of land into two (2) lots on **Crown Allotment 47A and 47B Parish of Maindample**, commonly addressed as 600 Aldous Road, Mansfield, for the following reasons:

 The proposal is inconsistent with the Planning Policy Framework in relation to agricultural land and rural subdivision/development, specifically Clauses 11.01-1S, 14.01-1S, 14.01-2S and 16.01-3S, which aim to manage subdivision and development in rural areas to protect and enhance agriculture and avoid fragmentation of productive agricultural land. The proposed subdivision introduces a rural-lifestyle land parcel into an active, working agricultural area, creates additional dwelling development opportunities on the balance lot that currently do not exist, and creates the potential for land use conflict to existing agricultural activities and affecting the operation or expansion of other agricultural activities.

- 2. The proposal is inconsistent with Planning Policy at Clause 14.01-1L of the Scheme, as it:
 - a) Does not support the agricultural use of the land;
 - b) Reduces the long-term viability of rural production in the area by way of creating a rural-residential parcel in an active, working Farming Zone area with no equivalent lots in the immediate surrounds; and
 - c) Does not create the smallest practicable lot for a house lot based on the characteristics of the site (and well in excess of the 2ha envisaged in this clause);
- 3. The proposal is inconsistent with the Municipal Planning Strategy in relation to agricultural land, specifically Clause 02.03-4, which seeks to avoid fragmentation of productive agricultural land and ensure that land holdings remain a viable size for agricultural production without creating expectation of rural lifestyle land use in the Farming Zone. The proposal would:
 - a) Create an excessively large house lot that unreasonably removes agricultural land and infrastructure from the balance parcel;
 - b) Creates an opportunity for additional dwelling development on the balance lot 'as of right' that currently does not exist on the land as currently configured;
 - c) Fails to protect productive agricultural land on the site and surrounding area from land fragmentation and incompatible use and development; and
 - d) Fails to protect the ongoing viability of agricultural land on the site and surrounding area.
- 4. The proposal is inconsistent with the purpose and decision guidelines of the Farming Zone, which seeks to encourage the retention of productive agricultural land and to ensure that non-agricultural uses do not adversely affect the use of land for agriculture. The proposed subdivision is likely to result in land use conflict to existing and future agricultural activities, could lead to the concentration and proliferation of dwellings in the area, with impacts on existing agricultural activities, and provides no agricultural benefit to the land and surrounding area, contrary to the decision guidelines of the zone.

Support Attachments

- 1. P06823 600 Aldous Road Mansfield A6225 DELEGATE REPORT [13.2.5.1 25 pages]
- 2. Proposed Plan of Subdivision [13.2.5.2 1 page]
- 3. Application Documents [13.2.5.3 18 pages]
- 4. CONFIDENTIAL Council Letter of Advice [13.2.5.4 2 pages]
- 5. CONFIDENTIAL Information from Land Owner [13.2.5.5 5 pages]
- 6. CONFIDENTIAL Email Thread with Applicant [13.2.5.6 8 pages]

Considerations and Implications of Recommendation

Sustainability Implications

The application has been assessed against the provisions of the Mansfield Planning Scheme, which includes consideration of sustainable agricultural land use, with the requirement to make the subdivision as sustainable as possible within the current legislation.

Community Engagement

The application was advertised to nearby and adjoining landowners and had a notice of application placed on the site, in accordance with the provisions of the *Planning and Environment Act 1987* and Council's community engagement policy.

Collaboration

Not Applicable

Financial Impact

The application has been assessed within existing Council resources in the Statutory Planning Department. An application fee of \$1,360.80 was received for the application. An advertising fee of \$85.75 was also received.

Legal and Risk Implications

Not Applicable.

Regional, State and National Plans and Policies

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

Innovation and Continuous Improvement

Not Applicable

Alignment to Council Plan

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

Strategy 3.2 Enhance township character

Governance - Disclosure of Conflicts of Interest

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

13.2.6. P084/23 - 2 Greenvale Lane Mansfield

DA8079 Nicole Embling	File Number P084/23 Responsible Officer Coordinator Statutory Planning, Nicole Empling Nicole Empling
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Purpose

The purpose of this report is to seek Council's determination of application P084/23, lodged for the Use and development of land for a Childcare Centre and Indoor Recreation Facility (Indoor Swimming Pool), and a reduction of Car Parking Spaces.

This application is being referred to Council for a determination as the estimated cost of works exceeds the maximum of \$3 million for the value of works delegation, with an estimated cost of the development being \$3.5 million.

Executive Summary	
Application Details	
APPLICANT	En Vogue Development Pty Ltd
	C/- Hatch Planning Pty Ltd
PROPOSAL	Use and development of land for a Child Care Centre
	and Indoor Recreation Facility (Indoor Swimming
	Pool), and a reduction of Car Parking Spaces
APPLICATION LODGED	2 June 2023
NOTICE AND SUBMISSIONS	Notices sent to 52 Owners/Occupiers of surrounding
	properties.
	Notice on site and in the local newspaper.
	No submissions to the application have been
	received.
Property Details	
PROPERTY ADDRESS	Part of 2 Greenvale Lane, Mansfield
LAND DESCRIPTION	PC 377104W (proposed Lot 1 PS 905402K)
RESTRICTIVE COVENANTS	Nil
LAND AREA	4,564 sqm
EXISTING USE	Vacant
Planning Provisions	
ZONE	Clause 32.04 – Mixed Use Zone
OVERLAYS	Clause 42.02 – Design and Development Overlay
	Schedule 1 – Alpine Approaches and Township
	Gateways
	Clause 44.04 – Land Subject to Inundation Overlay
MUNICIPAL PLANNING	Clause 02.02 - Vision
STRATEGY	Clause 02.03 – Strategic Directions
	Clause 02.03-3 – Environmental Risks and Amenity
	Clause 02.03-4 – Natural Resource Management
	Clause 02.03-5 – Built Environment and Heritage

