



Mansfield Shire

Council Meeting

Tuesday 22 November 2022 5:00 pm
ZOOM

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

Our aspiration for our Shire and its community

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

Councillors

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

Officers

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

Order of Business

1. Opening of the meeting

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

2. Present

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

3. Apologies

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

4. Statement of commitment

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

5. Acknowledgement of Country

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

6. Disclosure of conflicts of interest

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

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

7. Confirmation of minutes

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

8. Representations

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

9. Notices of Motion

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

10. Mayor's report

The Mayor provides a report on his activities.

11. Reports from council appointed representatives

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

12. Acting Chairperson

13. Outgoing Mayor Speech

14. Determination of Mayoral Term

15. Election of Mayor

16. Election of Deputy Mayor

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. Council resolutions report

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

20. Advisory and Special Committee reports

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

21. 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.

22. 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.

23. Presentation of confidential reports

24. Reopen meeting to members of the public

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

25. 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

Support Attachments

1. Council Meeting Minutes - 18 October 2022 [7.1.1 - 8 pages]

Recommendation

THAT the Minutes of the Mansfield Shire Council meeting held on Tuesday 18 October 2022 be confirmed noting that resolution 13.3.4. Carry Forward Projects in relation to the operating carry forward funds was incorrect and the amount was \$1,443,313 in operating (net of income).

8. Representations

9. Notices of motion

Nil

10. Mayor's report

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

As I complete my 12 month term as Mayor, I am able to reflect on the many things we have been able to achieve during this period. To represent my community as Mayor has been an honour and privilege.

I believe that Council has presented two very economically responsible budgets. Rates have been kept to a minimum and rises evenly distributed between all ratepayers. A major emphasis has been on rebuilding our roads and infrastructure. The Heavy Vehicle Alternate Route is starting to take shape although the weather has hampered progress. Council purchased a site for a new carpark in High Street and plans are underway to start construction in 2023. We were thrilled to get confirmation recently of the \$9.8million funding for the 'Integrating Mansfield's Productivity, Agricultural Communities and Tourism (IMPACT) Route' to upgrade Highton Lane, Rifle Butts Road, Chapel Hill Road and Archies Lane. Council has been working hard to recover the waste reserve deficit after years of under-recovery. The hand over of Aged Care to the Mansfield District Hospital has been a success and the community satisfaction survey showed real progress in all areas where Council interacts with the public. But the real highlight for me as Mayor was conducting the three Citizenship Ceremonies. The enthusiasm and joy of the new Australian citizens shows what a wonderful and welcoming place Mansfield is to live.

It's fitting that the end of my term coincided with the release of the 2021/22 Annual Report which Council adopted at the October meeting. This report gives an overview of Council's performance against the first full year of our Council Plan 2021- 2025 and a financial report containing the performance and financial statements. In my opinion it is a great, well put together report and for the first time, is available online only thereby removing the considerable printing cost. If you want to know how Council spends your rates then this document tells it all.

October has been a month of record rainfall causing extreme flooding and hardship for some of our neighbouring Shires and their residents. Over 200mm of rain has fallen in our Shire making it the wettest October since 1975 (185mm). Considerable damage has occurred to road infrastructure but thankfully, little damage has been reported due to inundation of building or houses. The State Government has provided the Shire with \$500,000 to help with the clean-up activities and to help restore local facilities and services which is greatly appreciated. I would like to thank the volunteers at the local SES who worked tirelessly through the major rain and storm events making sure our community recovers as quickly as possible when these disasters happen.

Unfortunately, many events over the long weekend had to be cancelled due to the weather. This included the highly anticipated High Country Festival opening celebrations which is a highlight of our event's calendar. However, the Independence Anniversary Celebration marking the 20th anniversary of the de-amalgamation from Delatite Shire Council went ahead in the Council Chamber the week before. It was extremely interesting to hear from the people who made this historic event happen, many of who turned out for the celebration. On behalf of Council, I'd like to thank those people and the community for their hard work and dedication for fighting for the interests of our Shire and returning local government to its rightful place here in Mansfield. A publication called the 79th Shire written by Don Cummins and Will Twycross is a summarised account of the events that shaped the de-amalgamation and is available on request at the municipal office or the Mansfield Library.

We have received the advice that Mansfield Shire will receive funding from the State Government and Telstra for the installation of three new Telstra towers. Council has advocated strongly for the vital infrastructure upgrade that is required to ensure the safety and economic stability of our Shire. I'm extremely happy that the Government and telecommunications

providers have listened to our plea to provide sufficient infrastructure to ensure our community's telecommunications network is adequate to maintain our connection.

Finally, we have been working with our community to identify how we will roll out the new four stream waste and recycling service in line with the Victorian Government legislation requiring councils to offer separate collection services for glass and food and organic waste. This will create four streams of recycling and waste that will each have their own bin:

- *Unrecyclable household waste (red bin)*
- *Recyclable material (yellow bin)*
- *Glass containers (purple bin)*
- *Food and garden organics (green bin)*

These changes require Council to determine how different types of recycling and waste are collected and how frequently.

This an important decision that will affect everyone in our Shire so it's essential that our community lets us know how best to deliver the service in a way that works for them, and to help us shape the future of our waste and recycling services in Mansfield.

I'd like to thank the many community members who have participated in the face to face and online workshops and those that have completed surveys. However, as yet we haven't received as much feedback as we would like and more community input is needed. I encourage everyone to visit Council's engage portal engage.vic.gov.au to learn what's been suggested so far, complete a survey, ask a question or to tell us about their circumstances and what their needs will be.

*Cr James Tehan
Mayor*

Recommendation

THAT COUNCIL receive the Mayor's report for the period 18 October 2022 to 15 November 2022.

11. Reports from council appointed representatives

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

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

Recommendation

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

12. 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.

13. Outgoing Mayor Speech

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

14. Determination of Mayoral Term

| | | | |
|-------------|------|---------------------|------------------------|
| File Number | E502 | Responsible Officer | CEO, Kirsten Alexander |
| Purpose | | | |

The purpose of this report is to determine the term of office for the Mayor of Mansfield Shire Council.

Executive Summary

In accordance with section 25 of the *Local Government Act 2020* (the Act), Council must elect a Councillor to be the Mayor.

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.

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 as is reasonably practicable. Should Council continue to hold its scheduled meetings on the third Tuesday of the month, the next Mayoral election would be held by 28 November 2023 or 26 November 2024, depending on the length of the term of office.

Key Issues

The determination of the Mayoral term must precede the election of the Mayor.

Recommendation

THAT COUNCIL:

1. Determines the length of the Mayoral term to be a period of ____ year(s).
2. Determines the next Mayoral election be held at the scheduled meeting of Council in November (28 November 2023 or 26 November 2024)

Support Attachments

Nil

Considerations and Implications of Recommendation

Sustainability Implications

Not Applicable

Community Engagement

Not Applicable

Collaboration

Not Applicable

Financial Impact

Not Applicable

Legal and Risk Implications

Not Applicable.

Regional, State and National Plans and Policies

Not Applicable

Innovation and Continuous Improvement

Not Applicable

Alignment to Council Plan

Theme 3: A Trusted, Effective and Efficient Council

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

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

Governance - Disclosure of Conflicts of Interest

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

15. Election of Mayor

| | | | |
|--------------------|------|----------------------------|------------------------|
| File Number | E502 | Responsible Officer | CEO, Kirsten Alexander |
| Purpose | | | |

This report provides advice on the process for the election of the Mayor of Mansfield Shire.

Executive Summary

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 include:

- a) chair Council meetings; and
- b) be the principal spokesperson for the Council; and
- c) lead engagement with the municipal community on the development of the Council Plan; and
- d) report to the municipal community, at least once each year, on the implementation of the Council Plan; and
- e) promote behaviour among Councillors that meets the standards of conduct set out in the Councillor Code of Conduct; and
- f) assist Councillors to understand their role; and
- g) take a leadership role in ensuring the regular review of the performance of the Chief Executive Officer; and
- h) provide advice to the Chief Executive Officer when the Chief Executive Officer is setting the agenda for Council meetings; and
- i) perform civic and ceremonial duties on behalf of the Council.

In accordance with Council's Governance Rules, the Chief Executive Officer must facilitate the election of the Mayor in accordance with the provisions of the Act. The election of Mayor must be carried out by a show of hands or such other visual or audible means as the Chief Executive Officer determines.

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, provisions will govern the election of the Mayor as per Chapter 2 Part B of the *Mansfield Shire Council Governance Rules 2022*.

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, the Mayor 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 of ____ year/s, no later than the scheduled meeting of 22 November 2022.

Support Attachments

1. Governance Rules 2022 [15.1.1 - 48 pages]

Considerations and Implications of Recommendation

Sustainability Implications

Not Applicable

Community Engagement

Not Applicable

Collaboration

Not Applicable

Financial Impact

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

On 7 March 2022, in accordance with section 23A of the *Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019* (Vic) (VIRTIPS Act), the Tribunal made the Allowance payable to Mayors, Deputy Mayors and Councillors (Victoria) Determination No. 01/2022. The Determination applies to all Mayors, Deputy Mayors and Councillors (Council members) in all Victorian Councils. The Determination took effect from 18 December 2021.

The Determination sets a base allowance for each Council member. The value of the base allowance payable to a Council member varies depending on the role (Mayor, Deputy Mayor or Councillor) and the Council allowance category assigned to the Council as specified in the Determination. Mansfield Shire Council is a Category 1.

Table 1: value of the base allowance for Mayors, by Council allowance category, 18 December 2021 until 17 December 2022

| Council allowance category | Value of allowance (\$ per annum) |
|-------------------------------------|-----------------------------------|
| Category 1 | 74,706 |
| Category 2 | 96,470 |
| Category 3 | 119,316 |
| Category 4 – Melbourne City Council | 238,634 |

Table 2: value of the base allowance for Mayors, by Council allowance category, 18 December 2022 until 17 December 2023

| Council allowance category | Value of allowance (\$ per annum) |
|-------------------------------------|-----------------------------------|
| Category 1 | 76,781 |
| Category 2 | 99,150 |
| Category 3 | 122,630 |
| Category 4 – Melbourne City Council | 245,262 |

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 2022.

Regional, State and National Plans and Policies

Not Applicable

Innovation and Continuous Improvement

Not Applicable

Alignment to Council Plan

Theme 3: A Trusted, Effective and Efficient Council

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

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

Governance - Disclosure of Conflicts of Interest

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

16.1. Election of Deputy Mayor

| | | | |
|--------------------|------|----------------------------|------------------------|
| File Number | E502 | Responsible Officer | CEO, Kirsten Alexander |
| Purpose | | | |

This report provides advice on the process for the election of the Deputy Mayor of Mansfield Shire.

Executive Summary

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

Under the Act, the Deputy Mayor must perform the role of the Mayor and may exercise any of the powers of the Mayor if—

- a) the Mayor is unable for any reason to attend a Council meeting or part of a Council meeting; or
- b) the Mayor is incapable of performing the duties of the office of Mayor for any reason, including illness; or
- c) the office of 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 or such other visual or audible means as the Chief Executive Officer determines 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, i.e., 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.

Key Issues

The Act and Council's *Governance Rules* provide for the position of Deputy Mayor and govern the process for the election. 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 of ____ year/s, no later than the scheduled meeting on 22 November 2022.

Support Attachments

Nil

Considerations and Implications of Recommendation

Sustainability Implications

Not Applicable

Community Engagement

Not Applicable

Collaboration

Not Applicable

Financial Impact

On 7 March 2022, in accordance with section 23A of the *Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019* (Vic) (VIRTIPS Act), the Tribunal made the Allowance payable to Mayors, Deputy Mayors and Councillors (Victoria) Determination No. 01/2022. The Determination applies to all Mayors, Deputy Mayors and Councillors (Council members) in all Victorian Councils. The Determination took effect from 18 December 2021.

The Determination sets a base allowance for each Council member. The value of the base allowance payable to a Council member varies depending on the role (Mayor, Deputy Mayor or Councillor) and the Council allowance category assigned to the Council as specified in the Determination. Mansfield Shire Council is a Category 1.

Table 6: value of the base allowance for Deputy Mayors, by Council allowance category, 18 December 2021 until 17 December 2022

| Council allowance category | Value of allowance (\$ per annum) |
|-------------------------------------|-----------------------------------|
| Category 1 | 37,353 |
| Category 2 | 48,235 |
| Category 3 | 59,658 |
| Category 4 – Melbourne City Council | 119,317 |

Table 7: value of the base allowance for Deputy Mayors, by Council allowance category, 18 December 2022 until 17 December 2023

| Council allowance category | Value of allowance (\$ per annum) |
|-------------------------------------|-----------------------------------|
| Category 1 | 38,391 |
| Category 2 | 49,575 |
| Category 3 | 61,315 |
| Category 4 – Melbourne City Council | 122,631 |

Legal and Risk Implications

Not Applicable

Regional, State and National Plans and Policies

Not Applicable

Innovation and Continuous Improvement

Not Applicable

Alignment to Council Plan

Theme 3: A Trusted, Effective and Efficient Council

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

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

Governance - Disclosure of Conflicts of Interest

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

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, Kirsten Alexander

Introduction

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

The Chief Executive Officer report will provide information relation to:

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

| Recommendation |
|--|
| THAT COUNCIL receive and note the Chief Executive Officer's report for the period 18 October 2022 to 15 November 2022. |
| Support Attachments |
| 1. CEO Report October 2022 [18.1.1 - 36 pages] |

18.2. Infrastructure and Planning Directorate

18.2.1. DP001/20 100 Highton Lane Development Plan

| | | | |
|--------------------|----------|----------------------------|--|
| File Number | DP001/20 | Responsible Officer | Acting General Manager Infrastructure & Planning, Melissa Crane |
| Purpose | | | |

To seek council approval of the Development Plan for 100 Highton Lane, Mansfield.

Executive Summary

Council has received an application to approve a Development Plan for 100 Highton Lane, Mansfield. The proposed amended development plan can be found at Attachment 1. A detailed Delegate Report can be found at Attachment 2.

Under the Mansfield Planning Scheme, the land subject to the development plan is zoned General Residential 1, with the Development Plan Overlay 1 (General Residential Zone) also applying to the land. The DPO was applied to the land under Amendment C1, Pt 1 in March 2006 to provide coordinated residential layout and design guidance for the overall Highton Manor precinct. The DPO requires that a development plan be prepared and approved prior to any planning permit being issued for any use, subdivision or any other development on the land.

The following is a summary of what the development plan will allow:

- The development of approximately 70 residential allotments, ranging in size from 700 to 1600sqm.
- Provide for connectivity between Highton Lane and Crosbys Lane.
- A 5389sqm open space reserve on the northern section of the allotment.
- A 3100sqm drainage reserve adjacent to Monkey Gully Creek.
- A street network that will provide for future linkages to the north and south of the property upon development of adjacent lots.

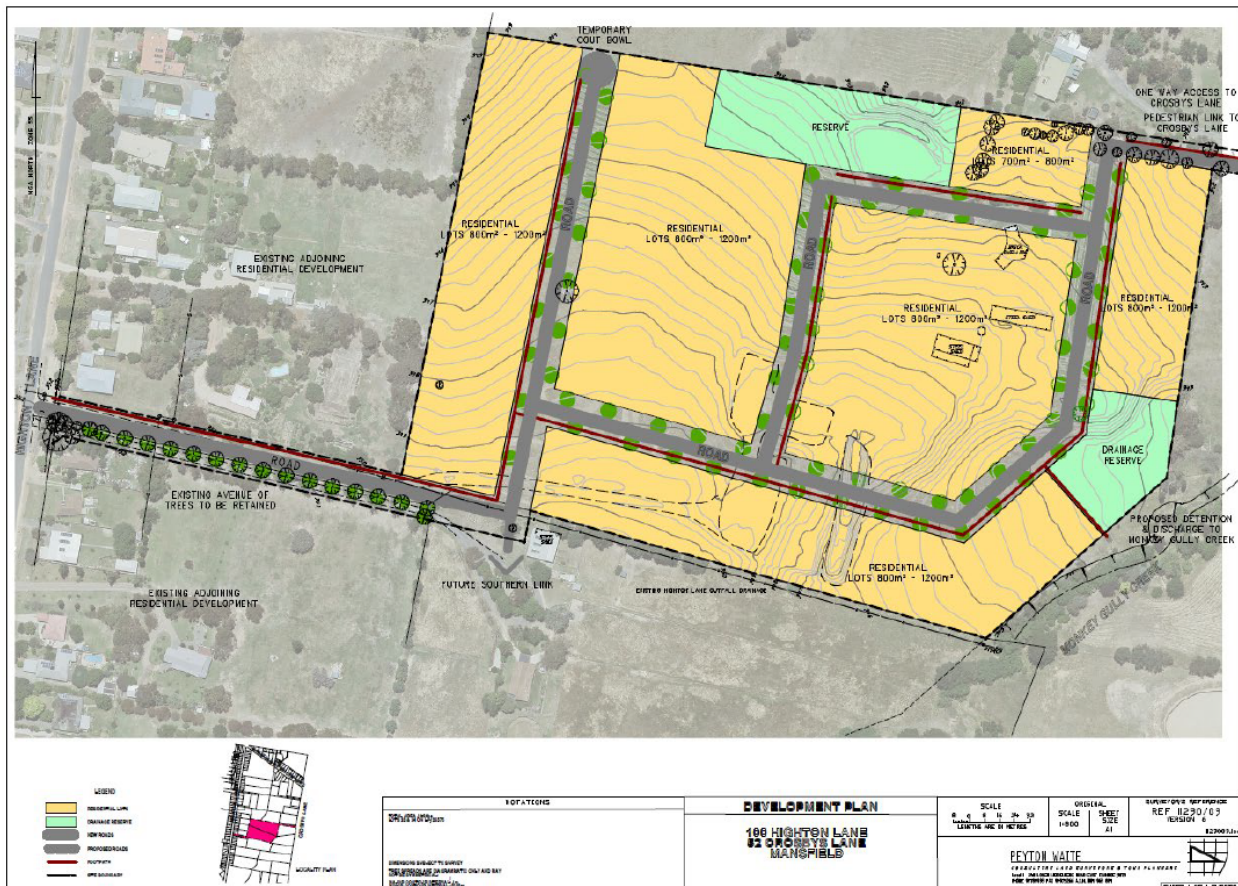
There have been twenty (20) objections to the application, with the grounds of these objections discussed in detail later in this report.

Key Issues

Development plans outline the broad directions for future land use, development, subdivision and servicing of an area rather than specific detail and conditions that would typically be included in planning applications and permits. Planning permits cannot be issued for any use or development of land affected by an approved development plan unless a proposal is 'generally in accordance' with the approved plan. Any planning application that is 'generally in accordance' with an approved plan is exempt from notification (advertising) and appeal rights.

Approved development plans may be amended by Council and can include sunset clauses for expiry. While there is no prescribed statutory process for the approval or amendment of development plans, it is standard practice to notify potentially affected landowners and seek comment from relevant service agencies.

The 100 Highton Lane Development Plan provides for the below outline development:



The Highton Lane Development Plan consists of 7 sections, as follows:

1. Introduction
2. The Site
3. Planning Context
4. Site and Context Analysis
5. The Development Plan

Attachments that support the plan are as follows:

1. Copy of titles
2. Plan of survey
3. Proposed development plan
4. Flora and Fauna Assessment
5. Traffic Impact Assessment
6. Servicing Report

The Council officer assessment of the grounds of objection are detailed in Attachment 2. A summary of the grounds and the main considerations for each is as follows:

1. Capacity of infrastructure

Submissions have raised concern with the ability of existing services to be able to accommodate the increase residential development. All referral agencies have confirmed that services can be provided to the allotments. Highton Lane will also be upgraded as part of the IMPACT route funding, supported by development contributions. It is acknowledged that while this development does not require specific works to the

intersection of Malcolm Street and Highton Lane, Council officers recognise that this intersection is a particular area of concern for local residents and will investigate measures to improve the safety of this area. Funding will also be sought to implement improvements into the future.

2. Amenity and Character impacts

The land is zoned for residential development and has been identified as such since 2006. The development has been designed to provide two road linkages into the broader area and provides for north/south linkages to be further developed as the adjoining land is subdivided. The lot sizes of between 700sqm and 1600sqm are consistent with the broader character of the area and it is the opinion of Council officers that these lot sizes will allow for the development of dwellings that can be well sited on allotments while still providing for appropriate setbacks and residential gardens.

3. Other

The development provides for public open space in a location identified as strategically important in the Mansfield Open Space Strategy. From an environmental perspective, there will be very limited impact on remnant native vegetation with only one standing dead tree to be affected. This is located within a future road reserve, which may provide opportunities for retention when the final design and planning permit is assessed. There is planted vegetation and exotic vegetation on site that will be removed to facilitate the development, however the Mansfield Planning Scheme does not provide protection for this vegetation, which includes a vineyard that is no longer being used for grape production. Details on the vegetation on site have been provided in the attached Flora and Fauna report.

One petition was received to the application, with 80 signatures, with the following request:

"If Council approves the plan in October to funnel new urban estates of 200 plus houses via one single Highton Lane entrance:

We the undersigned hereby petition Mansfield Shire Council for other feeder roads be sought/lobbied for; and that the current dangerous intersection of Malcolm Street and Highton Lane be given a safe traffic plan and a budget for urgent implementation."

Officer Response:

The proposed development plan does not intend to direct 200 plus houses down one single entrance but proposes approximately 70 new lots and provides for an exit to the east towards Crosby's Lane as part of the plan. The proposal does provide for connectivity to the north and south, which will allow for the future development of additional roads to be developed into the future. In addition, Council recognises that the intersection of Malcolm Street and Highton Lane is of concern for local residents and will investigate different measures that can be put in place to improve the safety of this area and seek funding to implement improvements in this area.

Recommendation

THAT COUNCIL approve the 100 Highton Lane Development Plan, applying to the land known as 100 Highton Lane, Mansfield, Lot 33 on Plan of Subdivision 135575, Certificate of Title Volume 09436 Folio 619; Lot 34 on Plan of Subdivision 135575, Certificate of Title Volume 09436 Folio 620, general in accordance with the Development Plan attached to this report.

Support Attachments

1. Final Development Plan for Approval - 100 Highton Lane Mansfield [18.2.1.1 - 97 pages]
2. DP001 20 Delegate Report 100 Highton Lane Development Plan [18.2.1.2 - 12 pages]

Considerations and Implications of Recommendation

Sustainability Implications

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

Community Engagement

The amendment to the Development Plan has been subject to notification to nearby and adjoining owners, by way of a sign on site and a public notice in the Mansfield Courier. As part of this process 20 objections and one petition were received. An assessment of the objections, the responses from the applicant and officer consideration of each objection has been undertaken. This detailed assessment can be found at Attachment 2 as part of the delegate report.

Collaboration

Not Applicable

Financial Impact

Not Applicable

Legal and Risk Implications

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

Regional, State and National Plans and Policies

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

Innovation and Continuous Improvement

Not Applicable

Alignment to Council Plan

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

Strategy 3.1 Protect natural vistas and farmlets

Strategy 3.2 Enhance township character

Strategy 3.3 Improve roads, drainage and footpaths

Strategy 3.4 Plan for and encourage appropriate housing

Governance - Disclosure of Conflicts of Interest

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

18.2.2. Planning Scheme Review

| | | | |
|--------------------|--------|----------------------------|---|
| File Number | E10016 | Responsible Officer | Strategic Planning Officer, Oscar Yencken |
| Purpose | | | |

To present the final *Mansfield Planning Scheme Review, 2022* for adoption by Council, and seek a resolution to inform the Minister for Planning that the review has been completed in accordance with Council's obligations under Section 12B of the *Planning and Environment Act, 1987*.

Executive Summary

The Planning Scheme Review is an overall health check of the Mansfield Planning Scheme. The final report, and related documents are included as attachments to this report. The check of the Mansfield Planning Scheme has found that the scheme is generally performing well. This is reflected in the following facts:

- A high-level policy check was undertaken through the PPF (Planning Policy Framework) Translation Amendment C47mans, which removed any outdated policy or anything that conflicted with State policy.
- The scheme generally complies with the Ministerial Direction on Form and Content.
- Only a small number of permits are heard by VCAT, which indicates that decisions made by delegates and Council are supported by policy in the scheme as they are generally not being challenged.
- The Scheme has a hierarchy for townships, with growth outlined primarily for Mansfield.

The final report recommends that Council:

- Prepare a planning scheme amendment or amendments to:
 - Incorporate the policy neutral changes identified on Appendix 2 to align the ordinance with the Ministerial Direction on the Form and Content of Planning Schemes.
 - Incorporate elements from the Council Plan that were missed during the PPF (Planning Policy Framework) Translation and make other updates to factual data.
 - Amend the MPS (Municipal Planning Statement) at 02.01 Context to include appropriate reference to Traditional Owners and Country.
 - Include new policy to implement the:
 - Mansfield Shire Council Plan 2021 – 2025
 - Mansfield Open Space Strategy 2021
 - Mansfield Planning Strategy 2022
 - Mansfield Commercial and Industrial Use Strategy 2021
 - Activating Lake Eildon: Lake Eildon Masterplan 2020
 - Include an updated Clause 74.02 Further strategic work that prioritises the strategic work program based on the findings of this review and prioritisation of the strategic planning work identified in Section 9.
- Prepare a planning scheme amendment to Implement the findings of the Mansfield Planning Strategy.

Should the planning scheme review be adopted by Council, the above work will be undertaken to continue to positive work being done to strengthen Mansfield Shire's planning scheme.

Key Issues

The Mansfield Planning Scheme Review, 2022, has been prepared in collaboration with the Department of Environment, Land, Water and Planning Regional Planning Hub. Having an external agency review the Mansfield Planning Scheme reduces the likelihood of unperceived biases impacting the report if it were undertaken by solely by Council. Development of this review included multiple meetings between DELWP, Councillors and Council officers and community consultation to ensure appropriateness of the report.

After releasing the draft report to the community, Council received four (4) submissions to the review. A summary of the submissions is as follows, note that submissions 2-4 are similar in nature and have been responded to with officer comments that relate to all of them:

| Submission | Summary | Officer Comments |
|------------|--|---|
| 1 | Council should ease planning restrictions in relation to allowing lifestyle properties in the Farming Zone. Noted a lack of rental properties that could be addressed if these restrictions were relaxed. | Council officers note that historically, there have been many instances of dwellings being approved within the Farming Zone. Where appropriate, within a planning application, Council continues to permit dwellings in the Farming Zone, subject to sufficient justification that the proposed land use will promote agricultural productivity and practice instead of continuing the consumption of Victoria's agricultural land base as a natural resource. |
| 2 | Council should implement Design and Development Overlay to protect the township approaches. Council should look at parking within Mansfield with the application of a Parking Overlay | The following comments address matters raised in submissions 2, 3 and 4: Council officers noted that while the parking study is not specifically identified within the main body of the report, it is included on the first page of the plan for further strategic work. This strategic work is currently proposed to be undertaken in the 2024-2025 financial year in accordance with Council's strategic projects plan. The residential elements of the Township Approaches Strategy are being implemented through the Design and Development Overlay, as Part 1 of Amendment C48mans, which has been submitted to the Minister for Planning for adoption. Council officers are preparing a new amendment to provide additional protection for the commercial and industrial areas of the township approaches and will give due consideration of the points raised by submitters in drafting the new ordinances. |
| 3 | Council should implement a Design and Development Overlay to protect the township approaches and separate commercial and industrial. Policy gaps identified in recent VCAT cases need to be addressed Signage policy is required. | |
| 4 | Council should implement Design and Development Overlay to protect the township approaches and separate commercial and industrial. Council should look at parking within Mansfield with the application of a Parking Overlay | |

The report also outlines further strategic work to be undertaken. The following has been identified, and council officers have assessed these recommendations against the Future Strategic Planning Program as follows:

| Item | Planning Scheme Review | Officer Comments |
|------|---|--|
| 1 | Prepare a signage strategy to implement the Township Approaches Planning Controls and Guideline Study, Mansfield (2018). | Planning scheme amendment C48 was intended to achieve these outcomes. Considering the Planning Panel recommendations, a new amendment will be prepared to implement the relevant guidelines for signage in the township approaches in the 2022/23 FY. |
| 2 | Consider whether a Design and Development Overlay is required to address character and urban design in Mansfield Township. | Planning scheme amendment C48 was intended to achieve these outcomes. Council officers have recommended part of this amendment be implemented and considering the Planning Panel recommendations, a new amendment will be prepared to implement the remaining guidelines character and urban design in the township approaches in the 2022/23 FY. |
| 3 | Review, with Goulburn Valley Water (GVW), the buffer zone areas and zones around wastewater management facilities. | Council officers will work with GVW on implementation of buffer areas, but this will be dependent on funding and resource support. |
| 4 | Prepare policy guidance to help balance priorities for rural land use, tourism in agricultural areas and protection of landscape values. | Council officers will look to undertake a Rural Living/Rural Conservation Zone Study and a Review of Significant Landscape Overlays (Extent and application) in the 2024/25FY. External funding will be sought to support this strategic work. |
| 5 | Identify areas where vegetation and key biodiversity areas should be retained, conserved, and apply appropriate planning tools to protect them. | Council officers are looking to prepare an amendment to protect large old trees on private land, as proposed by and agreed to by landowners in the 2022/23 FY. This amendment will facilitate the application of a Vegetation Protection Overlay on sites that are supported by the landowners who wish to have protections of vegetation applied to their own property. |
| 6 | Identify, in partnership with Goulburn Murray Water, where permit triggers within the ESO1 and 2 can be amended or removed to reduce the resource burden on councils and referral authorities and remove red tape for applicants. | Council officers will work with Goulburn Murray Water to amend the referral provisions in the ESO's in the 2023/24FY. |
| 7 | Develop, in partnership with Traditional Owners, new planning policy to support Traditional Owner interests and values. | This would be implemented as part of a policy neutral amendment for the Mansfield Planning Scheme, including the Tradition Owners in the context of the Planning Scheme. |
| 8 | Update flood prone area mapping across the municipality in partnership with Goulburn Broken Catchment Management Authority. | A grant application has been submitted in conjunction with the Goulburn Broken Catchment Management Authority to undertake this project. |

| | | |
|----|---|--|
| 9 | Prepare a Rural Living Strategy or similar to identify areas of the Shire that would be suitable for Rural Living Zone and Low-Density Residential Zone. | Council officers will look to undertake a Rural Living/Rural Conservation Zone Study in the 2024/25FY. External funding will be sought to support this project. |
| 10 | Identify areas where vegetation and key biodiversity areas should be retained, conserved, and apply appropriate planning tools to protect them. | Council officers will look to undertake a Rural Living/Rural Conservation Zone Study in the 2024/25FY. External funding will be sought to support this project. The Rural Conservation Zone will be used to protect areas of key biodiversity. |
| 11 | Prepare a housing strategy or neighbourhood character study to review township framework plans and settlement strategies to assess growth opportunities and constraints, populate local schedules to residential zones, and align township zoning with State policy (PPNs 90 and 91). | Council officers are developing plans for outlying towns that will outline the future land use, development, infrastructure, and community priorities for each of these localities. This will be a rolling program over the next 3 to 4 years and has commenced in Bonnie Doon. Implementation of the Mansfield Planning Strategy 2022 will look to apply character statements for Mansfield township over the next 2 years. |
| 12 | Undertake strategic work to prepare the municipality for climate change impacts, including risks such as fire and flooding | Council is due to exhibit the Climate Action Plan in the next few months. After exhibition and adoption, this will be included in a future planning scheme amendment as a reference document in the Planning Scheme. |

The above list of strategic tasks provides the Mansfield Community with greater certainty for the future. This scope of works is large and will be regularly reviewed against available resources within Council's strategic planning team. Updates will be provided on progress with the proposed strategic work, and adjustments made where necessary to accommodate community or Council feedback.

Recommendation

THAT COUNCIL:

1. Adopt the *Mansfield Planning Scheme Review, 2022* pursuant to section 12B (1) of the *Planning and Environment Act, 1987*;
2. Submit the *Mansfield Planning Scheme Review, 2022* to the Minister for Planning as required by section 12B (5) of the *Planning & Environment Act, 1987*; and
3. Prepare a planning scheme amendment to implement the *Mansfield Planning Scheme Review, 2022*.

Support Attachments

1. Mansfield Planning Scheme Review Final Report [18.2.2.1 - 22 pages]
2. Mans Overall List FSW [18.2.2.2 - 16 pages]
3. Planning Scheme Review Submissions Redacted [18.2.2.3 - 7 pages]
4. mans A 1 MPS analysis [18.2.2.4 - 8 pages]
5. Goulburn Valley water response [18.2.2.5 - 7 pages]
6. APPENDIX 1 Analysis documents [18.2.2.6 - 132 pages]
7. APPENDIX 2 Marked up ordinance [18.2.2.7 - 95 pages]

Considerations and Implications of Recommendation

Sustainability Implications

The purpose of the planning scheme is:

- To provide a clear and consistent framework within which decisions about the use and development of land can be made.
- To express state, regional, local and community expectations for areas and land uses.
- To provide for the implementation of State, regional and local policies affecting land use and development.
- To support responses to climate change.

Community Engagement

Community Engagement has been undertaken in accordance with the Council Community Engagement Policy by informing the community of the Planning Scheme Review and inviting submissions on the draft review.

Collaboration

The Planning Scheme review has been undertaken in collaboration with The Department of Environment, Land, Water and Planning Regional Planning Hub as a branch of DELWP who are now rolling out a streamlined method of undertaking planning scheme reviews for each of Victoria's 79 Local Government Areas.

Financial Impact

The Planning Scheme Review has not imposed any additional financial burden on Council and has been undertaken with the existing resources of the Strategic Planning Program.

Legal and Risk Implications

Council has a legal requirement to undertake a review of the Planning Scheme in accordance with the requirements of the *Planning and Environment Act 1987*.

Regional, State and National Plans and Policies

The review has been undertaken in accordance with the State Policy under the *Planning and Environment Act, 1987* where Council is required to perform a planning scheme review every four (4) years.

Innovation and Continuous Improvement

Continually reviewing the Mansfield Planning Scheme ensures that our Shire's main mechanism to govern development remains up to date, relevant and sufficient to avoid uses and development that would otherwise diminish the intrinsic value of Mansfield Shire.

Alignment to Council Plan

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

Strategy 3.1 Protect natural vistas and farmlets

Strategy 3.2 Enhance township character

Strategy 3.4 Plan for and encourage appropriate housing

Theme 3: A Trusted, Effective and Efficient Council Strategic Objective 8 A consultative

Council that represents and empowers its community

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

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

Governance - Disclosure of Conflicts of Interest

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. Outlying Community Infrastructure Fund: Assessment Panel Recommendations

| | | | |
|--------------------|-------|----------------------------|--|
| File Number | E9935 | Responsible Officer | Coordinator Community Development, Clare Berghofer |
|--------------------|-------|----------------------------|--|

Purpose

To provide Councillors with an overview of the Outlying Communities Infrastructure Fund applications and to seek endorsement on the assessment panel recommendations for funding.

Executive Summary

To support the Council Plan objective for vibrant liveability by enhancing township character (Strategic Objective 3.2), an allocation of \$50,000 was approved for the Outlying Communities Infrastructure Fund in the 2022-23 Budget. The fund opened on 19 August 2022 and closed on 14 October 2022.

This is the third year that Council has run the grant. Feedback from the community has been very positive, with the grant providing support to community groups to enable them to actively undertake projects to improve their own communities. The grant enables community-led projects, which in turn attract significant community in-kind investment and support, empowering community groups to deliver projects of benefit to them, with the support of Council.

Council's 2019-20 and 2021-22 grant funded projects have seen direct benefit to communities, including the delivery of a community playground, camp drafting facilities, and improvements to the facilities at recreation reserves with spectator seating, social spaces and toilet facilities.

Eligible projects must:

- demonstrate ongoing community benefit
- take place in an outlying community within the Mansfield Shire (not within Mansfield township as per the Planning Scheme)
- deliver capital improvement to:
 - buildings
 - facilities, or
 - publicly accessible land managed/maintained for community benefit
- be completed 12 months from the agreement signing date.

In addition to ongoing engagement with groups who participated in the previous funding rounds, Council's Coordinator of Community Development engaged with two outlying communities who were new to the grant process this year (Matlock and Barwite) over potential projects.

Council officers spoke to eight (8) outlying communities in relation to their grant proposals and received five (5) applications:

- Bonnie Doon Community Group Inc. - Billy's House
- Jamieson Art & Gardens (JAG) (auspice by Jamieson & District Historical Society Inc.) - Relocation of JAG's to St Peter's, Jamieson Anglican Church

- Matlock Cemetery Trust - Shelter and interpretative information for visitors to the Cemetery
- Merton Community Planning Committee (auspice by Merton Recreation & Memorial Hall Reserve) - Skate Park
- Woods Point Progress Association – Woods Point Playground

The Assessment Panel:

The grant assessment panel members included Council Officers with a diverse range of skills, experience and background from across the organisation, as follows:

- General Manager Community and Corporate Services – Chair
- General Manager Infrastructure & Planning
- Coordinator Community Development – Secretary
- Manager Planning and Environment
- