



Mansfield Shire

# Council Meeting

## Tuesday 16 November 2021

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

Commencing at 5pm

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### *Our aspiration for our Shire and its community*

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

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#### **Councillors**

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

#### **Officers**

Kaylene Conrick, Chief Executive Officer  
Kirsten Alexander, General Manager Infrastructure and Planning  
Kurt Heidecker, General Manager Community and Corporate Services

## Order of Business

### 1. Opening of the meeting

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

### 2. Present

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

### 3. Apologies

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

### 4. Statement of commitment

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

### 5. Acknowledgement of Country

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

### 6. Disclosure of conflicts of interest

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

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

### 7. Confirmation of minutes

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

### 8. Representations

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

### 9. Notices of Motion

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

### 10. Mayor's report

The Mayor provides a report on his activities.

**11. Acting Chairperson**

**12. Outgoing Mayor Speech**

**13. Determination of Mayoral Term**

**14. Election of Mayor**

**15. Election of Deputy Mayor**

**16. Reports from council appointed representatives**

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

**17. Public question time**

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

**18. Officer reports**

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

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

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

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

A Council position is adopted on the matters considered.

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

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

A Council position is adopted on the matters considered.

## **19. Assembly of Councillors**

An assembly of Councillors is referred to in Council's Governance Rules as a "meeting conducted under the auspices of Council", meaning a meeting of the kind described in section 131(1) of the Act, and includes a meeting referred to in Rule 1 of Chapter 6 (whether such a meeting is known as a 'Councillor Briefing' or by some other name);

## **20. Council resolutions report**

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

## **21. Advisory and Special Committee reports**

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

## **22. 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.

## **23. 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.

## **24. Presentation of confidential reports**

## **25. Reopen meeting to members of the public**

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

## **26. Close of meeting**

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

## Agenda Contents

1.	Opening of the meeting.....	7
2.	Present .....	7
3.	Apologies .....	7
4.	Statement of commitment .....	7
5.	Acknowledgement of Country .....	7
6.	Disclosure of conflicts of interest.....	7
7.	Confirmation of minutes .....	8
8.	Representations.....	8
9.	Notices of motion .....	8
10.	Mayor’s report.....	8
11.	Interim Chairperson .....	10
12.	Outgoing Mayor Speech .....	10
13.	Determination of Mayoral Term.....	10
14.	Election of Mayor .....	12
15.	Election of Deputy Mayor.....	15
16.	Reports from Council Appointed Representatives .....	18
17.	Public question time.....	19
18.	Officer reports .....	19
18.1.	Chief Executive Officer’s report .....	19
18.2.	Infrastructure and Planning Directorate .....	20
18.2.1.	Adoption of Mansfield Planning Scheme Amendment C45, Stockmans Rise Rezoning.....	20
18.2.2.	C48 Township Approaches .....	25
18.2.3.	MACE & Men’s Shed Dispute.....	30
18.3.	Community and Corporate Services Directorate .....	35
18.3.1.	Finance Report: 1 July 2021 to 30 September 2021 .....	35
18.4.	Executive Services Directorate.....	40
18.4.1.	Rural Councils Transformation Program – Joint Councils Application.....	40
18.4.2.	Schedule of Meetings 2021-2022.....	45
18.4.3.	CEO Employment and Remuneration Policy and CEO Employment Matters Committee Terms of Reference .....	49
18.4.4.	Councillor Appointed Representation on Committees .....	52
18.4.5.	Council Christmas Function – Early Office Closure.....	57
19.	Assemblies of Councillors.....	59
20.	Council Resolutions Register.....	60

21.	Advisory and Special Committee reports .....	60
22.	Authorisation of sealing of documents .....	60
23.	Closure of meeting to members of the public.....	61
24.	Presentation of Confidential Reports .....	61
24.1.	Confidential: Extend CEO Contract .....	61
25.	Reopen meeting to members of the public .....	61
26.	Close of meeting .....	61

# 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 Rabie
- ▶ Councillor Sladdin
- ▶ Councillor Tehan
- ▶ Councillor Webb

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

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

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

## 3. Apologies

The Chair will call on the CEO for any apologies.

## 4. Statement of commitment

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

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

## 5. Acknowledgement of Country

Deputy Mayor James Tehan 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 Rabie
- ▶ Councillor Sladdin
- ▶ Councillor Tehan
- ▶ Councillor Webb

## 7. Confirmation of minutes

### Recommendation

THAT the Minutes of the Mansfield Shire Council meetings held on:

- ▶ Tuesday 19 October 2021

be confirmed as an accurate record:

## 8. Representations

## 9. Notices of motion

## 10. Mayor's report

Mayor Mark Holcombe will present the monthly Mayor's report from 8 October 2021 to 1 November 202 to the Council as follows:

*October continued to throw up unforeseen challenges to both our community and to Council itself.*

*The State Governments directions with respect to covid vaccinations was confusing to everyone and changed a number of times in a very short time frame.*

*Because of the lack of clarity and the passing of responsibility to employers, enormous pressure and stress has been placed on both employers and employees. This was most noticeable across many sectors of our community and will really challenge us as we open up to tourists.*

*Aside from these difficulties there have been a number of real positives in October. The High Country Festival opened on October 29 and tickets sold out very quickly.*

*Despite the cold temperatures, the evening was an outstanding success with the set-up and organisation a credit to the Shire staff involved and the participating stall holders.*

*The atmosphere on the night reflected the positivity of Mansfield. It was a terrific community and family event and the first we'd had in the last 18 months.*

*Council announced a record expenditure on road re-sheeting throughout the Shire over the next 12 months. The \$2.4 million contract was awarded to local construction business, Alpine Civil and is a clear response by Council to the Community Satisfaction Survey where it was made very clear that ratepayers major concern was the condition of our road network.*



## Mayor's report continued

*After considerable community involvement Council released a number of its critical forward planning documents. These included the 2040 Community Vision, the Ten-Year Long Term Financial Plan and the Four-Year Council Plan.*

*The 2040 Community Vision was Council's first application of a comprehensive community engagement process which included the use of a community deliberative panel.*

*It was also pleasing to see that 84 solar panels were erected on the roof of the Council's office with the effect of a 40% reduction in daily energy consumption. This is a part of Council's commitment to reducing its environmental footprint with further initiatives to be included in the forthcoming Climate Action Plan.*

*Council announced that Mansfield's outlying communities can now apply for up to \$20,000 to develop facilities that enhance their community as part of our Outlying Communities \$50,000 Infrastructure Fund. Applications for this are open till December 23, 2021.*

*The CEO, Kaylene Conrick and I met with Cindy McLeish MP (State Member for Eildon) to outline some of the major issues we have going forward that will require State Government funding.*

*Radio interviews were conducted with ABC Shepperton, ABC Albury and the Mansfield Community Radio Station.*

*Cr Mark Holcombe  
Mayor*

### **Recommendation**

THAT Council receive the Mayor's report for the period 8 October 2021 to 1 November 2021.

## 11. Interim Chairperson

Pursuant to the provisions of Section 61 of *the Local Government Act 2020* and Chapter 2 of the Mansfield Shire Council Governance Rules 2020, the Chief Executive Officer shall act as Chairperson until the election of the Mayor is concluded.

## 12. Outgoing Mayor Speech

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

## 13. Determination of Mayoral Term

<b>File Number</b>	E502	<b>Responsible Officer</b>	Chief Executive Officer, Kaylene Conrick
<b>Purpose</b>			
The purpose of this report is to determine the term of office for the Mayor of Mansfield Shire Council.			
<b>Executive Summary</b>			
<p>In accordance with section 25 of the <i>Local Government Act 2020</i> (the Act), Council must elect a Councillor to be the Mayor.</p> <p>Before a Mayor is elected, the Council must determine the term of the Mayor. Historically, Council has elected a Mayor for a term of one year, however the term of office may be for one or two years.</p> <p>Under the Act, the next election of the Mayor must be held on a day to be determined by the Council that is as close to the end of the term. Should Council continue to hold its scheduled meetings on the third Tuesday of the month, the next Mayoral election would be held by 15 November 2022 or 21 November 2023, depending on the length of the term of office.</p>			
<b>Key Issues</b>			
The determination of the Mayoral term must precede the election of the Mayor.			
<b>Recommendation</b>			
<p>THAT COUNCIL:</p> <ol style="list-style-type: none"> <li>1. Determines the length of the Mayoral term to be a period of ____ year(s).</li> <li>2. Determines the next Mayoral election be held at the scheduled meeting of Council in November (15 November 2022 or 21 November 2023)</li> </ol>			
<b>Support Attachments</b>			
Nil			

## 12. Determination of Mayoral Term continued

### Considerations and Implications of Recommendation

#### Sustainability Implications

Nil

#### Community Engagement

Due to the legislative nature of this report, community engagement is not required.

#### Collaboration

Nil

#### Financial Impact

Nil

#### Legal and Risk Implications

Nil

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

Nil

#### Innovation and Continuous Improvement

Nil

#### Alignment to Council Plan

Determination of the Mayoral term prior to the election of Mayor demonstrates good governance, and is consistent with the following Theme 3 in the 2021-25 Council Plan:  
“A trusted, effective and efficient council”

#### Governance - Disclosure of Conflicts of Interest

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

## 14. Election of Mayor

<b>File Number</b>	E502	<b>Responsible Officer</b>	Chief Executive Officer, Kaylene Conrick
<b>Purpose</b>			
This report provides advice on the process for the election of the Mayor of Mansfield Shire.			
<b>Executive Summary</b>			

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

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

- Chairing all meetings of the Mansfield Shire Council.
- Being the principal spokesperson of the Council.
- Leading engagement with the community on the development of the Mansfield Shire Council Plan, and reporting annually on the implementation of the Plan.
- Promoting behaviour amongst Councillors that meet the standards of the Councillors' Code of Conduct and Charter.
- Assisting Councillors to understand their role.
- Leading the regular review of the Chief Executive Officer's performance.

In accordance with Council's Governance Rules, the election of Mayor must be carried out by a show of hands at a meeting open to the public.

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

Once nominations for the office of Mayor have been received, the following provisions will govern the election of the Mayor:

1. If there is only one nomination, the candidate nominated must be declared to be duly elected;
2. If there is more than one nomination, the Councillors present at the meeting must vote for one of the candidates;
3. In the event of a candidate receiving an absolute majority of the votes, that candidate is declared to have been elected;
4. In the event that no candidate receives an absolute majority of the votes, and it is not resolved to conduct a new election at a later date and time, the candidate with the fewest number of votes must be declared to be a defeated candidate. The Councillors present at the meeting must then vote for one of the remaining candidates;

#### 14. Election of Mayor continued

5. If one of the remaining candidates receives an absolute majority of the votes, he or she is duly elected. If none of the remaining candidates receives an absolute majority of the votes, the process of declaring the candidates with the fewest number of votes a defeated candidate and voting for the remaining candidates must be repeated until one of the candidates receives an absolute majority of the votes. That candidate must then be declared to have been duly elected;
6. In the event of two or more candidates having an equality of votes and one of them having to be declared: (a) a defeated candidate; and (b) duly elected the declaration will be determined by lot.
7. If a lot is conducted, the Chief Executive Officer will have the conduct of the lot and the following provisions will apply:
  - (a) each candidate will draw one lot;
  - (b) the order of drawing lots will be determined by the alphabetical order of the surnames of the Councillors who received an equal number of votes except that if two or more such Councillors' surnames are identical, the order will be determined by the alphabetical order of the Councillors' first names; and
  - (c) as many identical pieces of paper as there are Councillors who received an equal number of votes must be placed in a receptacle. If the lot is being conducted to determine who is a defeated candidate, the word "Defeated" shall be written on one of the pieces of paper, and the Councillor who draws the paper with the word "Defeated" written on it must be declared the defeated candidate (in which event a further vote must be taken on the remaining candidates unless there is only one candidate remaining, in which case that candidate will be declared to have been duly elected).

#### Key Issues

Council is required to elect a Mayor at a meeting open to the public. The successful Councillor will be Mayor of Mansfield Shire until the conclusion of the term of office, as previously determined by Council. After the Mayor is elected, he will assume the Chair for the remainder of the meeting, including the election of the Deputy Mayor.

#### Recommendation

THAT pursuant to the provisions of sections 25 and 26 of the *Local Government Act 2020*, the Council appoints Cr \_\_\_\_\_ as Mayor of Mansfield Shire for a term no later than the first scheduled meeting of November 202\_\_.

#### Support Attachments

Nil

## 14. Election of Mayor continued

### Considerations and Implications of Recommendation

#### Sustainability Implications

Nil

#### Community Engagement

Nil

#### Collaboration

Nil

#### Financial Impact

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

Under the *Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019* (Vic) (VIRTIPS Act), the Tribunal is required to make Determinations setting the values of the allowances – including allowance categories – payable to Mayors, Deputy Mayors and Councillors (Council members) in Victorian Councils.

On 17 June 2021, the Minister for Local Government requested that the Tribunal make the first Determination. The Determination will come into effect on 18 December 2021 — 6 months from the day the Tribunal received the Minister's request.

Until the Determination takes effect, allowances payable to Council members continue to be determined by individual Councils in accordance with limits set by the Victorian Government.

The allowance payable to the Mayor was set by an Order in Council published in the Victorian Government Gazette, effective from 1 December 2019, and is based on the Council's population, size and its revenue. Mansfield Shire Council is in Category 1.

As prescribed by the Minister for Local Government, the allowance payable to the Mayor is as follows:

	<b>Part A Annual Allowance</b>	<b>Part B Annual Allowance Superannuation Guarantee equivalent (at 9.5%)</b>
Mayor	\$62,884	\$5,974

#### Legal and Risk Implications

Sections 25 and 26 of the Act governs the election of the Mayor and when the Mayor is to be elected. Section 20 of the Act provides for when the office of the Mayor becomes vacant.

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

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

Nil

## 14. Election of Mayor continued

### Innovation and Continuous Improvement

Nil

### Alignment to Council Plan

The election of the Mansfield Shire Mayor demonstrates good governance, and is consistent with the following Theme 3 in the 2021-25 Council Plan:

“A Trusted, effective and efficient Council”

### Governance - Disclosure of Conflicts of Interest

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

## 15. Election of Deputy Mayor

<b>File Number</b>	E502	<b>Responsible Officer</b>	Chief Executive Officer, Kaylene Conrick
<b>Purpose</b>			
This report provides advice on the process for the election of the Deputy Mayor of Mansfield Shire.			
<b>Executive Summary</b>			

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

Under the Act, the Deputy Mayor must perform the role of Mayor and may exercise any powers of the Mayor if the Mayor is unable to attend a meeting (or part thereof), or if the Mayor is incapable of performing the duties of the office of Mayor for any reason (including illness), or if the office of the Mayor is vacant. The Deputy Mayor does not hold any other additional powers or functions.

In accordance with the Mansfield Shire Governance Rules, the election of the Deputy Mayor must be by a show of hands at a meeting open to the public.

The process for the election of a Deputy Mayor is the same as the process for the election of Mayor, ie, in accordance with Council’s Governance Rules.

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

## 15. Election of Deputy Mayor continued

### Key Issues

The Act and Council's Governance Rules provide for the position of Deputy Mayor and govern the process for the election. At its meeting of 26 October 2016, Council resolved to establish the office of a Deputy Mayor. Should Council proceed to elect a Deputy Mayor, the successful Councillor would hold the position of Deputy Mayor until the Mayoral term of office concludes, as previously determined by Council

### Recommendation

THAT COUNCIL appoints Cr \_\_\_\_\_ as Deputy Mayor of Mansfield Shire for a term no later than the first scheduled meeting of November 202\_\_.

### Support Attachments

Nil

## Considerations and Implications of Recommendation

### Sustainability Implications

Nil

### Community Engagement

No consultation is required for the election of the Deputy Mayor.

### Collaboration

Nil

### Financial Impact

Under the Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019 (Vic) (VIRTIPS Act), the Tribunal is required to make Determinations setting the values of the allowances – including allowance categories – payable to Mayors, Deputy Mayors and Councillors (Council members) in Victorian Councils.

On 17 June 2021, the Minister for Local Government requested that the Tribunal make the first Determination. The Determination will come into effect on 18 December 2021 — 6 months from the day the Tribunal received the Minister's request.

Until the Determination takes effect, allowances payable to Council members continue to be determined by individual Councils in accordance with limits set by the Victorian Government. In accordance with section 39 of the Act, a Deputy Mayor receives a Councillor allowance the same as other Councillors.

The allowance payable to a Councillor was set by an Order in Council published in the Victorian Government Gazette, effective from 1 December 2019, and is based on the Council's population, size and its revenue. Mansfield Shire Council is in Category 1.



## 15. Election of Deputy Mayor continued

As prescribed by the Minister for Local Government, the allowance payable to a Councillor is as follows:

	<b>Part A Annual Allowance</b>	<b>Part B Annual Allowance Superannuation Guarantee equivalent (at 9.5%)</b>
Councillors	\$21,049	\$1,999

### Legal and Risk Implications

Nil

### Regional, State and National Plans and Policies

Nil

### Innovation and Continuous Improvement

Nil

### Alignment to Council Plan

The election of the Mansfield Shire Deputy Mayor demonstrates good governance, and is consistent with the following objective in the 2021-2025 Council Plan:

Theme 3: A trusted, effective and efficient council:

### Governance - Disclosure of Conflicts of Interest

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

## 16. Reports from Council Appointed Representatives

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

Committee	Responsible Councillor(s)
Australia Day Awards Committee	<ul style="list-style-type: none"> <li>▶ Mayor Mark Holcombe</li> <li>▶ Cr James Tehan</li> <li>▶ Cr Steve Rabie</li> </ul>
Mansfield Shire CEO Performance and Remuneration Review Reference and Advisory Group	▶ All Councillors
Goulburn Murray Climate Alliance (GMCA)	▶ Cr Rohan Webb
Hume Regional Local Government Network (HRLGN)	▶ Mayor Mark Holcombe
Lake Eildon Land & On-Water Management Plan Implementation Committee	▶ Cr Paul Sladdin
Mansfield Shire Council Audit and Risk Committee	<ul style="list-style-type: none"> <li>▶ Mayor Mark Holcombe</li> <li>▶ Cr Rohan Webb</li> </ul>
Mansfield Shire Business and Community Recovery Advisory Committee	<ul style="list-style-type: none"> <li>▶ Mayor Mark Holcombe</li> <li>▶ Cr Paul Sladdin</li> </ul>
Municipal Association of Victoria (MAV)	<ul style="list-style-type: none"> <li>▶ Mayor Mark Holcombe</li> <li>▶ Substitute - Deputy Mayor James Tehan</li> </ul>
North East Local Government Waste Forum (a committee of the North East Regional Waste and Resource Recovery Group)	▶ Cr Steve Rabie
Rural Councils Victoria (RCV)	▶ Mayor Mark Holcombe (delegate)

### Recommendation

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

## 17. Public question time

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

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

## 18. Officer reports

### 18.1. Chief Executive Officer’s report

**File Number:** E103  
**Responsible Officer:** Chief Executive Officer, Kaylene Conrick

#### 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
- ▶ Capital Works
- ▶ Building Services
- ▶ Regulatory Services
- ▶ Revenue Services
- ▶ Field Services
- ▶ Governance
- ▶ Community Health and Wellbeing
- ▶ Visitor Services (VIC and Library)

#### Attachment

1. CEO’s report

#### Recommendation

THAT Council receive and note the Chief Executive Officer’s report for the period 19 October 2021 to 9 November 2021.

## 18.2. Infrastructure and Planning Directorate

### 18.2.1. Adoption of Mansfield Planning Scheme Amendment C45, Stockmans Rise Rezoning

<b>File Number</b>	E7978	<b>Responsible Officer</b>	Melissa Crane, Manager Planning and Environment
<b>Purpose</b>			
The purpose of this report is to seek a Council resolution to adopt Planning Scheme Amendment C45 to the Mansfield Planning Scheme, and to submit the amendment to the Minister for Planning for incorporation into the Mansfield Planning Scheme.			
<b>Executive Summary</b>			

- Mansfield Planning Scheme Amendment C45 is a proponent driven amendment.
- The amendment was exhibited in accordance with the requirements of the *Planning and Environment Act 1987*.
- No objections were received to the amendment.
- One submission supporting the amendment was received.
- The amendment can be adopted and incorporated into the Mansfield Planning scheme without any changes to the exhibited documents.

#### Key Issues

In October 2020, an application was received from the owner of the property in relation to the land at 57 Stock Route, Mansfield (Lot B on Plan of Subdivision 749838), to undertake an amendment to the Mansfield Planning Scheme. Amendment C45 proposes to rezone the subject land from the Low Density Residential Zone (LDRZ) to the General Residential Zone (GRZ1) and the remove the existing Development Plan Overlay – Schedule 2 (DPO2).

An outline plan of subdivision was provided by the proponent to conceptually demonstrate the proposed development of the land should a rezoning occur (refer Figure 1 on next page).

### 18.2.1 Adoption of Mansfield Planning Scheme Amendment C45, Stockmans Rise Rezoning continued

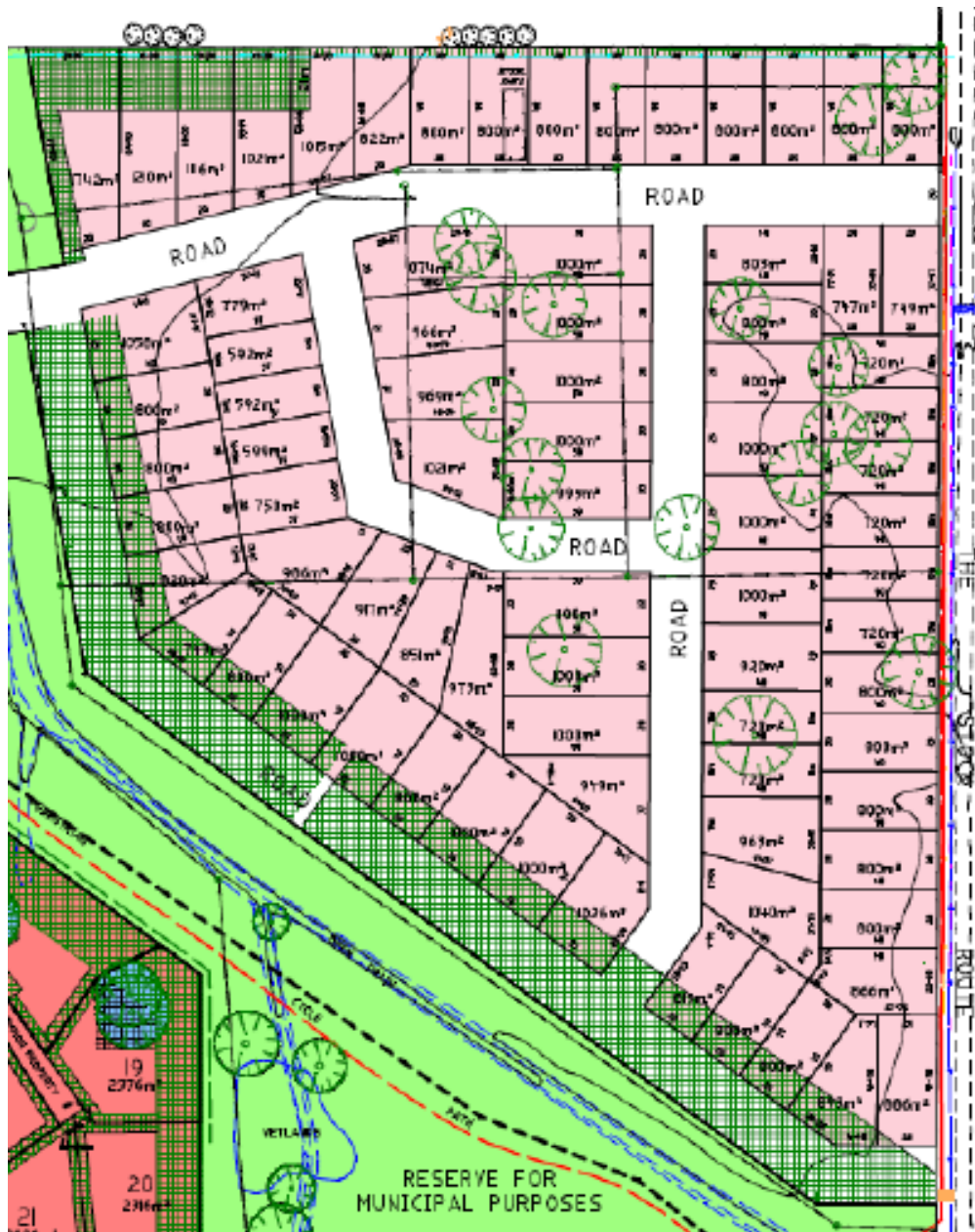


Figure 1: Outline Plan of Subdivision

In response to this request, and at the meeting on 18 May 2021, Council resolved to:

1. Request under Section 8A (2) and (3) of the Planning and Environment Act 1987 that the Minister for Planning authorise Mansfield Shire Council to prepare Amendment C45 to the Mansfield Planning Scheme.
2. Notify the Minister for Planning that when it exhibits Amendment C45, Mansfield Shire Council intends to give full notification of the amendment under Section 19 of the Planning and Environment Act 1987 for a minimum statutory exhibition period of one month.
3. When authorised by the Minister for Planning, exhibit Amendment C45 to the Mansfield Planning Scheme under Section 19 of the Planning and Environment Act 1987.

### 18.2.1 Adoption of Mansfield Planning Scheme Amendment C45, Stockmans Rise Rezoning continued

Council officers submitted the amendment for exhibition on 6 July 2021, and conditional consent was given on 17 August 2021. Officers addressed all the conditions on the authorisation and the amendment went on exhibition from 23 September 2021 until 24 October 2021. All adjoining owners were directly notified of the proposal, and a notice was placed in the Government Gazette and the Mansfield Courier.

One supporting submission was received, which advised that they considered the rezoning a “logical and appropriate extension of residential zoning for the existing Mansfield township”. The amendment was also referred to the relevant Ministers and other government departments. The following referral responses were received

Referral Authority	Response
Goulburn Valley Water	No objections, no comments.
Goulburn Broken Catchment Management Authority	No objections. Commentary provided on the extent of flooding on the land, and the existing waterway on the property. They noted that any future development would need to demonstrate how the lots would be elevated above the 100-year ARI flood levels. They also advised that the waterway had a minimum setback distance of 30 metres.

As no objections were received, the amendment can be adopted without any changes, and submitted to the Minister for Planning for inclusion into the Mansfield Planning Scheme.

Recommendation
<p>THAT Council</p> <ol style="list-style-type: none"> <li>1. Adopt Amendment C45 to the Mansfield Planning Scheme in accordance with Section 29 of the <i>Planning and Environment Act 1987</i>, in accordance with the attached Amendment C45 package; and,</li> <li>2. Submit Amendment C45 to the Mansfield Planning Scheme, together with the prescribed information, to the Minister for Planning in accordance with Section 31 of the <i>Planning and Environment Act 1987</i>.</li> </ol>
Support Attachments
Mansfield Planning Scheme Amendment C45 Documentation Package

## **18.2.1 Adoption of Mansfield Planning Scheme Amendment C45, Stockmans Rise Rezoning continued**

### **Considerations and Implications of Recommendation**

#### **Sustainability Implications**

The amendment does not raise any material social or economic effects. The proposal implements the objectives of planning by helping to provide for the orderly and sustainable use and development of land, while simultaneously providing for the continued protection of the waterway. The amendment will ensure the facilitation of appropriate planning outcomes in accordance with best practice.

From an environmental perspective, the amendment recognises the existing residential nature of the area and proposes a different residential zone that will allow for a more efficient use of land. The proposal balances the development intentions of the land with the need for floodplain management to ensure an outcome that is environmentally appropriate. The amendment does not raise any economic effects for Council while assumedly providing an economic benefit for the landowner.

#### **Community Engagement**

Exhibition of the amendment and planning permit was undertaken from 23 September 2021 until 24 October. All adjoining owners were directly notified of the proposal, and a notice was placed in the Government Gazette and the Mansfield Courier. No objections and one supporting submission were received.

#### **Collaboration**

Not applicable.

#### **Financial Impact**

All costs associated with the amendment are borne by the proponent.

#### **Legal and Risk Implications**

While the Subject Land is within a designated Bushfire Prone Area, no material bushfire risk is raised as the area is within the identified township of Mansfield. The amendment is in accordance with the relevant provisions of the Mansfield Planning Scheme and the Planning and Environment Act 1987. The amendment also complies with the requirements of the Ministerial Direction on the Form and Content of Planning Schemes (section 7(5) of the Act) and is accompanied by all information required.

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

Not applicable.

#### **Innovation and Continuous Improvement**

Not applicable.

## **18.2.1 Adoption of Mansfield Planning Scheme Amendment C45, Stockmans Rise Rezoning continued**

### **Alignment to Council Plan**

This amendment was prepared to in accordance with the relevant requirements of the *Planning and Environment Act 1987*. This amendment was also undertaken with due consideration of the following strategies from the Council Plan 2021-2024:

- Strategy 3.4 Plan for and encourage appropriate housing
- Strategy 5.2 Enable land use and base infrastructure that stimulates commercial activity

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

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



## 18.2 Infrastructure and Planning Directorate - Continued

### 18.2.2. C48 Township Approaches

<b>File Number</b>	E7985	<b>Responsible Officer</b>	Melissa Crane, Manager Planning and Environment
<b>Purpose</b>			
<ul style="list-style-type: none"> <li>▪ To advise Council of the background and submissions received in response to exhibition of the proposed Amendment C48 to the Mansfield Planning Scheme to implement the adopted <i>Township Approaches Planning Controls and Guidelines Study, Mansfield, June 2018</i>.</li> <li>▪ To recommend that Council refer all submissions to Amendment C48 to an independent panel for consideration.</li> </ul>			
<b>Executive Summary</b>			

Eleven (11) submissions were received in response to the exhibition of C48: four (4) from community groups, six (6) from individuals and one (1) from consultants on behalf of a landowner. While most submissions argue for stronger and revised controls, one requests removal of their property from the DDO1 and the consultant submission supports some of the exhibited controls and seeks changes to others. A summary of submissions and officer recommendations in relation to them is provided as Attachment 2.