	Clause 02.03-9 – Infrastructure
PLANNING POLICY FRAMEWORK	Clause 11.01-1L – Mansfield Township
	Clause 11.02-3S – Sequencing of Development
	Clause 11.03-1S – Activity Centres
	Clause 12.03-1S – River and Riparian Corridors,
	Waterways, Lakes, Wetlands and Billabongs
	Clause 12.05-2L – Significant Landscapes,
	Ridgelines and Alpine Approaches
	Clause 13.02-1S – Bushfire Planning
	Clause 13.03-1S – Floodplain Management
	Clause 13.03-1L – Floodplain Management
	Clause 13.05-1S – Noise Management
	Clause 13.07-1S – Land Use Compatibility
	Clause 14.02-1S – Catchment Planning and
	Management
	Clause 14.02-1L – Catchment Planning and
	Management
	Clause 15.01-1S – Urban Design
	Clause 15.01-2S – Building Design
	Clause 14.01-5S – Neighbourhood Character
	Clause 15.01-5L – Mansfield Township Approaches
	Clause 17.02-1S – Business
	Clause 19.02-2S – Education Facilities
	Clause 19.03-3S – Integrated Water Management
PARTICULAR PROVISIONS	Clause 52.05 - Signs
	Clause 52.06 – Car Parking
	Clause 52.34 - Bicycle Facilities
	Clause 53.18 – Stormwater management in urban
	development
Permit Triggers	
MIXED USE ZONE	32.04-2 – Use land for a Child Care Centre
	32.04-2 – Use land for an Indoor Recreation Facility
	-
	(Swimming Pool)
	(Swimming Pool) 32.04-9 – Construct a building or to construct or carry
	(Swimming Pool) 32.04-9 – Construct a building or to construct or carry out works associated with Section 2 Uses
DESIGN AND DEVELOPMENT	(Swimming Pool) 32.04-9 – Construct a building or to construct or carry out works associated with Section 2 Uses 43.02-2 – Construct a building or to construct or carry
DESIGN AND DEVELOPMENT OVERLAY	 (Swimming Pool) 32.04-9 – Construct a building or to construct or carry out works associated with Section 2 Uses 43.02-2 – Construct a building or to construct or carry out works, where an exemption does not apply under
	 (Swimming Pool) 32.04-9 – Construct a building or to construct or carry out works associated with Section 2 Uses 43.02-2 – Construct a building or to construct or carry out works, where an exemption does not apply under the Schedule
	 (Swimming Pool) 32.04-9 – Construct a building or to construct or carry out works associated with Section 2 Uses 43.02-2 – Construct a building or to construct or carry out works, where an exemption does not apply under the Schedule 43.02 – Schedule 1 – Construct a building with a
	 (Swimming Pool) 32.04-9 – Construct a building or to construct or carry out works associated with Section 2 Uses 43.02-2 – Construct a building or to construct or carry out works, where an exemption does not apply under the Schedule 43.02 – Schedule 1 – Construct a building with a maximum roof heigh of more than 6 metres from
OVERLAY	 (Swimming Pool) 32.04-9 – Construct a building or to construct or carry out works associated with Section 2 Uses 43.02-2 – Construct a building or to construct or carry out works, where an exemption does not apply under the Schedule 43.02 – Schedule 1 – Construct a building with a maximum roof heigh of more than 6 metres from natural ground level
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CAR PARKING	52.06-3 – Reduce the number of car parking spaces required under Clause 52.06-5
Other	
CULTURAL SENSITIVITY	The site is not in an area of aboriginal cultural heritage sensitivity

Subject Land

The site is a slightly irregular rectangle and is approximately 4,564sqm in area with direct frontage to Greenvale Lane on the west boundary. The land is currently vacant with some small planted exotic trees and a drainage easement (3.01 metres wide) along the east and north boundaries. The site has access to reticulated electricity, telecommunications, water, and sewage.



Figure 1: Photograph of Subject Land, provided by Applicant

The land is in the Mixed Use Zone and the Design and Development Overlay (*Alpine Approaches and Township Gateways*) and Land Subject to Inundation Overlay apply to the entire site.

The land is partially within an area of Cultural Heritage Sensitivity where an exclusion area is proposed to be retained as natural land in the outdoor area of the Child Care Centre.

The subject site adjoins 'All Seasons Mansfield' on the southern boundary and 'Greenvale Holiday Units' on the northern boundary - both of which are established accommodation businesses with self-contained units. The land adjoining to the east is a large property currently operating as 'Delatite Veterinary Services,' with vacant paddocks abutting the subject land. To the north-east there is an existing dwelling and associated outbuildings.

The surrounding area includes a variety of existing land uses, including commercial development along the Mt Buller Road Service Road (west of the subject land), and a recently permitted Residential Village at the adjoining land across Greenvale Lane.

This area, north of Mt Buller Road, is prone to flooding with the subject land in a designated Land Subject to Inundation Overlay and land abutting Ford Creek to the north within the Urban Floodway Zone.

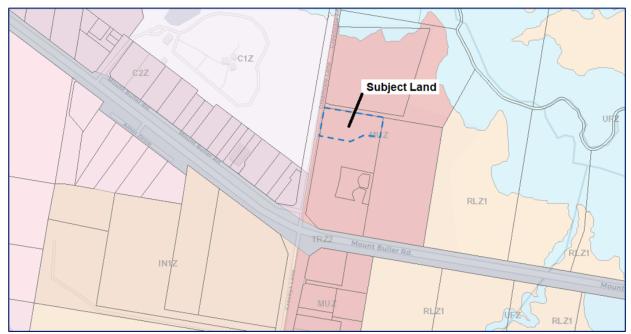


Figure 2: Zoning of surrounding land

Proposal

The planning permit application proposes a Childcare Centre with capacity for 100 children and an indoor swimming pool comprising of a 25m x 10m pool and a 4.5m x 4.5m hydro-therapy pool.

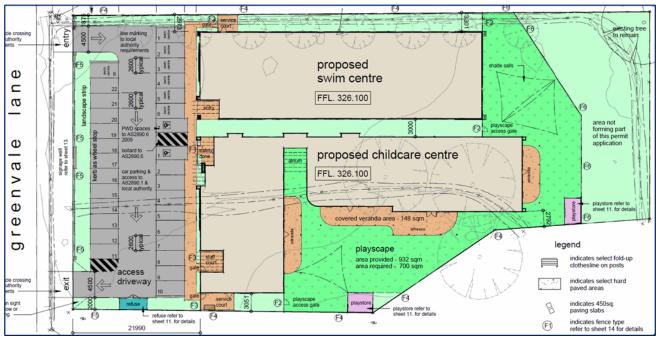


Figure 3: Submitted Site Plan



Figure 4: 3D Artist Impression of the view from Greenvale Lane

Childcare Centre

- Capacity for 100 Children:
 - o 0-2 years, 24 Children
 - o 2-3 years, 32 Children
 - o 3-5 years, 44 Children
- Hours of Operation:
 - o 6:30am to 6:30pm Monday to Friday
 - (Estimated Peak Times 7am to 8:30am and 4:30pm to 6pm)
- Expected 10 staff onsite, depending on capacity
- Outdoor play area of 930sqm
- Twenty-two (22) Car Parking Spaces at the front of the site, including one disabled space
- One-way access through the car parking area
- 21.99 metres setback from Greenvale Lane and a 3.05 metre setback from the south boundary
- External building materials:
 - Roof Colorbond Lysaght Longline (Dark Grey)
 - Walls Natural Wood and Stone Cladding
 - Walls (North Elevation only) Face Blockwork

