



Mansfield Shire

Council Meeting

Tuesday 21 December 2021

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

Commencing at 5pm

Our aspiration for our Shire and its community

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

Councillors

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

Officers

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. Reports from council appointed representatives

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

12. Public question time

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

13. Officer reports

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

13.2-13.4 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.

14. 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);

15. Council resolutions report

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

16. Advisory and Special Committee reports

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

17. 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.

18. 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.

19. Presentation of confidential reports

20. Reopen meeting to members of the public

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

21. Close of meeting

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

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Agenda

1. Opening of the meeting

2. Present

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

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

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

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

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

3. Apologies

The Chair will call on the CEO for any apologies.

4. Statement of commitment

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

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

5. Acknowledgement of Country

Deputy Mayor Mark Holcombe will recite Council’s Acknowledgement of Country:

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

6. Disclosure of conflicts of interest

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

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

7. Confirmation of minutes

Recommendation

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

- ▶ Tuesday 16 November 2021

be confirmed as an accurate record:

8. Representations

9. Notices of motion

10. Mayor's report

Mayor James Tehan will present the monthly Mayor's report from 16 November 2021 to 8 December 2021 to the Council as follows:

I would like to thank my fellow Councillors for electing me to the position of Mayor. It's an honour and privilege to be Mayor of Mansfield Shire and I will do my best to uphold the Shire to the highest standard of honesty and integrity.

I would like to congratulate Kaylene Conrick on the extension of her contract for one-year as the CEO of Mansfield Shire Council. Kaylene has shown strong leadership, good governance and is developing a strong organisational structure and this is being endorsed by solid community feedback and sentiment.

The rezoning of the undeveloped section of Stockmans Rise from Low Density Residential to General Residential will go a long way in helping address the housing shortage. In this case dwelling numbers will increase from approximately 35 to 80 lots. This comes off the back of annual growth of 3.3% compared to the forecasted 1.1%.

Council voted unanimously to terminate the lease at 17 Erril Street, Mansfield with MACE and is entering into a lease agreement with the Mens Shed. This dispute had been dragging on since 2018 without resolve which was unfortunate for all parties and I hope both can move on and continue to do the good work in the community that they are both well known for.

The Mansfield Shire 2020-21 Annual Report is now available and gives our community an overview of Council's operation and performance during the past financial year.

The draft Mansfield Planning Strategy is on exhibition through the Council's Engage Mansfield webpage from 23 November 2021 until 28 January 2022. Councillors and Council officers participated in an information session held at the Main Street Marquee on 27 November 2021

with another two planned for 11 December 2021 and 15 January 2022. This strategy will facilitate orderly development, protect agricultural areas, identify the need for additional infrastructure and enable appropriate change in our communities.

Radio interviews were done on ABC Shepparton and community radio. I visited the Mansfield show judging event. It is a shame that the show wasn't open for the public, but I was encouraged by the number of entries and the hard work of all volunteers involved. Let's hope next year it's back to full strength.

Lastly, I would like to acknowledge the hard work and commitment of our previous Mayor Cr Holcombe who has set a very high standard for the first year of this term of council. I really look forward to working with the CEO and Council Executive team over the next 12 months.

*Cr James Tehan
Mayor*

Recommendation

THAT COUNCIL receive the Mayor's report for the period 16 November 2021 to 8 December 2021.

11. Reports from Council Appointed Representatives

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

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

Recommendation

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

12. Public question time

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

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

13. Officer reports

13.1. Chief Executive Officer's report

File Number: E103

Responsible Officer: Chief Executive Officer, 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
- ▶ New Initiatives
- ▶ Building Services
- ▶ Regulatory Services
- ▶ Revenue 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 16 November 2021 to 9 December 2021.

13.2. Infrastructure and Planning Directorate

13.2.1. Planning Scheme Amendment C44 – Station Precinct Incorporated Plan

File Number	E9552	Responsible Officer	Oscar Yencken, Strategic Planning Officer
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Purpose

To advise Council of the background and exhibition for proposed Amendment C44 to the Mansfield Planning Scheme (MPS) in order to implement a review of the Development Plan Overlay for Mansfield Shire.

To seek a Council resolution for adoption of amendment C44 to the Mansfield Planning Scheme (MPS) with changes to the exhibited documents.

Executive Summary

Amendment C44 proposes to include the Mansfield Station Precinct Masterplan as an incorporated document into the MPS.

The amendment was exhibited in accordance with the requirements of the Planning and Environment Act 1987.

Two submissions were received to the amendment. These have been resolved and were withdrawn.

The amendment can be adopted and referred to the Minister for Planning to be incorporated into the MPS.

Key Issues

The land affected by the amendment is the Mansfield Station Precinct, being 12.9 hectares in area and located at the western entrance to the Mansfield Township, north of the Maroondah Highway, east of Withers Lane and west of Kitchen Street.

The Mansfield Station Precinct provides a strong sense of arrival into the Mansfield township and has considerable significance for the township from social (cultural), economic and environmental perspectives. Significant features within the precinct are the trail head (commencement / finish) of the Great Victorian Rail Trail, the Mansfield Information Centre, aboriginal (Taungurung) interpretations / gathering space, the Mansfield Mullum Wetlands and a large historic display within the former railway station and associated buildings.

The *Mansfield Station Precinct Activation Project, Master Plan and Implementation Plan*, May 2019 was prepared to identify and enhance future land use, developments and design, community functions and further investment in the precinct for the benefit of the Mansfield community and visitors to the area.

The amendment proposes to implement the *Mansfield Station Precinct Activation Project, Master Plan and Implementation Plan*, May 2019 by:

- Amending Clause 21.09 to include the plan as a reference document to the planning scheme and a new objective and strategic directions for the precinct to provide guidance for the use and development of the land.

13.2.1 Planning Scheme Amendment C44 – Station Precinct Incorporated Plan - Continued

- Amending the Schedule to Clause 36.02 (Public Park and Recreation Zone) to reference the incorporated document *Mansfield Station Precinct* being introduced under this amendment.
- Amending the Schedule to Clause 72.04 (Documents Incorporated in this Planning Scheme) to reference *Mansfield Station Precinct* as an incorporated document to the Mansfield Planning Scheme. The document will allow a wider range of uses and developments without the need for a planning permit in the Public Park and Recreation Zone applying to the land.

At its meeting on 18 May 2021, Council resolved the following:

1. Request under Section 8A (2) and (3) of the *Planning and Environment Act 1987* (The Act) that the Minister for Planning authorise the Mansfield Shire Council to prepare Amendment C44 to the MPS
2. Notify the Minister for Planning that when it exhibits Amendment C44, 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 period of one month.
3. When authorised by the Minister for Planning, exhibit Amendment C44 to the MPS under section 19 of The Act.

The amendment was prepared and submitted to the Minister for Planning for authorisation. Conditional authorisation to prepare and exhibit the amendment was granted by the Minister for Planning on 3 September. The conditions were as follows:

- ▶ The ordinances must be authored in Keystone.
- ▶ Notice of the amendment should be given to the applicable owner group or Native Title Services.

Council officers addressed the conditions and submitted the amendment for exhibition on 20 September 2021, with approval for exhibition provided by Council on 21 September 2021. Exhibition of the amendment was undertaken from 7 October 2021 to 7 November 2021. All adjoining owners were directly notified of the proposal, notice was also placed in the Government Gazette and the Mansfield Courier. Two (2) submissions were received from community groups, these have been resolved and withdrawn after further work with Council officers. As the submissions have been withdrawn, it is considered appropriate that Council now adopt the amendment with changes to the exhibited documents, to be submitted to the Minister for Planning for inclusion into the MPS.

13.2.1 Planning Scheme Amendment C44 – Station Precinct Incorporated Plan - Continued

Recommendation
<p>THAT:</p> <p>Having been authorised by the Minister for Planning to prepare Amendment C44 to the Mansfield Planning Scheme under section 8A(3) of the <i>Planning and Environment Act 1987</i> ('the Act');</p> <p>Having prepared and exhibited Amendment C44 to the Mansfield Planning Scheme under section 19 of the Act;</p> <p>Having in accordance with section 12 of the <i>Planning and Environment Act 1987</i> had regard to the Minister's directions and the Victoria Planning Provisions, and taken into account any significant effects which the planning scheme might have on the environment or that the environment might have on use and development envisaged in the planning scheme and taken into account the social and economic effects; and</p> <p>Having considered all submissions to Amendment C44 under section 22 of the Act;</p> <p>COUNCIL Resolves to:</p> <ul style="list-style-type: none"> • Adopt Amendment C44 to the Mansfield Planning Scheme, in accordance with section 29 of the <i>Planning and Environment Act 1987</i>, with the following changes, in accordance with the attached Amendment C44 package: <ul style="list-style-type: none"> ○ Amendment to the explanatory report per Department of Transport's request. ○ Amending proposed Clause 21.09, <i>Mansfield Township</i>, to add a new strategy to Objective 14 as follows: <ul style="list-style-type: none"> ▪ Strategy 14.8: Manage transport movements and access interfaces with the surrounding transport network to improve access arrangement and navigation to and from the site for all transport modes. ○ Amend the Incorporated to plan to show bus zones and additional accesses as indicative only, and include reference to the Commercial 1 and General Residential 1 Zones on part of the land. • Submit Amendment C44 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>.
Support Attachments
C44mans Station Precinct Scheme Amendment Documents for Adoption

13.2.1 Planning Scheme Amendment C44 – Station Precinct Incorporated Plan - Continued

Considerations and Implications of Recommendation

Sustainability Implications

The amendment enables the enhancement of the Mansfield Station Precinct from a social, economic, and environmental perspective. Although climate change is not addressed within the amendment, it is considered that the completion of this amendment will improve climate resilience within the Mansfield Township. The positive effects on social, economic, and environmental implications are afforded due to the ability for community groups to conduct uses on the land with the permission of Council that would otherwise be prohibited under the MPS. The uses will be generally in accordance with Station Precinct Masterplan, which seeks to activate public open space to aid community health and wellbeing.

Community Engagement

Notification of exhibition of the amendment was given to potentially affected agencies, groups and landowners under Section 19 of the Planning and Environment Act 1987. Seven (7) submissions were received to C44, five (5) from referral agencies and two (2) from community groups. One agency response requested some changes to the amendment, all of which are supported by Council officers. All submissions generally support the amendment. Council officers met with the two (2) submitters to the strategy and resolved their submissions, which have been withdrawn without the requirement for any alterations to the amendment.

Collaboration

As part of the background work to the amendment, consultation was undertaken with the Department of Environment, Land, Water and Planning and the Taungurung Land and Waters Council. Feedback from these authorities indicated that the proposal was in accordance the existing public land reservations and no change to the amendment was required.

Financial Impact

The budget for the original project was allocated in the 2019/20 budget. No additional expenditure for the amendment is required, other than a minor amendment fee to the Minister for Planning at the final stage of the amendment for any request to approve an adopted amendment, these fees are as follows:

- Some resource implications for staff, which falls within the existing budget within the Strategic Planning program.
- Prescribed fees for the amendment, which will be \$488.50 for adoption of the amendment.

There is no financial risk associated with this proposed amendment. The amendment will enhance economic and community benefits and outcomes for the precinct, Mansfield township and wider community.

Legal and Risk Implications

This amendment was prepared to in accordance with the relevant requirements of the *Planning and Environment Act 1987*.

13.2.1 Planning Scheme Amendment C44 – Station Precinct Incorporated Plan - Continued

Regional, State and National Plans and Policies

Not Applicable.

Innovation and Continuous Improvement

The amendment allows the continual improvement of the Mansfield Station Precinct by reducing administrative burden and enabling the community to conduct additional uses on the land. Additionally, this will improve the value of Council's asset in relation to community infrastructure.

Alignment to Council Plan

The proposed amended development plan complies with the *Mansfield Shire Council – Council Plan 2021-2025*, implementing the following strategic directions:

- Strategic Objective 2: Activities that promote connection and fitness of our people and visitors
 - Strategy 2.1 Support our arts community and facilitate the delivery of festivals and events
 - Strategy 2.2 Create an environment where community and clubs can recreate, socialise, and contribute to the health and wellbeing of the community
 - Strategy 2.3 Enhance the social and economic value of tourism to Mansfield.
 - The amendment protects and enhances the Mansfield Station Precinct as public open space and allows the implementation of improved community infrastructure.
- Strategic Objective 3. Future focused: Intelligent land use and infrastructure.
 - Strategy 3.3 Improve roads, drainage, and footpaths.
 - The amendment allows further focus on community infrastructure by reducing administrative burden to improve car parking facilities and pedestrian footpaths.
- Strategic Objective 5. Prosperous: Industries, businesses, and workforces of the future.
 - Strategy 5.2 Enable land use and base infrastructure that stimulates commercial activity.
 - The amendment enables individuals and/or community groups to conduct commercial uses at the precinct subject to Council's consent. This enables commercial activity where it would otherwise be prohibited.

Governance - Disclosure of Conflicts of Interest

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

13.2 Infrastructure and Planning Directorate - Continued

13.2.2. Planning Scheme Amendment C50 – Development Plan Overlay Review Adoption

File Number	E7990	Responsible Officer	Melissa Crane, Manager Planning and Environment
Purpose			
<ol style="list-style-type: none"> 1. To advise Council of the background and exhibition for proposed Amendment C50 to the Mansfield Planning Scheme to implement a review of the Development Plan Overlay for Mansfield Shire. 2. To recommend that Council adopt Amendment C50 without changes. 			
Executive Summary			

The Development Plan Overlay (DPO) is applied to land under the Mansfield Planning Scheme when an outline of future use, development, subdivision and servicing is required to guide future layout and direction for an overall area, before any individual approvals are granted for specific sites within this overall area. The DPO is applied to various areas throughout the municipality but a review was undertaken to identify sites where the overlay is no longer required and where DPO schedules (controls) can be streamlined and improved.

The *Mansfield Planning Scheme Development Plan Overlay Review, May 2021* assessed the existing application and effectiveness of the DPO and need for removal of the DPO when warranted and refinement of the DPO schedules that guide the preparation and administration of development plans when required.

Amendment C50 has been exhibited to implement the review, with no objections being raised. This report recommends that Council adopt the amendment without changes and forward the adopted amendment to the Minister for Planning for approval.

Key Issues

When the DPO is applied, Council cannot issue any individual planning permits until a development plan has been prepared and approved. The resourcing and coordination of development plans can be problematic as generally individual landholders cannot coordinate the preparation of a plan between them, the onus is on Council to coordinate and prepare them.

In many cases, the DPO is no longer required as subdivision and development of the area has already occurred yet the DPO remains, allowing redundant controls to continue to apply to land unnecessarily.

The *Mansfield Planning Scheme Development Plan Overlay Review, May 2021* has been prepared to technically and strategically assess the need for the existing DPO that is applied through the municipality.

13.2.2 Planning Scheme Amendment C50 Development Plan Overlay Review Adoption - Continued

Amendment C50 proposes to implement the *Mansfield Planning Scheme Development Plan Overlay Review*, May 2021 by:

- ▶ Removing the DPO from various sites in the Barjarg, Bonnie Doon, Goughs Bay, Mansfield, Merrijig, Merton, Sawmill Settlement and Tolmie areas.
- ▶ Revising Schedules 1 (*General Residential 1 Zone*), 2 (*Low Density Residential Zone*) and 3 (*Rural Living Zone*) to the DPO.
- ▶ Deleting Schedules 4 (*Southern side of High Street, Mansfield*) and 5 (*Mixed Use Zone, Barjarg*) to the DPO.

Specific proposals under the amendment are required as follows:

- ▶ DPO removal: The DPO is being removed from sites in the Barjarg, Bonnie Doon, Goughs Bay, Mansfield, Merrijig, Merton, Sawmill Settlement and Tolmie areas that are either already developed or no longer required to guide future use, development, subdivision and servicing.
- ▶ Schedules 1, 2 and 3: The three primary DPO schedules (1, 2 and 3 for residential, low density residential and rural living areas) are being revised to make the schedules more relevant and streamlined, including the provision of updated and simplified development plan requirements and exemptions from the need for development plan before a permit may be granted.
- ▶ Site specific provisions in Schedules 2 and 3: Site specific requirements are being removed from DPO Schedules 2 (*Low Density Residential Zone*) and 3 (*Rural Living Zone*) as these provisions have now either been met or are redundant, allowing proposed revised generic schedules to be applied and used.
- ▶ Schedules 4 and 5: DPO Schedules 4 and 5 are being deleted as these sites are now developed, making the schedules no longer relevant or required to be included in the planning scheme.

Three (3) submissions were received to the amendment, being from DELWP, Goulburn Broken Catchment Management Authority and Goulburn Murray Water. All three authorities supported the amendment to streamline and simplify the application and content of the DPO. Although all landowners within the DPO were notified of the amendment, no private submissions from affected landowners were received to the amendment. It is considered appropriate that Council now adopt the exhibited amendment without changes, forwarding it to the Minister for Planning for approval.

13.2.2 Planning Scheme Amendment C50 Development Plan Overlay Review Adoption - Continued

Recommendation
<p>THAT:</p> <p>Having been authorised by the Minister for Planning to prepare Amendment C50 to the Mansfield Planning Scheme under section 8A(3) of the <i>Planning and Environment Act 1987</i> ('the Act');</p> <p>Having prepared and exhibited Amendment C50 to the Mansfield Planning Scheme under section 19 of the Act;</p> <p>Having in accordance with section 12 of the <i>Planning and Environment Act 1987</i> had regard to the Minister's directions and the Victoria Planning Provisions, and taken into account any significant effects which the planning scheme might have on the environment or that the environment might have on use and development envisaged in the planning scheme and taken into account the social and economic effects; and</p> <p>Having considered all submissions to Amendment C50 under section 22 of the Act;</p> <p>Council resolves to:</p> <ol style="list-style-type: none"> 1. Adopt Amendment C50 to the Mansfield Planning Scheme, without changes, in accordance with section 29 of the Act, as per the attached Amendment C50 package. 2. Submit Amendment C50 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>.
Support Attachments
Amendment C50, Mansfield Planning Scheme, Document package for adoption

Considerations and Implications of Recommendation

Sustainability Implications

The amendment will have positive environmental, social and economic effects. The proposed revision of DPO schedules provides enhanced requirement for a range of environmental issues to be considered and protected in the preparation of development plans. Positive social effects and benefits will accrue from the amendment through the removal of the DPO when it is no longer required and provision of greater clarity on the assessments and considerations that are to be made in the preparation of development plans. Positive economic effects and benefits will accrue from the amendment through increased economic activity and residential development within and nearby established townships and settlements.

13.2.2 Planning Scheme Amendment C50 Development Plan Overlay Review Adoption - Continued

Community Engagement

Notification of exhibition of the amendment was given to potentially affected agencies, groups and landowners under Section 19 of the Planning and Environment Act 1987. Only three (3) submissions were received to the amendment, being from DELWP, Goulburn Broken Catchment Management Authority and Goulburn Murray Water, with all three authorities supporting the amendment. No submissions were received from private landowners.

Collaboration

Not applicable.

Financial Impact

This review has been undertaken internally using limited officer and contractor time. No additional expenditure for the project will be incurred, other than a minor amendment fee of \$488.50 to the Minister for Planning for a request to approve the adopted amendment.

Legal and Risk Implications

There is no financial risk associated with this amendment and review of the application of the DPO. The amendment will enhance economic benefits for the municipality, reduce Council expenditure time and resources and streamline approval processes for landowners and applicants.

Regional, State and National Plans and Policies

Not applicable.

Innovation and Continuous Improvement

The amendment directly implements initiatives for innovation and continuous improvement by reviewing and refining the application of the DPO.

Alignment to Council Plan

The review and amendment of the DPO complies with and implements the *Mansfield Shire Council – Council Plan 2021-2025*, with the following Strategies:

- Strategy 5.1: Create conditions that enable local businesses & employers to thrive.

Governance - Disclosure of Conflicts of Interest

The author of this report and officers providing advice in relation to this report do not have a direct or indirect interest in this matter, as provided in accordance with the *Local Government Act 1989*.

13.3. Community and Corporate Services Directorate

13.3.1. Business and Community Recovery Advisory Committee

File Number	E9513	Responsible Officer	Senior Coordinator Community and Economic Development, Saskia Van Bever
Purpose			
To provide Council with a final report on the Business and Community Recovery Advisory Committee (BCRAC) and recommend that the Committee concludes.			
Executive Summary			

Council's Business and Community Recovery Advisory Committee (BRAC) was set up July 2020 in response to the 2019/2020 bushfires and the recovery support provided by the Victoria Government.

The primary roles of BRAC were to:

- Assist in the design and delivery of a Mansfield Shire Council Business and Community Recovery Plan
- Provide regular industry advice to Council for the informed relief assistance and recovery activities of Mansfield Shire businesses
- Assist Council to effectively communicate its recovery activities to Mansfield Shire's business community

Key achievements:

- Business recovery plan created
- Community recovery plan created
- Exceptional Assistance and Immediate Response funding allocated
- Community and Recovery Resilience grant allocated

At the last BCRAC meeting in June 2021, Council officers recommended the Committee conclude in accordance with the Committee's Charter. At the time BCRAC members suggested the following occur first:

- That a survey be distributed to committee members to gain feedback from Committee members, and
- that the requirement in funding agreements for the Committee be confirmed.

After reviewing the survey results and the requirements for current funding agreements, it is recommended the Committee (BCRAC) be wound up.

13.3.1 Business and Community Recovery Advisory Committee - Continued

Key Issues

BRAC's membership comprises:

Voting members:

- Chair: Former Mayor Councillor Mark Holcombe
- Councillor Paul Sladdin
- Two representatives Mansfield District Business Association: John Lazarov and Jon Gifford
- One representative Mansfield Producers Group Inc: David Ritchie
- One representative Licensed Tourism Operator: Michael Watson
- One representative from the agricultural sector: Matthew Vasey
- Up to four external independent persons: Bart Smith, Leanne Backwell, Mathew Picone

Non-voting members:

- Mansfield Shire Council CEO: Kaylene Conrick
- Mansfield Shire Council's Senior Coordinator Community & Economic Development: Saskia Van Bever
- Recovery Project Officer: A contractor funded through the Working for Victoria program
- One representative of Tourism North East: Bess Nolan
- An Economic Development Assistant from Council to provide administration support to the Committee.

For the purposes of evaluation and to guide future committees, BCRAC members were asked for feedback on the effectiveness of the Committee via a structured self-assessment survey.

The survey's findings were:

- Seven of the eleven members provided a response.
- Respondents noted that there was a good mix of skills on the Committee and that if it continued, the Committee would benefit from short term appointments and rotation members with new ideas and contributions.
- Concerns were raised about the ability of Committee members to provide feedback as documentation was often not shared prior to the meeting and thus there was limited time to reflect on topics before Committee discussions.
- Respondents felt some confusion about when their input was sought and when the Committee was being briefed on Council's recovery actions.
- Unfortunately as COVID restrictions forced all Committee meetings to be held online and so a balance of online and face to face could not be achieved that would have otherwise helped ensure that the Committee was more cohesive and fully effective.
- A number of members were not able to attend Committee meetings due to the severe COVID impacts to their businesses.
- As the Committee was originally established in response to the 2019/2020 bushfires and then morphed to respond to the impacts of COVID, Committee members questioned the suitability of original Terms of Reference (ToR).
- Six committee members were willing to continue involvement in BCRAC, however, a review of the ToR and membership is required, and internal and external communication processes need to be improved.

13.3.1 Business and Community Recovery Advisory Committee - Continued

A review of current community and business recovery funding criteria found that a recovery committee was not mandatory although funding bodies generally look favourably on community input mechanisms that provide confidence that recovery is community led.

If future funding agreements require a recovery committee, this BCRAC survey feedback will guide its formation.

Recommendation
<p>THAT COUNCIL</p> <ul style="list-style-type: none"> • Wind up the Council’s Business and Community Recovery Advisory Committee • Write to Committee Members to notify members of Council’s decision and thank them for their contribution.
Support Attachments
<ol style="list-style-type: none"> 1. Business and Community Recovery Advisory Committee Minutes 2. Business and Community Recovery Advisory Committee Future Survey Report

Considerations and Implications of Recommendation

Sustainability Implications

Not applicable

Community Engagement

This brief relates to Council’s Community Engagement Policy, which “affirms Council’s commitment to engaging its community, and relevant stakeholders, about matters that affect them”.

Collaboration

Regular discussions were held between representatives of Mansfield Shire Council and Regional Development Victoria to ensure best utilisation of the Committee and compliance with funding agreements.

Financial Impact

Continuing the Committee will require additional resourcing in regards to time commitments from Councillors and Council Officers.

Legal and Risk Implications

Not applicable as per the current funding agreements.

Regional, State and National Plans and Policies

Not applicable

Innovation and Continuous Improvement

Not applicable.

13.3.1 Business and Community Recovery Advisory Committee - Continued

Alignment to Council Plan

Strategic Objective 8

Provide community opportunities to be involved in key Council decisions.

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*.

13.3 Community and Corporate Services Directorate - Continued

13.3.2. Scoping Study for the Mansfield Emergency Services Precinct

File Number	E8439	Responsible Officer	General Manager, Community and Corporate Services
Purpose			
To present for Council endorsement the Scoping Study for the Mansfield Emergency Services Precinct (MESP).			
Executive Summary			

In September 2018 Council resolved to sell the former Mansfield Saleyards site at 166 to 176 Maroondah Highway site, however, strong community sentiment against the sale led to formation of the Mansfield Emergency Precinct Committee and intense community lobbying for Council to alter its position.

On 15 October 2019 Council resolved to suspend action to lease or sell the former Mansfield Saleyards site and to gauge the interest of emergency services organisations in the establishment of an emergency services precinct on the site.

On 17 August 2021 Council appointed consultants *Planning for Communities* to complete a scoping study (the 'Study') for the MESP project.

The Study focused on:

- Understanding and assessing the policy and community context for emergency services facilities provision and management in Mansfield Shire and the broader region.
- Understanding the provision requirements for emergency services in Mansfield and the broader region.
- Examining like emergency precinct or co-location models to assess their impact on service delivery and emergency response.
- Establishing the needs and priorities of key stakeholder agencies for emergency services infrastructure.

The MESP scoping study captures the Mansfield community's vision for a fully integrated emergency services facilities and a shared facilities hub precinct on one site. The vision is to collocate Mansfield's State Emergency Service (SES), Ambulance Victoria (AV), Country Fire Authority (CFA) & the Mansfield Community Radio Station and possibly later Victoria Police (VicPol).

The Study found that:

- There is a clear need for improved investment in quality emergency services infrastructure that is fit for purpose, will reduce the vulnerability of the Mansfield community, and increase its capacity to respond to and recover from emergency situations and the growing resident and visitor populations.

13.3.2 Scoping Study for the Mansfield Emergency Services Precinct - Continued

- There is strong support for an emergency services precinct as it is consistent with State Government policies, has strong backing from Mansfield's community and emergency service organisations and will foster inter-organisation collaboration.
- The needs and priorities of the agencies for emergency services infrastructure in Mansfield have been established. The three agencies with demonstrated need and interest in being involved in an emergency services precinct are AV, SES and CFA.
- The Precinct should include an Emergency Training and Support Hub to enable delivery of emergency management and community development training programs as well as provide storage facilities to assist Red Cross and other community organisations support community recovery efforts.
- Of the three sites considered in the Study, the former Saleyards site at 166 Maroondah Highway is the preferred site for the MESP. This site has clear strengths as it is in public ownership, allows the emergency services agencies to meet their response time targets, there are no major impediments for its development as an emergency services precinct, and it enjoys significant support in the community.

The next steps recommended by the Study are:

- Prepare an advocacy plan to garner support for the project from key decision makers including State and Federal Ministers, local members and key departmental staff and emergency services agency senior staff.
- Identify funding opportunities for the project at the State and Federal levels.
- Provide a project briefing for key stakeholders and the Mansfield Shire community covering the outcomes from the Scoping Study and proposed next steps.
- Confirm and formalise governance arrangements with partner agencies and organisations for the Feasibility Study and Business Case phase.
- Proceed with the Feasibility Study and Business Case subject to funding and approval by Council.

Key Issues

The Study examined sites where emergency services organisations have been co-located and integrated including at Wangaratta, Bannockburn, Broadford, Wendouree, Echuca, and Kinglake. In these locations the factors that influenced investment decisions by emergency services organisations were:

- The presence of dilapidated, inadequate or otherwise not fit for purpose infrastructure.
- Local conditions pressured local emergency responses such as population growth and significant visitation resulting from the visitor economy and land or infrastructure factors such as the presence of waterbodies or inaccessible natural landscapes.
- The frequency of emergency events or natural disasters.

13.3.2 Scoping Study for the Mansfield Emergency Services Precinct - Continued

- Collaboration and advocacy by agencies at the local level (Kinglake and Echuca).
- Persistent and informed advocacy by Council and local elected Members (Bannockburn, Echuca and Wangaratta).
- Available public land, including Council owned land.
- Investments in like or neighbouring communities.
- Development of contemporary CFA infrastructure to ‘anchor’ other agencies (for instance at Broadford, Kinglake).

The next steps to deliver this project are:

- The completion of a feasibility study that will include detailed site designs, indicative costings, business case development and a funding plan. This study is estimated to cost \$45,000 GST excl.
- The Feasibility Study will then be followed by the production of detailed architectural and engineering building designs and costings for the site. A Quantity Surveyor has estimated the cost of this design stage to be \$720,000, based up an industry standard percentage of the estimated total cost of \$8.01 million to build the precinct.
- Council has submitted a Black Summer Bushfire Recovering grant application to fund these activities.

Recommendation
<p>THAT COUNCIL</p> <ol style="list-style-type: none"> 1. receives the Stage 1: Mansfield Emergency Services Precinct Scoping Study; 2. endorses the recommendations of Scoping Study report for the Mansfield Emergency Services Precinct (MESP); and 3. authorises the Chief Executive Officer to identify, explore, advocate for and accept opportunities to fund the Feasibility Study and, if possible, detailed design stage of the MESP.
Support Attachments
Stage 1 Mansfield Emergency Services Precinct Scoping Study

13.3.2 Scoping Study for the Mansfield Emergency Services Precinct - Continued

Considerations and Implications of Recommendation

Sustainability Implications

The MESP will foster the long term sustainability of Mansfield's emergency services as it will:

- replace outmoded emergency services infrastructure that operates beyond its designed capacity,
- support and foster collaboration and interoperability between agencies particularly at the local level,
- deliver efficient and effective public infrastructure,
- help address Mansfield Shire's increasing demand for emergency services generated by the Shire's high 3.2% annual population growth rate and the growing popularity of adventure tourism,
- reduce the cost of infrastructure replacement for individual emergency services organisations through the communal use of common infrastructure such as site service utilities, backup generators, meeting rooms, kitchens, training areas and parking, and
- will promote and encourage volunteerism.

Community Engagement

Mansfield Emergency Precinct Committee is a community committee that for over two years has lobbied for an emergency services precinct in Mansfield.

Members of this Committee are part of the MESP Project Control Group, participated in a MESP workshop held by Planning for Communities consultants and have been consulted frequently by Council officers.

As an indication of the Committee's level of engagement in this project, the Committee contributed financially to the cost of the Study.

Collaboration

Representatives of these organisations have met and completed workshops with Council officers and Planning for Communities consultants and are members of the MESP Technical Working Group:

- AV,
- SES,
- CFA,
- Mansfield Community Radio,
- VicPol, and
- Department of Environment, Land, Water and Planning.

13.3.2 Scoping Study for the Mansfield Emergency Services Precinct - Continued

Financial Impact

The \$37,200 GST excl cost of the Study that was jointly funded by:

- Council (external bushfire recovery funds) \$30,000 GST excl, and
- Mansfield Emergency Precinct Committee (MEPC) \$7,200 GST excl.

To increase the strength of future MESP funding applications, Council officers approved a \$4,913 GST excl contract variation for this Study to include a recommendation of a preferred site for the MESP.

The next step to deliver this project is to complete a feasibility study that will include detailed site designs, indicative costings, business case development and a funding plan. This will then be followed by detailed architectural and engineering building designs and costings for the site.

Council has submitted a Black Summer Bushfire Recovering grant application to fund these activities.

Legal and Risk Implications

As the current infrastructure for AV, SES and CFA is outdated, no longer fit for purpose and utilised beyond its design capacity, the primary risk associated with the MESP is that it doesn't progress and that the performance of Mansfield's emergency services organisations will continue to be hampered.

Regional, State and National Plans and Policies

The co-location and integration of emergency services and infrastructure is a consistent theme in State Government emergency services policies and plans, and is part of the strategic plans of all the Victorian emergency services agencies.

Innovation and Continuous Improvement

The co-location and integration of emergency services is regarded by the Victorian and Commonwealth Governments as best practice in the delivery of emergency services infrastructure.

Alignment to Council Plan

Strategy 1.3 of Mansfield Shire Council Plan, "Contribute to efforts that ensure essential community services exist locally" includes an initiative to, "Determine the need and scope for a Mansfield Emergency Services Precinct".

This scoping study is an enabler for the delivery of this initiative.

Governance - Disclosure of Conflicts of Interest

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

13.3 Community and Corporate Services Directorate - Continued

13.3.3. Annual Report 2020-21

File Number	E512	Responsible Officer	Coordinator Governance and Risk, Moira Moss
Purpose			
The 2020/21 Mansfield Shire Council Annual Report is presented to Council in accordance with section 98(1) of the <i>Local Government Act 2020</i> (the Act)			
Executive Summary			

Council has prepared an annual report in accordance with the Act.

The Annual Report was due to be presented to the Minister for Local Government, The Hon Shaun Leane MP by 30 November 2021 and was submitted on 17 November 2021.

Key Issues

Section 98 of the Act requires that Council prepare an Annual Report containing:

- a) a report of its operations during the financial year;
- b) an audited performance statement;
- c) audited financial statements;
- d) a copy of the auditor's report on the performance statement;
- e) a copy of the auditor's report on the financial statements under Part 3 of the Audit Act 1994; and
- f) any other matter required by the regulations.

The Annual Report provides an overview of Mansfield Shire, Mansfield Shire Council and Council's performance against the Council Plan 2017-21.

All of the major initiatives of the 2017-2021 Plan have been completed. Some of the Report's highlights are:

- Council's overall community satisfaction improved significantly from 48% to 56%;
- Planning department decisions were made on average within the statutory timeframe of 60 days, an improvement on the previous year's average of over 60 days;
- Completion of the Dual Court Stadium.
- Development of the Community Vision utilising deliberative community engagement processes for the first time; and
- Development and Implementation of the Council Active Aging Strategy which has led to an Aged Care Services Review.

Recommendation
THAT COUNCIL receive and note the Annual Report 2020-2021
Support Attachments
Mansfield Shire Council Annual Report 2020-21

13.4.5 Annual Report 2020-21 - Continued

Considerations and Implications of Recommendation

Sustainability Implications

Not Applicable

Community Engagement

The Annual Report is publicly available on the Mansfield Shire website

Financial Impact

This year a graphic designer was again engaged to design and publish the Annual Report. The cost to Council was \$7,490 that included the graphic design, the use of images for the report, printing of twelve hard copies and the publication on Council's website

Legal and Risk Implications

Section 98 of the Act requires Council to prepare an Annual Report and specifies the content. Section 100 of the Act states that Council must consider the Annual Report at a Council meeting open to the public.

Regional, State and National Plans and Policies

Not Applicable

Innovation and Continuous Improvement

Not Applicable

Alignment to Council Plan

This policy is in alignment with all the Strategies under Theme 3: A trusted, effective and efficient Council: Our ratepayers and residents expect us to be transparent and responsive, get the basics right and deliver value for money

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.

13.3 Community and Corporate Services Directorate - Continued

13.3.4. Determination of Councillor Conduct Hearing

File Number	E9534	Responsible Officer	General Manager, Community and Corporate Services Kurt Heidecker
Purpose			
This report tables a report by Noel Harvey, Arbitrator on an internal arbitration process heard as a Councillor Conduct Hearing held on 13 December 2021.			
Executive Summary			
<p>On 2 September 2021 Council's Councillor Conduct Officer received an <i>Application for Internal Arbitration Process</i> from Councillor Sladdin that named Councillor Rabie as the Respondent.</p> <p>After a review of the Application, on 1 October 2021 the Principal Councillor Conduct Register confirmed that the Application met the requirements of section 144 of the <i>Local Government Act 2020</i> and that an arbiter would be appointed to hear the matter.</p> <p>On 20 October 2021 Noel Harvey OAM was appointed Arbiter for this Application and on 16 November 2021 he held a Direction Hearing with the Applicant, the Respondent and Council's Councillor Conduct Officer.</p> <p>On 13 December the Arbiter held a Councillor Conduct Hearing in Council's Chambers and 15 December Council's Councillor Conduct Officer received the Arbiter's written determination that dismissed the Application.</p>			
Key Issues			
<ul style="list-style-type: none"> ▶ The Arbiter found that no breaches of the prescribed standards of conduct had occurred and as such no findings of misconduct were made. ▶ The Arbiter dismissed the Application. ▶ While Council has not received all invoices for this determination process, it is estimated to cost less than \$3,000. 			
Recommendation			
THAT COUNCIL receive the report titled <i>Internal Arbitration Process- Mansfield Shire Council</i> .			
Support Attachments			
Determination of Councillor Conduct Hearing held on 13 December 2021			

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*.

13.4. Executive Services Directorate

13.4.1. Complaint Handling Policy

File Number	E512	Responsible Officer	Coordinator Governance and Risk, Moira Moss
Purpose			
The Complaints Handling Policy is presented for Council endorsement.			
Executive Summary			

The Local Government Act 2020 (the Act) requires that Council has a Complaints Policy in place by 31 December 2021.

This Complaints Handling Policy fulfils the requirements of the Act.

Key Issues

For ease of access and simplicity of use, the Complaints Policy combines these two previously existing policies:

- Complaints Resolution Policy
- Unreasonable Behaviour Policy

The policy outlines Council’s four-tiered approach to complaint handling, as follows:

- LEVEL 1: Customer Service Resolution - Customer Service staff receive the complaint, assess it, and resolve it.
- LEVEL 2: Investigation. If Customer Service staff cannot resolve the complaint, they will refer it to a more senior Council officer or manager for investigation.
- LEVEL 3: Internal review. If the complainant is aggrieved with the process or outcome of the Customer Service resolution/investigation, they can request an internal review.
- LEVEL 4: Access to external review: if the complainant is aggrieved with the process or outcome of the internal review, Council informs them of their external review options.

The revised policy is based on the model provided by the Victorian Ombudsman in its “Complaints: Good Practice Guide for Public Sector Agencies” released in September 2015 and updated in 2021.

Recommendation
THAT COUNCIL endorse the Mansfield Shire Council Complaints Handling Policy 2021
Support Attachments
Mansfield Shire Council Complaints Handling Policy 2021

13.4.1 Complaint Handling Policy - Continued

Considerations and Implications of Recommendation

Sustainability Implications

Not Applicable

Community Engagement

The process of making a complaint is a form of Community Engagement.

Collaboration

Not Applicable

Financial Impact

An effective complaints policy and processes assists Council to become more efficient through the triggered process improvements and by addressing vexatious and unreasonable complaints that can monopolise Council resources.

Legal and Risk Implications

The policy complies with ss106 and 107 of the Act by incorporating the Service Performance principles and the requirement of a Complaints Policy within the timeline prescribed by the Act.

Regional, State and National Plans and Policies

It is a governance principle that organisations have a process for complaints handling including the review of decisions.

Innovation and Continuous Improvement

An overarching principle of section 9 of the Local Government Act 2020 is that innovation and continuous improvement be pursued.

This policy includes innovation and continuous improvement as principles in the provision of services by Mansfield Shire. Complaints are an essential mechanism to ensure innovation and continuous improvement.

Alignment to Council Plan

This policy is in alignment with all the Strategies under Theme 3: A trusted, effective and efficient

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.

13.4 Executive Services Directorate - Continued

13.4.2. Gender Equality Policy

File Number	E513/E15 33	Responsible Officer	Janique Snyder, People and Culture Advisor
Purpose			
This report presents the Gender Equality Policy for Council endorsement.			
Executive Summary			
To date Council has not had a Gender Equality Policy in place and this policy ensures that Council meets its obligations under the Gender Equality Act 202 (Vic).			
Key Issues			
Nil			
Recommendation			
THAT COUNCIL endorses the new Gender Equality Policy (2021)			
Support Attachments			
DRAFT Gender Equality Policy			

Considerations and Implications of Recommendation

Sustainability Implications

Not applicable

Community Engagement

To ensure that Council provides a foundation for positive action to support and affirm Mansfield Shire Council's commitment to Gender Equality.

Collaboration

In accordance with Council processes for policies impacting staff, all employees were provided with an opportunity to make comment on the draft Policy in July 2021 and October 2021.

Financial Impact

Not applicable- only cost of not complying.

Legal and Risk Implications

Not applicable- to minimise the risks of potential legal proceedings if Council is not upholding its obligations under the Gender Equality Act (2020) Vic.

13.4.2 Gender Equality Policy - Continued

Regional, State and National Plans and Policies

Council is bound by the Act (2020) in Victoria.

Innovation and Continuous Improvement

Not applicable

Alignment to Council Plan

Respect – recognising and valuing the diversity of views and needs within our community. We believe it is important to create a respectful, supportive and fair environment where differences are valued and encouraged to support good decision making. Increased understanding and trust between Council and the community is an important way we can foster an inclusive, respectful society. And our commitment to human rights. We are committed to considering and respecting human rights when making decisions that impact on people and our community. We are required to act in a way that is compatible with the Victorian Charter of Human Rights and Responsibilities Act 2006 and to give consideration to the Charter when formulating a local law or policy, or in planning service delivery. Our approach to human rights is to encourage participation, access, development and opportunity not just across our community, across our organisation.

Governance - Disclosure of Conflicts of Interest

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

13.4 Executive Services Directorate - Continued

13.4.3. Public Interest Disclosures Policy

File Number	E513/2	Responsible Officer	Coordinator Governance and Risk, Moira Moss
Purpose			
To present Council Public Interest Disclosure Policy for endorsement.			
Executive Summary			

On 31 December 2019, the Protected Disclosure Act 2012 (PD Act) was amended in part to increase the accessibility and ease of use of Victoria's public sector whistle-blower processes.

These reforms included the PD Act being renamed the Public Interest Disclosures Act 2012 (PID Act), which took effect on 1 January 2020.

This Council Policy complies with the PID Act.

Key Issues

The aim of Council's Public Interest Disclosures Policy is to ensure Council's compliance with the PID Act and to provide Council a framework for reporting public interest disclosures of corrupt or improper conduct.

Council's previous Public Interest Disclosure Policy named Council officers responsible for actions under the Policy. As the separation from Council of one of these named officers required an update of the Policy, this revised Policy does not name Council officers but rather only Council officer roles.

Also included in the revision of this Policy is the removal of organisational processes that have been transferred into a separate process document.

Recommendation

THAT COUNCIL adopts the Mansfield Shire Public Interest Disclosures Policy 2021.

Support Attachments

Mansfield Shire Council's Public Interest Disclosures Policy 2021

Considerations and Implications of Recommendation

Sustainability Implications

The robust and transparent processes to report corrupt or improper conduct that are contained in this Public Interest Disclosures Policy are intended to build and maintain community confidence in the probity of Council's operations.

13.4.3 Public Interest Disclosures Policy - Continued

Community Engagement

Not Applicable

Collaboration

Not Applicable

Financial Impact

On 19 June 2019 the Australian Institute of Criminology (AIC) ranked fraud as the most costly type of crime. While there are no precise figures, the AIC then estimated that fraud costs the Australian economy \$8.5 billion per year.

This Public Interest Disclosures Policy is intended to limit Council's exposure to suffering such financial losses and/or reputational damage due to fraud and corruption committed by Council officers.

Legal and Risk Implications

The PID Act is a legislative framework that encourages reporting of public sector corruption and other misconduct. It encourages people to come forward and make complaints by offering legal protection under the PID Act.

The protection of persons making genuine public interest disclosures about improper conduct or detrimental action is essential for the effective implementation of the PID Act.

Section 58 of the PID Act requires that Council has a Public Interest Disclosures Policy that supports reporting of disclosures of improper conduct and Council's responses to these reports.

Regional, State and National Plans and Policies

This Policy is based upon the Public Interest Disclosures Act 2012 (PID Act), which took effect on 1 January 2020.

Innovation and Continuous Improvement

This revised Policy ensures that Council's policies are consistent with Victorian Government best practices to minimise fraudulent and/or corrupt behaviour.

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

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

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

Governance - Disclosure of Conflicts of Interest

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

14. Assemblies of Councillors

File Number	E7383	Responsible Officer	Kaylene Conrick, Chief Executive Officer
Purpose			
An assembly of Councillors is referred to in Council's Governance Rules as a " <i>meeting conducted under the auspices of Council</i> " whether such a meeting is known as a 'Councillor Briefing' or by some other name.			
Recommendation			
THAT COUNCIL receive and note the Assembly of Councillors report for the period 16 November to 10 December 2021.			
Support Attachments			
Nil			

DATE	TYPE OF ASSEMBLY	ISSUES DISCUSSED
16 November 2021	<p>Councillors' Briefing Session Councillors:</p> <ul style="list-style-type: none"> • Cr Mark Holcombe • Cr Steve Rabie • Cr Paul Sladdin • Cr Rohan Webb • Cr James Tehan <p>Apologies: Nil External Attendees: Tilma Group representatives Linda Tilman and Jayne Jennings\ Officers:</p> <ul style="list-style-type: none"> • CEO, Kaylene Conrick • GM Infrastructure and Planning, Kirsten Alexander • GM Community and Corporate Services, Kurt Heidecker • Senior Coordinator Community and Economic Development, Saskia Van Bever 	<p><i>Conflicts of Interest:</i> NIL</p> <p><i>Issues Discussed:</i></p> <ul style="list-style-type: none"> • Visitor Services Review
27 November 2021	<p>Marquee High Street Councillors:</p> <ul style="list-style-type: none"> • Cr Mark Holcombe • Cr Rohan Webb • Cr James Tehan <p>Officers:</p> <ul style="list-style-type: none"> • GM Infrastructure and Planning, Kirsten Alexander • Manager Planning and Environment, Melissa Reid 	<p><i>Conflicts of Interest:</i> NIL</p> <p><i>Issues Discussed:</i></p> <ul style="list-style-type: none"> • Draft Mansfield Planning Strategy

14. Assemblies of Councillors - Continued

DATE	TYPE OF ASSEMBLY	ISSUES DISCUSSED
7 December 2021	<p>Councillors' Briefing Session Councillors:</p> <ul style="list-style-type: none"> • Cr Mark Holcombe • Cr Steve Rabie • Cr Paul Sladdin • Cr Rohan Webb • Cr James Tehan <p>Apologies: External Attendees:</p> <ul style="list-style-type: none"> • Cameron Butler, CEO, and Murray Beattie, Mansfield District Hospital • Phil Rowland, Planning for Communities • Baumgart Clark consultants representative Marcus Baumgart <p>Officers:</p> <ul style="list-style-type: none"> • CEO, Kaylene Conrick • GM Infrastructure and Planning, Kirsten Alexander • GM Community and Corporate Services, Kurt Heidecker • Manager Planning and Environment, Melissa Crane • Strategic Planner, Oscar Yencken • Coordinator Governance and Risk, Moira Moss • Manager Community Health and Wellbeing, Nola Bales • Jenny Lovick, Family Violence Project Officer 	<p><i>Conflicts of Interest:</i> NIL</p> <p><i>Issues Discussed:</i></p> <ul style="list-style-type: none"> • Amendment C44 Station Precinct • Native Vegetation Protections • 136 High Street Update • Aged Care Services Review • 304 Dead Horse Lane Development • Mansfield District Hospital Redevelopment • Scoping Study for the Mansfield Emergency Services Precinct
8 December 2021	<p>Australia Day Award Judging Councillors:</p> <ul style="list-style-type: none"> • Cr Mark Holcombe • Cr Steve Rabie • Cr James Tehan <p>External Attendees: Gill Belle and Carolyn Trenfield</p> <p>Officers:</p> <ul style="list-style-type: none"> • Lisa Fricke, EA Mayor and CEO 	<p><i>Conflicts of Interest:</i> NIL</p> <p><i>Issues Discussed:</i></p> <ul style="list-style-type: none"> • Consideration of Australia Day Award nominations

15. Council Resolutions Register

This report presents to Council a schedule of outstanding actions from Council meetings held from 18 May 2021 to 16 November 2021.

Attachment

1. Council Resolutions Register

Recommendation

THAT COUNCIL receive and note the Council Resolutions Register as at 9 December 2021.

16. Advisory and Special Committee Reports

16.1. Mansfield Shire Audit and Risk Committee: Agenda & Minutes of Meeting

The Agenda & Minutes of the Mansfield Shire Audit and Risk Committee, held 15 November 2021, are attached for the Council's information.

Attachment

1. Audit and Risk Committee Agenda - November 2021
2. Minutes of Meeting – Audit and Risk Committee November 2021

Recommendation

THAT COUNCIL receive the Agenda & Minutes of the Mansfield Shire Audit and Risk Committee meeting held 15 November 2021.

17. Authorisation of sealing of documents

Nil

18. 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:

- a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released

19. Presentation of Confidential Reports

- 19.1. **Confidential:** Articulated Motor Grader Purchase
- 19.2. **Confidential:** HVAR Stage 1 Construction Tender Award
- 19.3. **Confidential:** Citizen Awards 2022
- 19.4. **Confidential:** Aged Care Service Review

20. Reopen meeting to members of the public

Recommendation

THAT COUNCIL reopen the meeting to members of the public.

21. Close of meeting