As all the submissions cannot be resolved, an independent planning panel is required to hear them and make recommendations to Council to resolve the amendment.

#### Key Issues

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

Approach 1: Maroondah Highway (west) approach.

Approach 2: Mount Buller Road (east) approach.

Approach 3: Midland Highway (north) approach.

Approach 4: Mansfield-Whitfield Road (north) approach.

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

## 18.2.2 C48 Township Approaches continued

Amendment C48 proposes to implement the adopted *Township Approaches Planning Controls and Guidelines Study, Mansfield*, June 2018 by:

- Amending Clause 21.09, Mansfield Township.
- Amending Schedule 1 to the Design and Development Overlay, to now be retitled as *Mansfield Township Approach Guidelines - Mixed Use, General Residential 1, Low Density Residential and Rural Living Zones*.
- Introducing new Schedule 2 (*Mansfield Township Approach Guidelines - Farming, Urban Floodway, Industrial 1, Commercial 1 and Commercial 2 Zones*) to the Design and Development Overlay.
- Applying the Design and Development Overlay 1 to applicable areas of Mixed Use, General Residential 1, Low Density Residential and Rural Living Zone (Planning scheme maps 11DDO and 12DDO and new Planning scheme map 9DDO).
- Applying the Design and Development Overlay 2 to applicable areas of Farming, Urban Floodway, Industrial 1, Commercial 1 and Commercial 2 Zone (Planning scheme maps 11DDO and 12DDO).

A copy of Amendment C48 is attached as **Attachment 1**.

Eleven (11) submissions were received in response to the exhibition of C48.

Key issues raised in submissions are building heights, setbacks, building siting, frontages and amendment control content, particularly for the DDO2. While most submissions seek changes to tighten the exhibited content of Amendment C48, the recommended changes differ from Council's adopted position under the *Township Approaches Planning Controls and Guidelines Study, Mansfield*, June 2018 and exhibited Amendment C48 and can only be partly met. Similarly, the majority of submissions differ from the general intent and suggested content of the consultant submission.

As submissions to the proposed amendment cannot be fully resolved, Council cannot adopt the amendment at this stage and has the following options:

1. Abandon the amendment in its current form (not recommended)
2. Progress the amendment through referral of the submissions to an independent panel for consideration. An independent panel is appointed by the Minister for Planning, and they would hear from all submitters and then provide a report to Council on the merits of the amendment and submissions.

### 18.2.2 C48 Township Approaches continued

It is the position of council officers that the best outcome would be to refer the amendment to an independent panel, which will ensure that all submissions are considered in context, and will be given due regard.

The attached summary of submissions will form the basis of Council's submission to the panel for Amendment C48. Following consideration of a panel report, Council may then adopt the amendment, with or without changes, and submit it to the Minister for final approval.

<b>Recommendation</b>
<p>THAT:</p> <p>Having prepared and exhibited Amendment C48 to the Mansfield Planning Scheme under Section 19 of the <i>Planning and Environment Act 1987</i>;</p> <p>Having considered all submissions to Amendment C48 to the Mansfield Planning Scheme under Section 22 of the <i>Planning and Environment Act 1987</i>;</p> <p>Mansfield Council resolves to:</p> <ol style="list-style-type: none"> <li>1. Under Section 23 of the <i>Planning and Environment Act 1987</i>, all submissions to Amendment C48 to the Mansfield Planning Scheme be referred to an independent panel appointed under Part 8 of the <i>Planning and Environment Act 1987</i>;</li> <li>2. The summary of submissions to Amendment C48 (Attachment 2) be adopted as Mansfield Shire Council's position on the submissions that will be presented to an independent panel;</li> <li>3. Each submitter to Amendment C48 be notified in writing of Mansfield Shire Council's position regarding their submission and informed of the forthcoming independent panel process.</li> </ol>
<b>Support Attachments</b>
<ol style="list-style-type: none"> <li>1. Proposed Amendment C48</li> <li>2. Summary of Submissions to Amendment C48</li> </ol>

## Considerations and Implications of Recommendation

### Sustainability Implications

This amendment seeks to introduce changes and pathways for further enhancement of the environmental values of the four (4) township approaches. The two (2) schedules to the Design and Development Overlay will result in an increase over time of mature canopy cover in both the private and public domains along the township approaches.

## 18.2.2 C48 Township Approaches continued

The community of Mansfield places a large social value on its unique township approaches. These corridors welcome all visitors to the region and form a key gateway to the Victorian High Country beyond. As such, the community and Council have sought to shape these corridors along a defined preferred character individual to each route. In developing these controls as a community, the residents of Mansfield have invested significant social capital into their vision for the area. This amendment takes this community vision and places a range of design and development controls around aspects to ensure that these corridors are shaped in the direction the community wishes for them to head, building further social cohesion and pride amongst the township's residents. Overall, this project has significant community social benefits.

Significant cultural and built heritage sites are located within the township approaches. The development controls contained within the two (2) Design and Development Overlays seek to conserve these sites or ensure that future development does not negatively impact on their value for future generations to enjoy.

Tourism is a large contributor to the local economy, both through providing accommodation, services to the nearby ski fields, and through Mansfield's key location as a gateway to the wider Victorian High Country. The township's appeal to tourists is in part influenced by its historic and unique country town feel.

### Community Engagement

This amendment has undergone an exhibition process in accordance with the *Planning and Environment Act 1987*, following an extensive community engagement process that was undertaken in the development of the *Township Approaches Planning Controls and Guidelines Study, Mansfield*, June 2018.

### Collaboration

Not applicable.

### Financial Impact

Amendment C48 has resource and financial implications, as follows:

- Some resource implications for staff, which have required some use of contract labour. Costs for the contract labour are estimated at \$10,000, and fall within the existing budget for contractors within the Strategic Planning program.
- Panel costs according to resources required (estimated to be a one-day hearing by a single panel member). Costs for a panel to hear up to 10 submissions are \$15,345.60.
- Prescribed fees for the amendment, provided it proceeds, which will be \$488.50 for adoption of the amendment.

All these costs will be funded from the current strategic planning budget.

## 18.2.2 C48 Township Approaches continued

### Legal and Risk Implications

Amendment C48 has been prepared and exhibited in accordance with the *Planning and Environment Act 1987*.

### Regional, State and National Plans and Policies

Not applicable.

### Innovation and Continuous Improvement

Not applicable.

### Alignment to Council Plan

This amendment was prepared to in accordance with the relevant requirements of the *Planning and Environment Act 1987*. This amendment was also undertaken with due consideration of the following strategies from the Council Plan 2021-2024:

- Strategy 3.4 Plan for and encourage appropriate housing
- Strategy 5.2 Enable land use and base infrastructure that stimulates commercial activity

### Governance - Disclosure of Conflicts of Interest

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

## 18.2 Infrastructure and Planning Directorate - Continued

### 18.2.3. MACE & Men's Shed Dispute

<b>File Number</b>	E408	<b>Responsible Officer</b>	General Manager Infrastructure & Planning, Kirsten Alexander
<b>Purpose</b>			
To provide an update regarding the lease of 17 Erril Street, Mansfield and request of Council that MACE and the Mansfield Men's Shed Inc. work together to resolve the lease issues, following consideration of the matter by Council at the September 2021 Council Meeting.			
<b>Executive Summary</b>			

- Since 2018 a dispute has existed between MACE and the Men's Shed Inc. in relation to the lease of the land at 17 Erril Street, Mansfield and the ownership of the building on that land.
- The Men's Shed Inc. would like to enter into a lease agreement directly with Council. MACE has objected to the Men's Shed Inc. position and sought to continue to lease the property from Council.
- The existing lease with MACE is in over-holding, on a month by month basis. Council is able to enter into a new lease as it sees fit.
- At the 21 September Council meeting it was resolved that Council receive a further report on this matter at its October 2021 Council meeting, and take no further action until receiving the report.
- At the 19 October Council meeting, it was noted that there had not been sufficient progress between the parties to enable a resolution of the matter, and Council resolved that a further report was to be provided to the November 2021 meeting of Council.
- Since the September meeting, MACE and The Men's Shed Inc have been talking and looking to resolve the matter amicably, but have unable to reach a mutually satisfactory agreement to date, and the matter is therefore referred back to Council for further direction.
- Council has the option to give both parties more time, or to make a decision on the lease arrangements for the site.

### 18.2.3 MACE & Men's Shed Dispute continued

#### Key Issues

In 2003, the Mansfield Men's Shed Committee wished to establish a Men's Shed and erect a structure upon the land at 17 Erril Street, Mansfield. The Men's Shed Committee sought to obtain funding for the structure with a grant, but were not eligible as they were not yet an incorporated body.

To enable the grant application to proceed, the "unincorporated body of men" and MACE signed an Auspice Memorandum of Understanding (MOU), in February 2003 for 12 months, or until the Men's Shed became incorporated, whichever was sooner. Mansfield Shire Council leased the land to MACE in their role as the auspice organisation. The lease agreement was entered into on 12 March 2003 for a term lease of 10 years, with a further 2 x 10 year options to extend. As a result of this a Government Grant for a community shed was awarded and the building was erected and officially launched in 2005. The Men's Shed became "Incorporated" in 2013.

In 2018 the Mansfield Men's Shed gave MACE formal notice terminating the Auspice arrangement between the two organisations.

#### Overview of the Dispute

MACE wants to retain control of the building and the lease of the land, although the building was constructed and is maintained and upgraded by funds obtained by the Men's Shed. The Men's Shed Committee, now that they are incorporated, want to take over control of the building and the land as it has intended to do since 2003.

Council officers have previously met with the two parties in an attempt to resolve the matter as both MACE and the Men's Shed provide important community services. To date a resolution has not been reached.

#### Previous Council Resolution

At the 21 September 2021 Council meeting it was resolved that Council:

1. Receive and note the status of the lease as legally being in over-holding.
2. Agrees with the Men's Shed Incorporated's interpretation of the original intent of the auspice agreement between MACE and the Men's Shed Inc. signed in 2003. That being, upon the incorporation of the Men's Shed (or Community Shed) as an entity, the lease would be handed over to the Men's Shed Incorporated including the assets and that further lease agreements would be between Council and Men's Shed Inc.
3. Writes to MACE and Men's Shed Inc. advising Council's position on the intent of the original auspice agreement and urges MACE to honour the intent of the agreement which was to support the Men's Shed Inc. in the construction, upgrades and maintenance of the building and then to hand over the project to the Men's Shed Inc.

### **18.2.3 MACE & Men's Shed Dispute continued**

4. Receives a further report on this matter at its October 2021 Council meeting.
5. Takes no further action on the MACE-Council lease until Council receives the further report and leave the existing Lease in an over-holding arrangement until such time.

#### **Current Status**

Following the September Council meeting, MACE and the Men's Shed Inc. resumed discussions to progress the matter. Both parties have been approached by council officers to encourage a decision to be reached between them. At the time of writing this report, no decision has been determined and further time is required to resolve this matter.

MACE has since requested a further month's delay with regard to any decision on this matter by Council, to give them time to encourage mediation with the Men's Shed. In order to support this request, and seek a timely resolution, it is recommended that Council assist in appointing a mediator for the outstanding matters prior to the cancellation of the lease.

With due consideration of the matters to be resolved, it may take more than one month to appoint a mediator and arrange for mediation of this matter.

#### **Options**

Council could decide to defer the decision to allow parties further time to reach a resolution. With due consideration of the time that it has taken to date to try and reach a resolution between the parties, it is recommended that Council take a more active role and appoint a mediator to work through to a resolution with both parties.

Alternatively, Council could make a decision to determine who should have the lease of the site at 17 Erril St, Mansfield.

If that option is chosen, Council has the following options:

1. Enter into a new lease agreement with MACE and allow for MACE to licence The Men's Shed Inc. to use the land and buildings.
2. Terminate the lease with MACE and enter into a lease agreement with the Men's Shed Inc., allowing the Men's Shed Inc. to licence MACE to use the land and buildings.



### 18.2.3 MACE & Men's Shed Dispute continued

<b>Recommendation</b>
<p>THAT Council:</p> <ol style="list-style-type: none"> <li>1. Continues to leave the lease at 17 Erril Street, Mansfield with MACE in overholding on a month by month basis; and</li> <li>2. Appoints an independent, suitably qualified mediator to work with MACE and The Men's Shed Inc to assist in negotiating the transfer of the lease for 17 Erril Street, Mansfield, from MACE to The Men's Shed Inc; and</li> <li>3. Invoices the cost of the mediator to both MACE and The Men's Shed Inc at a ratio of 50:50; and</li> <li>4. Receives a further report on the results of mediation at a future meeting of Council.</li> </ol>
<b>Support Attachments</b>
Nil

## Considerations and Implications of Recommendation

### Sustainability Implications

This report does not propose any changes to the site or building with the exception of the lease arrangements. Therefore, no sustainability implications are identified. From a social perspective, the consideration of a change in the lease arrangement needs to explore whether the community is disadvantaged as a result. It is considered that either option outlined in this report will have no negative impact from a social perspective.

### Community Engagement

Council has unsuccessfully engaged both MACE and the Men's Shed Inc since 2019 to try and assist in resolving the dispute between the parties.

### Collaboration

The original auspice agreement between the Mens Shed Committee and MACE was a collaborative arrangement to realise a key community project.

### Financial Impact

Not applicable.

### Legal and Risk Implications

If Council is forced to intervene and make a decision on the lease there is potentially a reputational risk that Council would need to manage as both organisations are important to the Mansfield Shire community. If Council cancelled the lease without MACE's cooperation, then this may result in MACE taking action at any perceived cancellation of the existing lease. However, with due consideration for the terms of the lease, and the determination that the lease is in over-holding, this risk is considered limited.

### 18.2.3 MACE & Men's Shed Dispute continued

As Council has to give one months' notice, there are some risks associated with the termination of the lease with MACE. If the current lease is terminated, MACE has indicated that some programs could be at risk of being able to continue, being the welders and quilters programs. However the Men's Shed have reassured Council officers that they will allow these courses currently being run in the Men's Shed to continue, but a negotiated cost recovery would be sought. This negotiation would be between MACE and the Men's Shed.

Further to this, MACE has raised that if the lease was to be terminated they would need to write off the asset immediately, which would threaten their financial position. While this is not a risk to Council, it is a risk in the consideration of this matter. Finally, it is noted that the lease has a "make good" clause, being that normally the lessee would be required to return the property in the state they found it. Normally in cases like this, the lessee would come to an arrangement with Council to leave the buildings on site, however, technically this clause requires that MACE remove the sheds. Council may be able to reach a settlement between the parties involved if this action were to be pursued to keep the buildings in place.

### Regional, State and National Plans and Policies

Not applicable.

### Innovation and Continuous Improvement

Not applicable.

### Alignment to Council Plan

This report is in line with the Mansfield Shire Council Plan 2021-2025, Strategic Objective 8.1 to "Increase community trust in Council to make informed decisions with "no surprises"" and to provide community opportunities to be involved in key Council decisions. Both parties have been given the opportunity to address Council on the matter and to work together prior to a decision being made.

### Governance - Disclosure of Conflicts of Interest

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

### 18.3. Community and Corporate Services Directorate

#### 18.3.1. Finance Report: 1 July 2021 to 30 September 2021

<b>File Number</b>	E39	<b>Responsible Officer</b>	Acting Manager Business & Performance, Anthony Smith
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#### Purpose

This report provides information on Council's financial performance against the 2021-22 Updated Budget for the period 1 July 2021 to 30 September 2021.

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

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

#### Executive Summary

Council adopted the budget for the 2021-22 financial year at its meeting of 22 June 2021. Subsequently Council approved carry forward projects from the 2020-21 year which have now been included and form part of the Updated Budget 2021-22.

This report explains material variances between the year-to-date actual financial results and the Updated Budget 2021-22. Favourable variances are reported as positive values, while unfavourable variances are shown as negative values.

#### Key Issues

Indicator	Result YTD	Budget YTD / Target	Favourable / Unfavourable	Variance
<b>Operating surplus/(deficit)*</b>	13,255,815	12,311,491	F	944,324
<b>Underlying surplus/(deficit)</b>	13,255,815	11,450,178	F	1,805,637
<b>Capital expenditure</b>	658,052	594,205	U	63,847
<b>Working capital ratio</b>	7.58	1.87	F	5.71
<b>Cash and financial assets</b>	16,855,963	8,420,000	F	8,435,963

### 18.3.1 Finance Report: 1 July 2021 to 30 September 2021 continued

#### ***Operating Finance Report***

#### Operating Income & Expenditure Actual against Updated Budget

The year-to-date operating result is favourable (underspent) against the 2021-22 Updated Budget by \$1.2m (11%).

Major variances are summarised below.

#### Favourable Variances (underspend or increased income)

- \$875k Financial Services – \$833k income received in prior year which is required to be accounted for in 21/22. This is an accounting adjustment required under AASB1058 which was not budgeted.
- \$46k Revenue Services – Supplementary rates income and penalty interest are over budget YTD.
- \$167k Salaries & Wages Clearing – Timing only due to year end accrual adjustments and timing of public holidays.
- \$42k Building – Women in Building position remained vacant until September.
- \$70k Parks & Gardens – \$36k under budget YTD in salaries due to 2 vacancies not filled until August. Plant hire under budget 32k, however this is an internal charge only.
- \$155k Road Network Maintenance – \$78k under budget YTD in salaries due to vacancies and leave taken not backfilled. Plant hire under budget \$48k, however this is an internal charge only.
- \$69k Community Assets & Land Management – \$52k wages incorrectly allocated to engineering. Reallocation occurred in October.
- \$48k Strategic Planning – Strategic planner position was vacant throughout July & August.
- \$104k Waste Management – timing only, due to delayed invoices.

#### Unfavourable Variances (overspend or decreased income)

- \$43k Plant Operating – Internal charge only, offset by reduced expenditure in Parks & Gardens and Road Maintenance.
- \$43k Governance – Predominately relates to timing of consulting fees.
- \$188k Working for Victoria – Timing. Final grant payment yet to be received.

### 18.3.1 Finance Report: 1 July 2021 to 30 September 2021 continued

#### **Capital Works Report**

##### Capital Income & Expenditure Actual against Budget

The net year to date capital works variance (net of capital income) is \$354k (123%) overspent compared to the 2021-22 year to date Updated Budget. This year's capital works program is predominately in the planning stages. Works completed YTD mainly relate to carry forwards from 2020-21.

Major variances are summarised below.

##### Favourable Variances (underspend or increased income)

- \$89k Dual Court Indoor Sporting Stadium Carpark – Lighting and landscaping yet to be completed / invoiced.
- \$58k Vehicle Purchases – Timing of budget. No new vehicles yet purchased.
- \$591k Roads to Recovery Income – Timing only, 2021-22 R2R grant allocation was made against prior year projects.

##### Unfavourable Variances (overspend or decreased income)

- \$543k Living Libraries Project Income – Grant funding was paid in advance, received in prior year (2020-21).
- \$86k Kindergarten Refurbishment Program – Timing only, project paid earlier than budgeted.
- \$44k Misc Drainage Works Provision – Timing only, carry forward from prior year partly spent earlier than budgeted.
- \$50k Kerb & Channel Renewal – Timing, works carried out earlier than planned.
- \$50k View Street Upgrade – Timing only, carry forward from prior year partly spent earlier than budgeted.
- \$115k Resheets – Timing only, carry forward from prior year partly spent earlier than budgeted.
- \$317k Resheets Income - 50% of the Local Roads and Community Infrastructure grant funding was paid in advance, received in prior year (2020-21).

#### **Overall Position YTD**

Operating Variance Favourable/(Unfavourable)	\$1,235,044
Capital Variance Favourable/(Unfavourable)	<u>(\$354,567)</u>
Total Variance Favourable/(Unfavourable)	\$880,476

### 18.3.1 Finance Report: 1 July 2021 to 30 September 2021 continued

#### **Working Capital Ratio YTD**

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

WCR = 7.58 (758%)

The high working capital ratio is reflective of the full year rates income being raised in August and reported as a current asset (debtors). The first instalment of rates is due 30 September 2021.

<b>Recommendation</b>
THAT Council receives the Year to Date Finance Report for the period 1 July 2021 to 30 September 2021.
<b>Support Attachments</b>
Quarterly Finance Report 1 July 2021 to 30 September 2021

### Considerations and Implications of Recommendation

#### **Sustainability Implications**

Not applicable.

#### **Community Engagement**

The 2021-22 budget engagement process facilitated opportunities for community input to and feedback on Council's budget. There has been no community engagement around the actual results against the budget.

#### **Collaboration**

Not applicable.

#### **Financial Impact**

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

#### **Legal and Risk Implications**

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

### **18.3.1 Finance Report: 1 July 2021 to 30 September 2021 continued**

#### **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

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

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

## 18.4. Executive Services Directorate

### 18.4.1. Rural Councils Transformation Program – Joint Councils Application

<b>File Number</b>	E7679	<b>Responsible Officer</b>	Chief Executive Officer, Kaylene Conrick
<b>Purpose</b>			
The purpose of this report is to seek Council’s endorsement of a funding approach by Mansfield, Strathbogie and Murrindindi under the State Government’s Rural Councils Transformation Program.			
<b>Executive Summary</b>			

For many years Victorian councils have explored ways of improving the sustainability and service delivery of Council operations. In many cases this has involved working in a collaborative way with other municipalities to share resourcing or combine together in some way to enhance services to the community.

A number of examples of this exist in the Hume region with councils sharing services and working together on collaborative projects. Often these efforts are constrained by the limited resourcing that is available to make transformational change to processes or systems that would enable collaboration.

In December 2017 a report prepared by KPMG advised the State Government that significant investment into the Victorian Local Government sector would be required to facilitate change in business practices and to provide the funding needed to transition to new models of service delivery.

Rural Councils Victoria formalised this request in their Victorian Budget Submission 2018-19 document, stating that:

‘Rural councils want to be more efficient to keep rates low for residents, spend revenue responsibly and deliver fantastic liveability. By investing in shared service provision, energy saving programs and collaborative procurement, councils will be able to make every dollar go further, but we need the state government’s help to get there.

The costs of setting up shared service provision are beyond the means of rural councils despite the long-term savings. With State Government support to combine services and invest in cost-saving measures, rural councils will gain long term sustainability and rural Victorians will continue to enjoy the service provision they deserve.’



### 18.4.1 Rural Councils Transformation Program – Joint Councils Application continued

The Victorian Government has announced the opening of an \$8 million second round of the Rural Councils Transformation Program, to improve rural councils' financial sustainability. The program was launched in 2018 to enable rural councils to work with other councils to improve services and reduce costs.

The RCTP aims to:

- Improve the financial sustainability of rural councils by achieving economies of scale, including through regional service delivery or collaborative procurement
- Promote more efficient and improved service delivery through collaboration and innovation
- Facilitate benefits for rural and regional communities, with priority given to those for rural communities
- Demonstrate potential efficiencies to be gained through regional service delivery

Round two is focused on projects that include new and ongoing collaboration and resource sharing such as shared workforce planning and asset management systems. Projects will be funded up to \$1 million, with a maximum rate of \$250,000 for each rural council involved.

While funding is not awarded for metropolitan or regional council involvement, all Victorian councils can participate in the program. A minimum of two rural councils (and no more than four councils) must be involved and projects will have to be completed within two years.

This is a significant allocation of unmatched funding that provides an opportunity for councils throughout the state to progress transformative projects that had previously stalled due to limited resources.

Mansfield, Strathbogie and Murrindindi councils are in the process of submitting a joint funding application.

Timelines for this project are tight with applications due on 10 December 2021. This will be preceded by a preliminary presentation to Government to enable feedback to be provided on the application.

The application, which is currently under development, details a number of proposed digital transformations across a number of service areas of Council, and spanning the three councils Mansfield, Strathbogie and Murrindindi.

#### Key Issues

For the past 12 months Mansfield, Strathbogie and Murrindindi councils have been working with the three upper North East Rural councils, Towong, Indigo and Alpine on a business case for shared digital services. This business case was presented to Minister Leane earlier this calendar year.

### 18.4.1 Rural Councils Transformation Program – Joint Councils Application continued

The RCTF Round 2 does not provide for more than four councils to collaborate on an application therefore the six councils have separated into Upper North East Councils and Lower North East Councils for the purpose of applying for these funds. However, all six councils shared a long term view of continuing down the same path to not limit future opportunities.

The Lower North East Councils project aims to address the following shared issues:

- Mixed systems impeding shared services
- Ageing Legacy systems offering little support for customer visibility
- Unsatisfactory customer responsiveness
- Attracting, and then holding ICT resources
- Basic compliance with Records Management requirements
- ICT Tools support for collaboration capability low
- Limited capability to address current and emerging ICT technology risks – such as Cyber security

Different operating systems across councils are causing inefficiencies in service delivery and lack of consistency across councils in the quality of services delivered while councils are experiencing increasing cost pressure on with limited funds available and a rate capping environment.

In addition, increasing community expectations of Council services are causing demand beyond current Council capabilities.

The project is based on a number of principles and desired outcomes:

#### Enterprise Architecture and ICT Governance

- Single enterprise architecture with flexibility
- ICT Systems Governance

#### Digital Systems

- Modern Records Management Platform
- Modern, customer focused cloud-based systems

#### Shared ICT Resourcing

- Attracting and retaining right people in the right roles
- Optimising skills and creating employment pathways
- Retaining Local Jobs

#### ICT Infrastructure

- Migrate from on-premise to cloud-based solutions where possible
- Joint procurement and purchasing power

### 18.4.1 Rural Councils Transformation Program – Joint Councils Application continued

<b>Recommendation</b>
<p>THAT COUNCIL</p> <ol style="list-style-type: none"> <li>1. notes that Mansfield Shire Council is a participant in a grouping of councils that will be making an application for funding under the Victorian Government Rural Councils Transformation Program (RCTP) for the following initiative: <b><i>Lifting Service Performance Through Shared Technology and Collaboration</i></b></li> <li>2. notes that the application is due for submission by 10 December 2021</li> <li>3. approves the submission of the grant application by Mansfield, Strathbogie and Murrindindi Councils</li> </ol>
<b>Support Attachments</b>
Nil

## Considerations and Implications of Recommendation

### Sustainability Implications

The Rural Councils Transformation Fund aims to improve the financial sustainability of rural councils by achieving economies of scale, including through regional service delivery or collaborative procurement

### Community Engagement

No community consultation has been undertaken for this project. Any community consultation that may be appropriate for any of the five project areas would be premature at this pre-application stage and would be more appropriate as part of the project development phase.

### Collaboration

This project is a good example where collaboration has the potential to provide significant benefits

### Financial Impact

The business case seeks funding over a five-year period in line with the program guidelines. This will also allow participating councils to leverage their current spend in the focus areas with support from the Rural Transformation Fund.

### **18.4.1 Rural Councils Transformation Program – Joint Councils Application continued**

The funding of \$750,000 from State Government will be consumed over the first two years of the program, as required by the funding body. In addition, councils will need to contribute funds, this is estimated to be approximately \$133,000 in the first year shared between the three councils and \$350,000 in year 2.

Council's Digital Transformation Strategy sets out Council's investment over the next few years to modernise Council's ICT systems, Council's participation in the RCTF Round 2 Program is consistent with Council's Strategy and should realise savings with joint procurement power.

#### **Legal and Risk Implications**

There are no legislative implications associated with the support of the funding application.

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

The Local Government Act 2020 supports collaboration between councils and encourages shared services.

#### **Innovation and Continuous Improvement**

The Rural Councils Transformation Fund aims to promote more efficient and improved service delivery through collaboration and innovation and realise efficiencies to be gained through regional service delivery.

#### **Alignment to Council Plan**

A collaborative approach to delivering ICT services is consistent with the Council Plan Theme 3 A Trusted, Effective and Efficient Council.

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

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

## 18.4 Executive Services Directorate - Continued

### 18.4.2. Schedule of Meetings 2021-2022

<b>File Number</b>	E343	<b>Responsible Officer</b>	Chief Executive Officer, Kaylene Conrick
<b>Purpose</b>			
This report seeks Council’s endorsement of the meeting schedule of Mansfield Shire Council meetings for the next 12 months			
<b>Executive Summary</b>			

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

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

It has become practice over recent years to hold some Council meetings at different locations across the Shire on a rotating basis. Townships with a suitable venue to host a Council meeting are:

- Bonnie Doon
- Barjarg
- Goughs Bay
- Jamieson
- Merrijig
- Merton
- Tolmie
- Woods Point

As a result of COVID-19 restrictions during 2020-2021, no Council meetings were held in an outlying community. All Council meetings were held online, livestreamed on YouTube.

The legal mechanism to allow for virtual council meetings so that councils can continue to make decisions during the pandemic has been extended to 26 April 2022 under the Justice Legislation Amendment (System Enhancements and Other Matters) Act 2021.

### 18.4.2 Schedule of Meetings 2021-2022 continued

#### Key Issues *(Discussion on topic)*

Meetings are held on the third Tuesday of the month, with the exceptions of January when there is no meeting, and June when the meeting will be on the fourth Tuesday to accommodate the June Australian Local Government Association's National General Assembly which the Mayor and CEO generally attend.

The following meeting schedule for the Mansfield Shire Council is proposed until December 2022:

<i>Location: Online at Council Website</i> <a href="https://www.mansfield.vic.gov.au/events/mansfield-shire-council-meeting-4">https://www.mansfield.vic.gov.au/events/mansfield-shire-council-meeting-4</a> or <i>Council Chambers - Mansfield Shire Office, 33 Highett Street, Mansfield, unless otherwise specified.</i> <i>Usually held on the third Tuesday of each month</i>		
<b>Meeting Date</b>	<b>Time</b>	<b>Location</b>
21 December 2021	5pm	Online/Livestream
No Meeting January 2022		
15 February 2022	5pm	Online/Livestream
15 March 2022	5pm	Online/Livestream
19 April 2022	5pm	Online/Livestream
17 May 2022	5pm	TBA
28 June 2022	5pm	TBA
19 July 2022	5pm	TBA
16 August 2022	5pm	TBA
20 September 2022	5pm	TBA
18 October 2022	5pm	TBA
15 November 2022	5pm	TBA

## 18.4.2 Schedule of Meetings 2021-2022 continued

<b>Recommendation</b>		
THAT COUNCIL adopt the following meeting schedule from December 2020 to November 2021:		
<b>Meeting Date</b>	<b>Time</b>	<b>Location</b>
21 December 2021	5pm	Online/Livestream
No Meeting January 2022		
18 January 2022	5pm	Online/Livestream
15 February 2022	5pm	Online/Livestream
15 March 2022	5pm	Online/Livestream
19 April 2022	5pm	TBA
17 May 2022	5pm	TBA
28 June 2022	5pm	TBA
19 July 2022	5pm	TBA
16 August 2022	5pm	TBA
20 September 2022	5pm	TBA
18 October 2022	5pm	TBA
15 November 2022	5pm	Online/Livestream
<b>Support Attachments</b>		
Nil		

## Considerations and Implications of Recommendation

### Sustainability Implications

Not Applicable

### Community Engagement

Council meetings are open to the public and provide an understanding of how *councils* make decisions. While Mansfield Shire *Council meetings* are an opportunity to observe *Council* deliberations, they are not a place for members of the public to address the Councillors unless invited to do so.

## 18.4.2 Schedule of Meetings 2021-2022 continued

### Collaboration

Not Applicable

### Financial Impact

There are no financial implications relating to the establishment of Council's meeting schedule.

### Legal and Risk Implications

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

In accordance with the s60 of the *Local Government Act 2020* (the Act), Council's Governance Rules sets the conduct of Council meetings.

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

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

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

### Regional, State and National Plans and Policies

Not Applicable

### Innovation and Continuous Improvement

Not Applicable

### Alignment to Council Plan

The establishment of a meeting schedule of the Mansfield Shire Council demonstrates good governance, and is consistent with the following objective in the 2017-21 Council Plan:

5. *Responsible Leadership*
  - 5.1 *We achieve the highest standards of good governance.*

### Governance - Disclosure of Conflicts of Interest

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



## 18.4 Executive Services Directorate - Continued

### 18.4.3. CEO Employment and Remuneration Policy and CEO Employment Matters Committee Terms of Reference

<b>File Number</b>	E513	<b>Responsible Officer</b>	Janique Snyder, People & Culture Advisor
<b>Purpose</b>			
The purpose of this report is to present Council with the draft CEO Employment and Remuneration Policy (the Policy) and updated Terms of Reference for the CEO Performance and Remuneration Advisory Group now called CEO Employment Matters Committee Terms of Reference.			
<b>Executive Summary</b>			
<i>Background</i>			

The *Local Government Act 2020* (the Act), introduced a number of new requirements on Council with regard to CEO employment, remuneration and performance review. These requirements seek to address perceived historical weaknesses in some CEO employment and remuneration processes, and achieve greater alignment of good practice across the State.

It is now a requirement that Council adopt a CEO Employment and Remuneration Policy before 31 December, 2021. The Policy outlines the way in which Council will manage the recruitment and appointment of its CEO, and provide consistency for contract inclusions, performance monitoring and annual review. The policy includes provision for Council to obtain independent professional advice in relation to the matters dealt with in the Policy and have regard to the Victorian Government's Public Entity Executive Remuneration Policy.

Council does not currently have a CEO Employment and Remuneration Policy however it has by Council resolution in 2019 (endorsed again in 23 June 2020) established a CEO Performance and Remuneration Advisory Group and adopted Terms of Reference to guide the operation of this Group which currently all Councillors are a member of.

The CEO Performance and Remuneration Advisory Group Terms of Reference have now been revised to reflect the requirements of the Policy and renamed CEO Employment Matters Committee.

### 18.4.3 CEO Employment and Remuneration Policy and CEO Employment Matters Committee Terms of Reference continued

#### Key Issues *(Discussion on topic)*

Under the Act, all councils must satisfy the requirement by having a CEO Employment and Remuneration Policy and the provision for an independent mechanism to guide recruitment, contractual arrangements and performance monitoring of the CEO.

Some councils have decided to include an independent professional member as a Committee member and to hold the position of Chair. The draft Mansfield Shire Council policy does not include this but rather includes the provision to seek independent profession advice as required. The draft Policy does include that the CEO’s performance objectives and annual performance review must be facilitated by a suitably qualified human resources consultant.

Council is responsible for implementing and endorsing the CEO Employment and Remuneration Policy and the CEO Employment Matters Committee Terms of Reference.

Council is responsible to conduct CEO performance reviews, to initiate the CEO recruitment process and CEO appointment and, for the appointment of an Independent person to the Employment Matters Committee.

Together, the CEO Employment and Remuneration Policy, CEO Employment Matters Committee Terms of Reference and the appointment of an Independent person will ensure that Council is compliant with the requirements of the new legislation in advance of the 31 December, 2021 deadline.

#### Recommendation

THAT Council adopt the CEO Employment and Remuneration Policy and the CEO Employment Matters Committee Terms of Reference.

#### Support Attachments

1. Draft CEO Employment and Remuneration Policy
2. Draft CEO Employment Matters Committee Terms of Reference

### Considerations and Implications of Recommendation

#### Sustainability Implications

Economic - NA

Social - NA

Environmental - NA

Climate change - NA

### 18.4.3 CEO Employment and Remuneration Policy and CEO Employment Matters Committee Terms of Reference continued

#### Community Engagement

Not applicable.

#### Collaboration

Not applicable.

#### Financial Impact

There are no identified additional resource or financial implications associated with the draft policy and the updated CEO Employment Matters Committee as Council already engages an external consultant to assist with the CEO's performance reviews.

#### Legal and Risk Implications

Together, the CEO Employment and Remuneration Policy, CEO Employment Matters Committee Terms of Reference and the appointment of an Independent person will ensure that Council is compliant with the requirements of the new legislation in advance of the 31 December, 2021 deadline.

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

The policy includes provision for Council to obtain independent professional advice in relation to the matters dealt with in the Policy and have regard to the Victorian Government's Public Entity Executive Remuneration Policy.

#### Innovation and Continuous Improvement

"Not applicable".

#### Alignment to Council Plan

**Theme 3: A trusted, effective and efficient council**

##### Strategic Objective 6

Council possesses in-house and outsourced capability to meet community expectations

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

**Strategy 6.2** Building organisational capacity through its people

##### 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 service.

#### Governance - Disclosure of Conflicts of Interest

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

## 18.4 Executive Services Directorate - Continued

### 18.4.4. Councillor Appointed Representation on Committees

<b>File Number</b>	E502	<b>Responsible Officer</b>	Coordinator Governance and Risk, Moira Moss
<b>Purpose</b>			
This report seeks Council's determination of Councillor representation on internal Committees of Council, and outlines external committees that require the appointment of Councillor representatives.			
<b>Executive Summary</b>			

In accordance with the *Local Government Act 2020* (the Act), Council may establish Delegated Committees by resolution. Similarly, Council can appoint Joint Delegated Committees under s64 of the Act. Delegated Committees, with the exception of a Community Asset Committee, can exercise any power of a Council under the Act, or any other Act delegated to the committee.

Mansfield Shire Council does not currently have any Delegated or Joint Delegated Committees. In accordance with s53 of the Act, it is a legislative requirement that Council establish an Audit and Risk Committee, comprising two Councillors and independent community representatives who are not Councillors.

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

#### Key Issues

Council's internal committees comprise:

#### 1. Mansfield Shire Audit and Risk Committee

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

The purpose of this Committee is to:

- a) Monitor the compliance of Council policies and procedures with:
  - the overarching governance principles pursuant to s9 of the Act; and
  - the associated regulations and any Ministerial directions;
- b) Monitor Council financial and performance reporting;
- c) Monitor and provide advice on risk management and fraud prevention systems and controls; and

### 18.4.4 Councillor Appointed Representation on Committees continued

- d) Oversee internal and external audit functions.

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

Recommendation	
<p>THAT COUNCIL nominates the following Councillors to the Mansfield Shire Audit and Risk Committee:</p>	
1.	Cr _____
2.	Cr _____

### 2. Mansfield Shire Business and Community Recovery Advisory Committee

This Advisory Committee assists in the design and delivery of a Mansfield Shire Council Business and Community Recovery Plan. The Committee provides regular industry advice to the Council for the informed relief assistance and recovery activities of Mansfield Shire businesses while at the same time communicating its recovery activities to the business community. It currently meets on a monthly basis and requires representation from the Mansfield Shire Council Mayor and one additional Councillor.

Recommendation	
<p>THAT COUNCIL nominates the following Councillors to Mansfield Shire Business and Community Recovery Advisory Committee:</p>	
1.	Cr _____
2.	Cr _____

### 3. Chief Executive Officer Employment Matters Committee

At its meeting of 19 May 2020, Council resolved to establish the Chief Executive Officer Performance and Remuneration Reference and Advisory Group for the purpose of assessing the performance and remuneration of the Mansfield Shire Council Chief Executive Officer. From this group a new Council Chief Executive Officer Employment and Remuneration Policy was developed.

At this meeting the new Policy is expected to be adopted, which includes establishing a new Chief Executive Officer Employment Matters Committee to replace the previous Chief Executive Officer Performance and Remuneration Reference and Advisory Group, and oversee matters relating to Chief Executive Officer employment and remuneration in accordance with s.45(2) of the Act, including:

- Recruitment and Appointment of CEO

### 18.4.4 Councillor Appointed Representation on Committees continued

- Contractual Arrangements
- Remuneration and Expenses
- CEO Performance Objectives and Review

The Council will also at this meeting consider adopting Terms of Reference for the CEO Employment Matters Committee which include that:

1. The Committee will be chaired by the Mayor.
2. The Committee may, at any time, obtain independent professional advice to help it discharge its obligation in respect of any matter dealt with in this Policy.
3. Any Councillor who is not a member of the Committee, may, subject to the consent of the Chairperson, attend a meeting of the Committee as an Observer.
4. The Committee shall comprise the Mayor and at least two Councillors. A quorum of three Councillors is required for a meeting
5. Formal appointment of Councillors on the Committee will be undertaken at the first Council meeting after the general election (ie, every four years) through the 'Councillor Representation on Committees' appointment process, or any other time deemed necessary by the Council.
6. In accordance with the requirements of s45(2)(a) of the Local Government Act 2020, an independent person, will be appointed to assist the Committee in the performance of its functions, including, but not limited to, the performance review, remuneration review and contract renewal of the CEO.

If the Council has adopted the new CEO Employment and Remuneration Policy and the CEO Employment Matters Committee Terms of Reference the following Recommendation is made:

<b>Recommendation</b>	
<p>THAT COUNCIL nominates the following Councillors to Chief Executive Officer Employment Matters Committee:</p>	
1.	Mayor Cr _____
2.	Cr _____
3.	Cr _____

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

#### 18.4.4 Councillor Appointed Representation on Committees continued

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

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

##### i. Australia Day Awards Committee

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

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

Recommendation
THAT COUNCIL nominates Mayor Cr _____ and Crs ____ and ____ to the Australia Day Awards Committee:

##### ii. Goulburn Broken Greenhouse Alliance (GBGA)

The GBGA is a membership based alliance of 13 Councils and key environment agencies in the Goulburn Broken and North East regions of Victoria, working together on responses to the challenge of climate change.

This Alliance requires representation from one Mansfield Shire Councillor.

Recommendation
THAT COUNCIL nominates Cr _____ to the Goulburn Broken Greenhouse Alliance (GBGA).

##### iii. Hume Regional Local Government Network (HRLGN)

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

This Network requires representation from the Mansfield Shire Council Mayor.

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

#### 18.4.4 Councillor Appointed Representation on Committees continued

##### iv. Lake Eildon Land and On Water Management Plan Implementation Committee

The Committee, which has broad representation across councils, government agencies, business and community, was established to increase understanding about issues relating to the lake and guide the implementation of the plan.

This Committee requires representation from one Mansfield Shire Councillor.

##### Recommendation

THAT COUNCIL nominates Cr \_\_\_\_\_ to the Lake Eildon Land and On Water Management Plan Implementation Committee.

##### v. Municipal Association of Victoria

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

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

##### Recommendation

THAT COUNCIL:

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

#### 8. COUNCILLOR REPRESENTATION ON COMMITTEES CONT.

##### vi. North East Local Government Waste Forum (a Committee of the North East Regional Waste and Resource Recovery Group – NEWRRG)

Established under the *Environment Protection Act 1970* (the Act) in 2014, the NEWRRG supports the effective operation of the North East Waste and Resource Recovery Group. The NEWRRG is one of seven waste and resource recovery groups in Victoria established under the Act.

This Group requires representation from one Mansfield Shire Councillor.

##### Recommendation

THAT COUNCIL nominates Cr \_\_\_\_\_ to the North East Local Government Waste Forum (a Committee of the North East Regional Waste and Resource Recovery Group – NEWRRG)



### 18.4.4 Councillor Appointed Representation on Committees continued

#### vii. Rural Councils Victoria (RCV)

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

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

<b>Recommendation</b>
THAT COUNCIL nominates Mayor Cr _____ or Cr _____ to Rural Councils Victoria (RCV).

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

<b>File Number</b>	E502	<b>Responsible Officer</b>	Janique Snyder People and Culture Advisor
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#### **Purpose**

To endorse the early closure of Council’s offices and services on Friday 3 December 2021 at 1pm so the Council staff may attend the Council’s Christmas Function.

#### **Executive Summary**

Due to the impact on staff morale of COVID-19 and working remotely it is proposed that the Mansfield Shire Council Main Office, Works Depot and services including Community services, Youth and Family services, Visitor Information Centre, and Library be closed at 1pm on Friday 3 December 2021 to enable staff to attend Council’s Christmas function.

#### **Key Issues**

The function is to be held in Mansfield at a venue yet to be confirmed.

The proposed time is to ensure that the maximum number of Council staff can attend the function.

Council’s essential and emergency services will continue to be available during this period.

### 18.4.5 Council Christmas Function – Early Office Closure

<b>Recommendation</b>
THAT Council endorse the closure of its offices including community services, youth and family services, visitor information centre, library and field services for the period between 1pm and 5pm on Friday 3 December 2021.
<b>Support Attachments</b>
Nil

## Considerations and Implications of Recommendation

### Sustainability Implications

Council's essential and emergency services will continue to be available during this period. Arrangements will be implemented to ensure that sufficient Council personnel are available for routine maintenance and essential and emergency services.

### Community Engagement/Collaboration

The Mansfield Shire Council offices, community service, youth and family services, visitor information center, library, and field services closures will be advertised in local media, on Council's website and via Council's Facebook page.

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

### Financial Impact

There are minimal financial impacts associated with the closure

### Legal and Risk Implications

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

### Regional, State and National Plans and Policies

Not Applicable

### Innovation and Continuous Improvement

Not Applicable

### Alignment to Council Plan

Theme 1: A healthy and connected community

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

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

### Governance - Disclosure of Conflicts of Interest

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

## 19. Assemblies of Councillors

<b>File Number</b>	E7383	<b>Responsible Officer</b>	Kaylene Conrick, Chief Executive Officer
<b>Purpose</b>			
An assembly of Councillors is referred to in Council's Governance Rules as a "meeting conducted under the auspices of Council" whether such a meeting is known as a 'Councillor Briefing' or by some other name.			
<b>DATE</b>	<b>TYPE OF ASSEMBLY</b>	<b>ISSUES DISCUSSED</b>	
9 November 2021	<b>Councillors' Briefing Session</b> <b>Councillors:</b> <ul style="list-style-type: none"> <li>• Cr Mark Holcombe</li> <li>• Cr Steve Rabie</li> <li>• Cr Paul Sladdin</li> <li>• Cr James Tehan</li> <li>• Cr Rohan Webb</li> </ul> <b>External Attendees:</b> <ul style="list-style-type: none"> <li>• Mark Davies, FP Solutions</li> <li>• Peter Valerio, Tourism Solutions</li> </ul> <b>Officers:</b> <ul style="list-style-type: none"> <li>• CEO, Kaylene Conrick</li> <li>• GM Infrastructure and Planning, Kirsten Alexander</li> <li>• GM Community and Corporate Services, Kurt Heidecker</li> <li>• Manager Planning and Environment, Melissa Crane</li> <li>• Coordinator Governance and Risk, Moira Moss</li> <li>• Acting Senior Coordinator Community Safety, Kelly Mahoney</li> <li>• Grants Officer, Emma McPherson</li> <li>• Acting Manager Business &amp; Performance, Anthony Smith</li> <li>• Strategic Planning Officer, Oscar Yencken</li> <li>• Coordinator Statutory Planning, Tim Berger</li> <li>• People &amp; Culture Advisor, Janique Snyder</li> </ul>	<i>Conflicts of Interest:</i> NIL <i>Issues Discussed:</i> <ul style="list-style-type: none"> <li>• Draft Mansfield Planning Strategy</li> <li>• Application of the Farming Zone</li> <li>• Draft On-site Wastewater Management Plan</li> <li>• Amendment C48, Township Approaches Planning Controls and Guidelines Implementation</li> <li>• Draft CEO Employment and Remuneration Policy</li> <li>• Economic Development Services Review</li> <li>• Revenue and Rating Services Review</li> <li>• Dead Horse Lane Development Site History</li> <li>• Amendment C45, Stockman's Rise Rezoning</li> <li>• Annual Report</li> <li>• Property Leasing and Licencing</li> </ul>	

**18 Assemblies of Councillors continued**

<b>Recommendation</b>
THAT COUNCIL receive and note the Assembly of Councillors report for the period 13 October to 15 November 2021.
<b>Support Attachments</b>
Nil

**20. Council Resolutions Register**

This report presents to Council a schedule of outstanding actions from Council meetings held from 20 July 2021 to 19 October 2021.

<b>Recommendation</b>
THAT Council receive and note the Council Resolutions Register as at 9 November 2021.
<b>Support Attachments</b>
Council Resolutions Register

**21. Advisory and Special Committee reports**

Nothing to report.

**22. Authorisation of sealing of documents**

There are no documents to be sealed.

## 23. 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 the meeting be closed to members of the public under Section 66(2)(a) of the Local Government Act 2020 to consider confidential information, as defined by section 3(1) of the Local Government Act 2020 as:

1. A Council or delegated committee must keep a meeting open to the public unless the Council or delegated committee considers it necessary to close the meeting to the public because a circumstance specified in subsection (2) applies. (2)
2. The circumstances are—
  - a. the meeting is to consider confidential information.

## 24. Presentation of Confidential Reports

### 24.1. Confidential: Extend CEO Contract

## 25. Reopen meeting to members of the public

### Recommendation

THAT Council reopen the meeting to members of the public.

## 26. Close of meeting