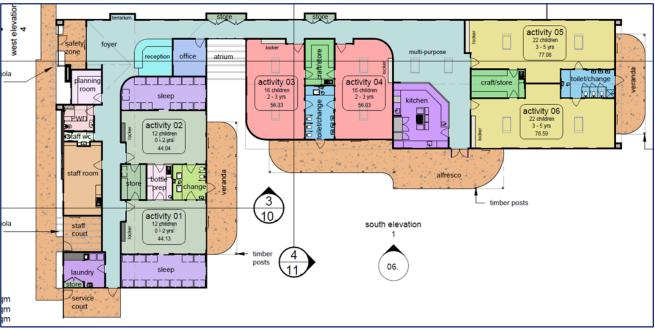


Figure 5: Childcare Centre Floor Plan

Indoor Swimming Pool

- 25 x 10 metre Indoor Lap Swimming Pool
- 4.5 x 4.5 metre Hydro-Therapy Pool
- Hours of Operation:
 - o 6:30am to 7pm Monday to Friday
 - 9am to 12pm Saturdays
- Eight (8) Car Parking Spaces at the front of the site, including one disabled space
- Pre-booked sessions only:
 - Max. 5 person classes during Child Care Centre Peak Times
 - Max. 8 person classes during Child Care Centre Non-Peak Times
 - Min. 15 minutes between Class times
- Expected 4 staff onsite, depending on bookings
- One-way access through the car parking area
- 21.99 metres setback from Greenvale Lane and a 3.301 metres setback from the north boundary
- 3 metre separation between the Swimming Pool and Child Care Centre
- External building materials:
 - Roof Colorbond Lysaght Longline (Dark Grey)
 - Walls Natural Wood and Stone Cladding
- Walls (South and East Elevations only) Face Blockwork

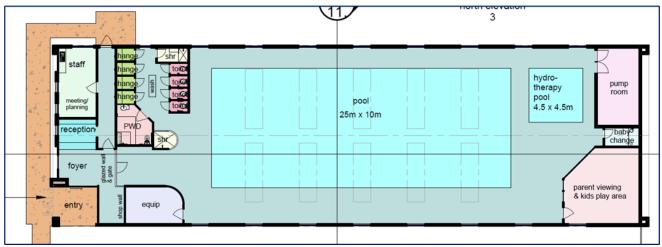


Figure 6: Indoor Swimming Pool Floor Plan

Car Parking Provision

The application documents state that the proposed Child Care Centre will provide 22 car parking spaces. Pursuant to Clause 52.06-5, car parking is to be provided at a rate of 0.22 spaces/child. Based on the submitted plans showing a maximum capacity of 10 children, 22 car parking spaces are required and the statutory requirement would be met.

The application documents state that the proposed Swimming Pool will provide 8 car parking spaces. Pursuant to Clause 52.06-5, car parking is to be provided at a rate of 2.6 spaces/100sqm. Based on the submitted plans showing a floor area for the swimming pool of 270.25, 15 car parking spaces are required and therefore a reduction of car parking of 7 spaces has been applied for. In consideration of the reduction of 7 spaces the permit applicant provided significant details as to how the swimming lessons and aqua aerobic classes will be scheduled

ensuring there is no overlap and smaller class sizes during peak drop-off and pick-up times for the Child Care Centre. Due to the ability to share the 30 car parking spaces between the two land uses it is considered appropriate to reduce the requirement by 7 spaces.

Key Issues

External Authorities

Referral Authority	Type of Referral	Response
Goulburn Murray Water (GMW)	Determining	Conditional consent
Country Fire Authority (CFA)	For Comment	Supportive, with recommended conditions
Goulburn Broken Catchment Management Authority (GBCMA)	For Comment	Supportive, with recommended conditions

Internal Referrals

Department	Response
Engineering	Supportive, with recommended conditions

Public Notice

The application was on Public Notice from 12 July until 2 August 2023 with a sign onsite, notice in the local newspaper and letters sent to the adjoining and nearby property owners and occupiers, including fifty-two (52) properties.

At the time of writing this report no formal submissions had been received.

Officer Assessment

This application proposes the use and development of a childcare centre and indoor swimming pool at the site known as 2 Greenvale Lane, Mansfield. Having assessed the application against the relevant clauses of the Mansfield Planning Scheme, it is considered that the proposal responds appropriate to the requirements of the Scheme with respect to land use in the MUZ, DDO1, LSIO and particular provisions relating to car parking and general decision guidelines. The proposal will provide for the use of land for needed community services to Mansfield in a well serviced location.

Recommendation

THAT COUNCIL issue a **Planning Permit** for Planning Application P084/23 for a Use and development of land for a Child Care Centre and Indoor Recreation Facility (Indoor Swimming Pool), and a reduction of Car Parking Spaces on PC 377104W (proposed Lot 1 PS 905402K) commonly addressed as Part of 2 Greenvale Lane, Mansfield in accordance with the endorsed plans and subject to the following conditions:

Endorsed Plans

- 1. The use and development must be in accordance with the endorsed plans forming part of this permit and must not be altered without the prior written consent of the Responsible Authority.
- 2. Prior to the commencement of the use authorised by this permit, all works required as per the endorsed plans (including but not limited to the built form, stormwater drainage,

accessways and landscaping) must be completed to the satisfaction of the Responsible Authority.

- 3. Prior to the commencement of works, an amended Traffic Impact Assessment Report to the satisfaction of the responsible authority must be submitted to an approved by the responsible authority. The plan must consider:
 - a. Additional traffic as part of Councils Heavy Vehicle Alternative Route (Greenvale Lane);
 - b. Peak traffic for the Child Care Centre turning into the development;
 - c. Any requirement for a short-left turn lane, or similar.
- 4. Prior to the commencement of works, a detailed landscape plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and must show:
 - a. Details of surface finishes of pathways and driveways.
 - b. A planting schedule of all proposed trees, shrubs, and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
 - c. Landscaping and planting within all open areas of the subject land.
 - d. Suitable landscaping and plantings along the Greenvale Lane boundary within the subject land.

All species selected must be to the satisfaction of the responsible authority. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the responsible authority, including that any dead, diseased or damaged plants are to be replaced.

- 5. Prior to the commencement of use, a Bushfire Emergency Management Plan (BEMP) must be submitted to and approved by the Responsible Authority. Once approved, the BEMP will be endorsed and will then form part of the permit. The BEMP must be developed in accordance with AS 3745-2010 Planning for emergencies at facilities and specifically consider the following in response to the bushfire risks:
 - a. Clearly describe the emergency management arrangements that will be implemented to reduce the risk of bushfire and should address the following matters:
 - i. Describe property and business details.
 - ii. Identify the purpose of the BEMP stating that the plan outlines procedures for:
 - Closure of premises on any day with a Fire Danger Rating of Catastrophic.
 - Evacuation (evacuation from the site to a designated safer off-site location).
 - Shelter-in-place (remaining on-site in a designated building).
 - iii. Review of the BEMP
 - iv. Outline that the plan must be reviewed and updated annually prior to the commencement of the declared Fire Danger Period
 - v. Include a Version Control Table.
 - vi. Roles and Responsibilities:
 - Detail the staff responsibilities for implementing the emergency procedures in the event of a bushfire and the triggers for acting. For example, when the facility will be closed and the circumstances under which staff, visitors and children will shelter in place or evacuate.
 - vii. Emergency contact details

- viii. Bushfire monitoring procedures
 - Details the use of radio, internet and social networks that will assist in monitoring potential threats during the bushfire danger period.
 - Describe and show (include a map) the area to be monitored for potential bushfire activity.

Bicycle Facilities

6. No fewer than five (5) bicycle parking/storage facilities must be provided on the land and available for use by the staff and patrons of the Swimming Pool (Indoor Recreation Facility).

Operating and amenity

- 7. Except with the prior written consent of the Responsible Authority, the **Childcare Centre** must only operate between:
 - a. 6:00am 7:00pm Monday to Friday.
- 8. Except with the prior written consent of the Responsible Authority, the **Swimming Pool** must only operate between:
 - a. 6:00am 7:00pm Monday to Friday; and
 - b. 8:30am 1:00pm Saturday to Sunday.
- 9. Waste collection must only be undertaken between:
 - a. 7am 6pm Monday to Friday; and
 - b. 8am 1pm Saturdays.
- 10. All plant and equipment (including, but not limited to air conditioner condensers, exhaust fans and other mechanical services) must be baffled so as to comply with EPA Publication 1826 Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues, and must be screened from public view.
- 11. The use must at all times comply with EPA Publication 1826 Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues (or as amended).
- 12. Prior to the commencement of the use authorised by this permit, the area set-aside for vehicle access and movement through the site, as shown on the endorsed plans, must be:
 - a. constructed;
 - b. properly formed to such levels that they can be used in accordance with the plans;
 - c. surfaced with an all-weather coat;
 - d. drained;
 - e. line marked to indicate each car space and all access lanes; and
 - f. clearly marked to show the direction of traffic along access lanes and driveways,

to the satisfaction of the Responsible Authority. Car spaces, access lanes and driveways must be kept available for these purposes at all times.

- 13. The loading and unloading of goods, including waste collection must be carried out entirely within the boundaries of the subject land.
- 14. Outdoor lighting must be designed, baffled, and located to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.
- 15. Maintenance of all building's surrounds and accessways within the site must be carried out so that the site is neat, tidy, and clean at all times to the satisfaction of the Responsible Authority.
- 16. The landscaping shown on the endorsed plans must be maintained in good condition to the satisfaction of the Responsible Authority, and any dead, dying, diseased or

damaged plants are to be replaced with like for like replacements of the same or greater size.

- 17. The stormwater management system must be maintained in good working order at all times to the satisfaction of the Responsible Authority.
- 18. The external materials, including the roof, must be constructed of materials of muted colours to protect the aesthetic amenity of the area. No materials having a highly reflective surface must be used. For the purpose of this clause "highly reflective" includes unpainted or untreated aluminium, zinc, or similar materials.

Engineering

- 19. Prior to the commencement of works the Stormwater Management Plan must be amended to include calculations for pre-development and post-development stormwater discharge volumes. The existing overland flow path through the land must be considered and planned for. An assessment must be made to ensure no impact by a 1% AEP rain event for the buildings and works and on any adjoining and neighbouring land.
- 20. Prior to the commencement of works drainage plans and computations to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. All works constructed or carried out must be in accordance with those plans to the satisfaction of the Responsible Authority. The plans must include an on-site detention by use of rainwater tanks or similar detention system(s) designed by a suitably qualified engineering consultant to ensure no net increase in stormwater discharge from predevelopment levels by the proposed development.
- 21. Prior to the commencement of works a vehicle crossover must be constructed to council satisfaction. Prior to any works proceeding within the road reserve, an application for Works Within Roads Reserve Permit must be made and approved by the Responsible Authority.
- 22. Prior to commencement of works, an application must be made to Council to obtain a Legal Point of Stormwater Discharge.
- 23. Prior to the commencement of works all design drawings for any road upgrade works to Greenvale Lane and the internal access must be submitted to Council for review. All design work must be conducted by a suitably qualified CPEng, RPEng or National Engineering Registered (NER) engineer, to the satisfaction of the Responsible Authority.
- 24. Prior to the commencement of use, all recommendations approved by the Responsible Authority, as included in the amended Traffic Impact Assessment Report must be implemented to the satisfaction of the Responsible Authority.
- 25. Prior to the commencement of use the internal access must be constructed according to the pavement composition and sealed surface designed by a suitably qualified engineer to the satisfaction of the responsible authority.
- 26. All external access areas must be suitably lit to provide adequate illumination without affecting the amenity of the area.
- 27. The extent and depth of all proposed lot filling is to be denoted on the design plan. Where depths of fill on allotments exceed 300 mm, those areas are to be clearly differentiated from areas where the depths of fill are less than 300 mm. Where the depth of fill exceeds 300mm, the fill is to be compacted in accordance with the Compaction Requirements of VicRoads Technical Specification.
- 28. Altered overland flow paths must pass through the designed routes within easements. No overland flows shall be allowed to impact on the adjacent lots or council assets.
- 29. Any damage to Council managed assets as a result of construction activity, such as roads, footpaths, street trees and stormwater infrastructure, must be repaired at the cost of the developer to the satisfaction of the Responsible Authority.

Goulburn Broken Catchment Management Authority

30. The finished floor level of the proposed buildings must be constructed at least 300 millimetres above the 1 in 100 AEP flood level of 325.8 metres AHD, i.e. 326.1 metres AHD, or high level deemed necessary by the responsible authority.

Goulburn Valley Water

- 31. Payment of new customer contribution charges for water supply to the development, such amount being determined by the Corporation at the time of payment;
- 32. Provision of separate water supply meters to each tenement within the development, located at the property boundary and to the satisfaction of Goulburn Valley Region Water Corporation;
- 33. Payment of new customer contributions charges for sewerage services to the development, such amount being determined by the Corporation at the time of payment;
- 34. Provision of combined sewer drains with an inspection opening to each tenement within the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation;
- 35. In the case of multi-tenement development, the works required are to be carried out in accordance with AS 3500.2 - 'Sanitary plumbing and drainage,' and include disconnection of any existing house connection drain to the satisfaction of the Corporation's Property Services Section;
- 36. Connection of all sanitary fixtures within the development to reticulated sewerage, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation.
- 37. All works required are to be carried out in accordance with AS 3500.2 'Sanitary plumbing and drainage,' and to the satisfaction of the Corporation's Property Services Section;
- 38. Discharge of Trade Waste from the development will be subject to a Trade Waste Discharge Consent. Application to determine the specific requirements for your development may be required. Please contact the Business Customer Service Team on 03 5832 4800 or via email <u>mail@gvwater.vic.gov.au</u> to discuss your business' needs;
- 39. The above conditions are subject to the issuing of Preliminary Acceptance for construction of Sewer assets to allow sewer connection to Proposed Lot 2 PS905402K and Statement of Compliance to 2 Lot subdivision PS905402K, 2 Greenvale Lane, as proposed Lot 2 is currently connected to Corporation sewer via proposed Lot 1.

Permit Expiry

- 40. This permit will expire if any one of the following circumstances applies:
 - a. The development has not commenced within two (2) years of the date of this permit.
 - b. The development is not completed, and the use commenced within six (6) years of the date of this permit.
 - c. The use ceases for a period of two (2) or more years.

The Responsible Authority may extend the periods referred to if a request is made in writing in accordance with Section 69 of the *Planning and Environment Act 1987*.

NOTATIONS

- 1) This permit does not authorise the commencement of any building construction works. Before any such development may commence, the permit holder must apply for and obtain appropriate building approval.
- 2) A site assessment for determining the bushfire attack level (BAL) in relation to the construction of a building has not been considered as part of this planning permit

Goulburn Valley Water

- 3) Connection to water supply services for each tenement may be subject to backflow prevention requirements determined at the time of application to connect to this service. Backflow prevention devices are to be installed in accordance with Goulburn Valley Water's requirements and to the Corporation's satisfaction.
- 4) Should the applicant wish to subdivide each tenement onto separate titles in the future, provision of appropriate servicing arrangements to facilitate a future subdivision proposal should be investigated as part of this development. The applicant should contact the Corporation to discuss current and future proposals for this development.

Support Attachments

- 1. Delegate Assessment Report [13.2.6.1 37 pages]
- 2. Plans [**13.2.6.2** 16 pages]
- 3. Planning Application Documents [13.2.6.3 48 pages]
- 4. Cultural Heritage Advice [13.2.6.4 8 pages]
- 5. TIAR [13.2.6.5 29 pages]

Considerations and Implications of Recommendation

Sustainability Implications

The application has been assessed against the provisions of the Mansfield Planning Scheme, which includes consideration of building resource management, with the requirement to make the development as sustainable as possible within the current legislation.

Community Engagement

The application was advertised to nearby and adjoining landowners, had a notice of application placed on the site and a notice placed in the Mansfield Courier, in accordance with the provisions of the *Planning and Environment Act 1987* and Council's community engagement policy.

Collaboration

Not Applicable

Financial Impact

The application has been assessed within existing Council resources in the Statutory Planning Department. An application fee of \$4,204.70 was received for the application.

Legal and Risk Implications

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

Regional, State and National Plans and Policies

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

Innovation and Continuous Improvement

Not Applicable

Alignment to Council Plan

Theme 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.

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

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

Strategy 3.2 Enhance township character

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 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

13.3. Community and Corporate Services Directorate

13.3.1. Auspice Arrangements Policy File Number E513/2 Responsible Officer Interim Coordinator Governance & Risk, Jane Carter Purpose Example Content of Con

To seek Council endorsement of the updated Auspice Arrangements Policy.

Executive Summary

The existing Auspice Arrangements Policy was first created in 2018 to provide guidance on Council entering into auspice agreements with community groups within the Mansfield region, to support them secure funding opportunities. The existing policy is supported by a Procedure document.

A review of the Auspice Policy and Procedure documents has been completed and a revised and updated Auspice Policy has been developed that covers the key content of both the existing Policy and Procedure.

Key Issues

Council is committed to supporting the community to meet their own needs by providing assistance with securing funding opportunities through auspice arrangements. Under an auspice arrangement, Council agrees to distribute and manage a grant on behalf of a smaller community organisation – where Council is known as the auspice organisation.

In providing support through auspice arrangements Council will assess the benefits associated with:

- New projects and diversified activities within the municipality,
- The benefits derived through mentoring a community group, and
- The building of relationships with new funding providers.

Review of the existing policy and procedure documents identified repetition of information across the two documents. To support ease of use for Council and the community, the revised policy document (attached) covers the key content of the two existing documents.

Recommendation

THAT COUNCIL adopt the updated Auspice Arrangements Policy.

Support Attachments

1. Auspice Arrangements Policy 2023 [13.3.1.1 - 4 pages]

Considerations and Implications of Recommendation

Sustainability Implications

Not Applicable

Community Engagement

As no material changes have been made to the content of the existing policy and procedure documents, it is not considered necessary to undertake community engagement.

Collaboration

Not Applicable

Financial Impact

Not Applicable

Legal and Risk Implications

While there are many benefits, auspicing also introduces risks to Council that must be managed, including:

- 1. Additional administrative burdens.
- 2. Relationship management and communication (with auspicee and also funding body).
- 3. Project management risk, as Council will be responsible and accountable to the funding body for the ultimate delivery and acquittal of the project.
- 4. Level of professionalism, resources, and expertise of the auspicee to be able to comply with its obligations under the auspicing agreement.

The risks described will be managed through an appropriately drafted auspicing agreement, in accordance with the requirements of the policy.

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

13.3.2. Procurement Policy

File Number	E1533	Responsible Officer	General Manager Business & Economic Development, Julie Williams
Purpose			

To seek Council endorsement of the updated Procurement Policy.

Executive Summary

The Procurement Policy supports Council to effectively discharge its responsibilities under Section 108 of the *Local Government Act 2020* (the Act) by providing direction regarding the principles, processes and procedures applying in respect of the purchase of goods and services by Council, including for the carrying out of works.

A review of the Procurement Policy has been completed and an updated policy has been developed that incorporates sections on the Human Rights Charter, Child Safe Standards and Gender Impact Assessment. Also, the procurement thresholds have been updated to reflect both the escalation in the cost of goods and services, and capital works, and to support efficient delivery of tendering; with consideration of the existing governance and controls over procurement activities.

Key Issues

Council operates under a decentralised model of procurement where all staff are responsible for their own procurement guided by a corporate Procurement Officer and a detailed documented procedure.

The Procurement Policy and accompanying procedural document is based on Local Government Best Practice.

The Procurement Policy sets out the thresholds for when public tenders must be sought and the criteria to be used to evaluate whether the proposed contracts provide value for money.

It applies transparent and fair process that documents the basis of any decision and creates an environment that is conducive to good governance.

The policy promotes effective management of risk, collaboration and economic, social and environmental sustainability.

The changes incorporated in the updated policy are:

- Refinements and additions to the definitions section.
- Inclusion of sections on the Human Rights Charter, Child Safe Standards and Gender Impact Assessment.
- Use of a Probity Auditor, as deemed necessary for significant or high-risk tenders.
- Expansion of the Conflict of Interest and Evaluation Criteria sections.
- An update to the procurement thresholds regarding the number of quotes required, and when E-tendering is required, with a new threshold for quotations up to \$75,000 added.
- More structured presentation of the Reference/Related Policies Section.

Recommendation

THAT COUNCIL endorses the updated Procurement Policy.

Support Attachments

1. Procurement Policy 2023 [13.3.2.1 - 11 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

Procurement risks, including the associated fraud and corruption risks have been considered in the review and update of the policy as follows:

- A strengthening of the policy's conflict of interest requirements reflects a tightening of fraud and corruption controls.
- Providing for the use of a Probity Auditor, as deemed necessary for significant or highrisk tenders, provides the opportunity to seek additional governance if deemed necessary.
- Inclusion of sections on the Human Rights Charter, Child Safe Standards and Gender Impact Assessment support health and wellbeing risk management, and Council's social responsibility and reputation risk management.

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

13.3.3. Mansfield Central Registration and Enrolment Scheme (CRES) Proposal

File Number	E10500	Responsible Officer	Early Years Project Officer, Jenny Lovick
Purpose			

The report presents the findings from the feasibility study into establishing a Mansfield Kindergarten Central Registration and Enrolment Scheme.

Executive Summary

Mansfield Shire Council within its advocacy and early years planning role applied for and received funding from the Department of Education (DE) to investigate the feasibility of a Central Registration and Enrolment Scheme (CRES). Already established in many local government areas (LGA's), CRES are intended to support the streamlining of kindergarten services across an LGA. A deeper look at current systems and examination of the benefits and risks for Mansfield Shire was undertaken as part of the study.

Currently operating in Mansfield Shire there are two funded sessional kindergarten services (Mansfield Kindergarten and Mansfield Rudolf Steiner School & Kindergarten) and two funded integrated kindergarten services operating within a Centre Based Care facility (Mansfield Community Cubby House and The Farmhouse).

Council plays a role in kindergarten service provision through its ownership and asset management of one kindergarten facility and one long day care facility. Although Council is not directly involved in service delivery it has a strong commitment to early years planning and advocacy.

The study focused on determining the feasibility of a CRES through examining the support for a CRES by stakeholders and the associated risks and benefits, operating costs and cost recovery options.

Three options were explored:

- 1. Maintaining the current state of independent services.
- 2. Establishing a central system for kindergarten registration and/or enrolment that is developed and operated by Mansfield Shire Council.
- 3. Contracting the establishment and operation of a CRES to a third party.

The findings for each option are summarised below, including the feedback from stakeholders and the potential risks and benefits of each option. Whilst the findings support maintaining the current state and found that there was no community or stakeholder support for implementation of a full CRES registration and enrolment model in Mansfield Shire, the study also identified areas for improvement that could be achieved outside of a CRES, and recommended actions.

Key Issues

In total 69 parent/caregivers, service providers, key stakeholders and kindergarten services shared their thoughts and experiences via face-to-face interviews and questionnaires. They provided insight on current systems of registering and enrolling in kindergarten, ideas on what improvements could be made to the process, and their commitment to addressing key findings.

The risks and benefits of the three options explored include the following:

1. Maintaining the current state

The benefits of maintaining the current state - no cost to Council and no disruption to existing practice. The insight gained from other LGAs was that a CRES operated by Council, or by a third party could provide benefits including: stronger links between MCH (Maternal and Child Health) and kindergartens, a single information point, common forms across all services, improved data access, equitable allocation processes, enhanced partnerships and delivering on the early years reform.

The risks for maintaining the current state centred more on families with potential for uncertainty over what each individual service offers, vulnerable children missing out, lack of knowledge for support services, and occasional double up of registrations. The lost opportunity for statistical data for planning was also acknowledged.

2. Establishing a central system for kindergarten registration and/or enrolment that is developed and operated by Mansfield Shire Council.

There was **no support for a full CRES registration and enrolment model** in Mansfield Shire. Kindergarten provider responses on their level of interest for participation in a CRES scheme showed that three services were "not interested at all" and one service was "somewhat interested."

The operating costs and cost recovery options for a CRES were also essential factors for determining feasibility. The operating costs for a registration only CRES were estimated by costing a one day per week administration officer role, a one day per month coordinator role and the annual ongoing IT costs, this does not account for setting up time and costs.

Administrative support grants are currently available to contribute to the administration and operating costs of delivering a CRES. Based on current kindergarten enrolments this would be \$8,000 per annum. The availability of grants may change year-on-year depending on policy changes and the funding available would not cover the full cost.

Charging families would be necessary to cover costs of administrating a scheme. Many families surveyed indicated they would be prepared to pay a fee if required. However, despite setting a fee for families to use this service and utilising the DE administrative grant there would be an annual cost to Council of \$13,000 to maintain a CRES.

3. Contract the establishment and operation of a CRES to a third party

The level of support was the same as for a Council run model with *no support for a full CRES registration and enrolment model.* The risks and benefits were similar except moved onto a third party who may or may not be a service provider, which could then also bring into account a

possible real or perceived conflict of interest. The funding shortfall for the third-party model would carry a similar risk with respect to DE funding unknown into the future.

CRES Feasibility Study Findings and Recommendations

Whilst there was no support for a full CRES registration and enrolment model in the Mansfield Shire and findings supported maintaining the current state, the feasibility study identified the following areas of improvement:

- Strengthening links between Maternal Child Health (MCH) and kindergartens (especially for vulnerable families).
- Enhancing relationships between kindergarten services, key support services and Council.
- Improved support for families to negotiate enrolment processes (especially for vulnerable families).
- A key information point to access information on proposed programs for Mansfield's kindergartens, fees, starting age, timeframes, and benefits.
- Consider registration/enrolment timelines for all kindergarten services.
- Clearer information for families on subsidies and exact costs for kindergarten.
- Consider establishing open days and/or registration promotion week; and
- Kindergartens and services work together to share and understand data to ensure children are not missed in the enrolment process.

The areas of improvement have been addressed in the following recommendations, and the CRES Feasibility Study results have been submitted to the Department of Education for consideration and assessment of eligibility for Phase Two funding to resource the implementation of the following recommended actions.

Recommendations	Benefit(s)
Registration details are shared with the MCH service to cross reference the Child Development Information System database.	Proactive engagement identifies vulnerable children to register for kindergarten. Accessible kindergarten data available for Early years strategic planning. Collect data to establish baseline and evidence- based recommendations.
A page is established on Council's website designated to kindergarten information including fees, subsidies, starting age, timeframes, and benefits of two years of kindergarten. It would also include links to each service in Mansfield.	Research identified that for ease of access and understanding it would be beneficial to have clearer information available through one access point and synergies around kindergarten registration, enrolment, and timeframes across services.
Engage the services and key stakeholders in the Mansfield Early Years Educators Network	Enhances positive and collaborative relationships between Council, key stakeholders, and early years providers within the Shire. Contribute to desired collective outcomes supporting the Mansfield early years population

Recommendations	Benefit(s)
	in supporting the transition to kindergarten and reducing barriers to education. Identification of areas of need and advocacy particularly around capacity and workforce.

Recommendation

THAT COUNCIL endorses the implementation of the recommendations from the feasibility study.

Support Attachments

Nil

Considerations and Implications of Recommendation

Sustainability Implications

The Mansfield Early Years Educators Network (MEYEN) is well placed to lead this work. The MEYEN is facilitated by the Health and Quality officer and chaired by the Executive Manager Community Health and Wellbeing.

Community Engagement

Significant community engagement was undertaken during the feasibility study's development, with the results summarised in this report.

Collaboration

Collaboration with local services will be essential in delivering on the recommendations and responding to the feedback from parents/families to provide a collective focus on supporting all children in Mansfield Shire to benefit from two years of early learning prior to school.

Financial Impact

The Feasibility study was funded with \$35,000 from the Victorian Government – Central Enrolment Development Grant (Phase One)

A request has been made to the Department of Education for the Phase Two grant funding of \$25,000 to be allocated for the implementation of the recommendations identified through the study. Ongoing costs attributable to the early years program will be managed within the existing Community Health and Wellbeing budgets.

Legal and Risk Implications

It is considered that the report is consistent with the *Charter of Human Rights and Responsibilities Act 2006* and the *Gender Equality Act 2020.*

Regional, State and National Plans and Policies

The CRES feasibility study responds to the Victorian Government's early childhood education reform initiatives, which include a commitment to improving early learning outcomes for Victorian children, workforce participation and access for families, and present significant change to Victoria's early childhood sector.

Innovation and Continuous Improvement

Not applicable

Alignment to Council Plan

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.

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

13.3.4. Council Plan Reporting

File NumberE10406Responsible OfficerExecutive Manager Community Health & Wellbeing, Nola Bales		File	Number	E10406	Responsible Officer	Executive Manager Community Health & Wellbeing, Nola Bales
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Purpose

To provide Council with a report on progress made against the Council Plan 2021-2025 Actions for the 2022-23 financial year.

Executive Summary

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

The Council Plan is split into three key supporting themes:

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

Within each of these themes, there are:

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

Progress against these objectives and initiatives has been included in the attached report with outcomes reported against major budget initiatives, other budget initiatives, and additional activities undertaken during the 2022-23 financial year.

Key Issues

The end of financial year report shows that considerable progress has been made against the Council Plan 2021-2025 initiatives. Some highlights are summarised below for each Theme:

Theme 1: Connected and Healthy Community

- Continued successful collaboration with Mansfield District Hospital on the Respond program. Delivery in 2022-23 of the Fresh food drive and soup for schools, "This Girl Can" initiatives and the Summer Series activities. Commencement of the Jump Start program in collaboration with Supported Playgroup.
- Successful application for a three-year VicHealth Local Government Partnership.
- Award of ongoing funding, and commencement of the Social Inclusion Action Group project.
- Continuation of the work of Maternal and Child Health (MCH) and Integrated Family Services in Family Violence prevention, identification and referral activities and securing specialist family services returning to face-to-face service provision. MCH conducted 79 four-week consultations including psychosocial assessment and a further 19 family violence consultations. Integrated Family Services provided intensive support to clients

referred through The Orange Door. Organisations including Junction Support Services, UMFC and Centre Against Violence provided outreach to clients in Mansfield.

• Completion of a new playground by the Merton community in collaboration with Council.

Theme 2: Vibrant Liveability

- Completion of community engagement and partnering with community groups to develop the draft Sustainable Tourism Plan (final draft to be provided for review by November).
- Award of a tender for the Mansfield Heritage Museum (construction due to commence in October).
- Planning, developing, and completing a wide range of projects to enhance the environment both built and natural to provide improved liveability such as upgrading streetscapes and recreational open spaces across the Shire. Projects completed include:
 - The Bonnie Doon BBQ and shelter
 - Installation of shade sails at Botanic Park
 - o Purchase of the Police Paddock in Jamieson
 - o Completion of the Goughs Bay picnic shelter
- The Mansfield Library refurbishment project was completed and officially opened, with new opening hours implemented in response to community feedback.
- Delivery and support to key events such as the Mansfield Pottery Festival, Horsepower in the High Country, Stock Dog Spectacular and inaugural Mansfield Readers and Writers' Festival.
- Engagement with outlying communities to develop Township plans such as the Bonnie Doon Plan and the Merton Plan.
- Deliberative engagement with the community and completion of a collaborative tender process for waste services, with a FOGO (Food Organics and Garden Organics) service to be introduced in July 2024.
- Development and adoption of the Climate Action Plan.
- Delivery of prioritised road, drainage, and footpath upgrades, including:
 - Drainage:
 - Works on The Avenue & Outlook Drive, Jamieson
 - Design Stormwater drainage improvement on Rowe St, Mansfield
 - Design Mullum Wetlands Drainage
 - Footpaths:
 - Corner of Highton Lane and Mitchell Court
 - Section on Malcolm St near Finlason St corner
 - Maple Tree Boulevard
 - Section on Highett St near the Freemasons Hall
 - Design for Shared Path project at the Station Precinct

Theme 3: A Trusted, Effective and Efficient Council

- Commencement of the Digital Transformation Strategy through the Lower Northeast Regional Council Collaboration (Project CODI), with release of a public tender and establishment of the project governance structure.
- Completion of the Revenue and Rating Service Review.

- Advocacy for the community at all levels of government has continued, resulting in successful project submissions such as:
 - IMPACT Route road upgrade funding of \$10.5 million awarded.
 - VicHealth Local Government Partnership with an implementation grant of \$16,530.
 - Invitation to be an initial site for Social Inclusion Action Groups, with ongoing funding of \$213,334 awarded.
 - o Central Registration and Enrolment Scheme Feasibility Study \$60,000.
 - Early Years Workforce Planning and KISP (Kindergarten Infrastructure and Service Plan) - \$82,000.
 - Goughs Bay Water Sensitive Town plan feasibility study and funding for an Integrated Water Management officer – total funding of \$127,520 for the feasibility and a funding of \$230,000 for the IWM (Integrated Water Management) officer.
 - o Goughs Bay Boat Club Redevelopment \$1.5 million.
 - Planning System funding of \$888,000 for implementation of new on-line system as part of Project CODI.
 - Funding of \$350,000 to establish an Infrastructure Plan to support the growth of Mansfield Township and enable collection of development contributions.
 - Funding of \$90,000 to undertake a flood study of the Mansfield township.
 - Funding of \$40,500 from Regional Planning Hub to engage consultants to assist with Planning Reports.
 - Completion of HVAR (Heavy Vehicle Alternate Route) Stage 1 and commencement of HVAR Stage 2 works.
 - Pet Desexing Program \$23,584.
 - Integrated Transport Strategy \$90,000.
 - Water Bore near transhipment yards \$89,619.
 - Funding to expand the On-Site Wastewater Management inspections \$20,000.

Recommendation

THAT COUNCIL receive and endorse the Council Plan 2021–2025 end of financial year performance report 2022-23.

Support Attachments

1. Council Plan Actions 2022-23 [13.3.4.1 - 7 pages]

Considerations and Implications of Recommendation

Sustainability Implications

Not Applicable

Community Engagement

Not Applicable

Collaboration

Not Applicable

Financial Impact

Resources to implement the Council Plan actions were accounted for in the 2022-23 Budget.

Legal and Risk Implications

Not Applicable.

Regional, State and National Plans and Policies

It is a legislative requirement of the Local Government Act 2020 that each Council adopt a Council Plan. This end of financial year report is presented in accordance with Section 98 of the Local Government Act 2020 and Schedule 1 of the Local Government (Planning and Reporting) Regulations 2020.

Innovation and Continuous Improvement

Not Applicable

Alignment to Council Plan

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

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

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

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

Theme 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 3.1 Protect natural vistas and farmlets

Strategy 3.2 Enhance township character

Strategy 3.3 Improve roads, drainage, and footpaths

Strategy 3.4 Plan for and encourage appropriate housing

Theme 2: Vibrant Liveability

Strategic Objective 4 Clean and green: Waste and energy sustainability

Strategy 4.1 Minimise and re-use waste

Strategy 4.2 Adopt and promote energy options that are affordable, self sustaining & carbon positive

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

Strategy 5.1 Create conditions that enable local businesses

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

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

Theme 3: A Trusted, Effective and Efficient Council

Strategic Objective 7 Financial sustainability and value for money

Strategy 7.1 Increase Council's financial resilience by utilising opportunities to derive ownsource 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" 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

13.3.5. Mansfield Shire Audit and Risk Committee – Chair's Report to Council

File Number	E10900	Responsible Officer	Audit and Risk Committee Chair, Peter Johnston
Purpose			

To present Council with an overview of the activities, findings and recommendations of the Mansfield Shire Audit and Risk Committee for the financial year ending 30 June 2023.

Executive Summary

The Audit & Risk Committee Charter, endorsed by Council on 21 March 2023, and the *Local Government Act 2020* requires the Audit & Risk Committee to present a biannual report on its activities, findings, and recommendations to Council.

This Annual Report of the Audit and Risk Committee fulfils the requirements of the governing legislation.

Key Issues

The role of the Audit and Risk Committee is to provide independent assurance and assistance to the Council (and management) on Council's risk, control and compliance framework, and its external accountability responsibilities as defined in the governing legislation and in adherence to the various requirements of the Victorian Auditor-General's Office (VAGO).

The Audit and Risk Committee considered the attached report at its meeting on 28 August 2023 and has recommended the report to Council. The report presents an overview of the activities of the Mansfield Shire Audit and Risk Committee for the 12 months to 30 June 2023, structured as follows:

- Overview
- Introduction
- Role of the Audit and Risk Committee
- Membership of the Audit and Risk Committee
- Meeting Attendance
- Annual Highlights
- Summary of the Work of the Committee
- Overall Assessment of Council's Risk, Control and Compliance Framework.

Recommendation

THAT COUNCIL receive and note the Mansfield Shire Audit and Risk Committee report for the 12 months ended 30 June 2023.

Support Attachments

1. Audit and Risk Committee Report to Council 2022-2023 [13.3.5.1 - 7 pages]

Considerations and Implications of Recommendation

Governance - Disclosure of Conflicts of Interest

14. Council Meeting Resolution Actions Status Register

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

Recommendation

THAT Council receive and note the Mansfield Shire Council Meeting Resolution Actions Status Register as at 11 September 2023.

Support Attachments

1. Action Register as at 12 September 2023 [14.1.1 - 5 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 28 August 2023, are attached for the Councils information.

Recommendation

THAT COUNCIL receive the Agenda & Minutes of the Mansfield Shire Audit and Risk Committee meeting held 28 August 2023.

Support Attachments

- 1. Audit and Risk Committee Agenda 28 August 2023 [15.1.1 40 pages]
- 2. Audit and Risk Committee Minutes 28 August 2023 [15.1.2 6 pages]

16. Authorisation of sealing of documents

Nil

17. Closure of meeting to members of the public

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

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

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

Recommendation

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

18. Confidential Reports

18.1. Tender Award of Reseal Preparation Program 2023-24 Confidential

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

18.2. Tender Award of Reseal Program 2023-24

Confidential

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

18.3. Potential Land Acquisition

Confidential

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

19. Reopen meeting to members of the public

Recommendation

THAT COUNCIL reopen the meeting to members of the public.

20. Close of meeting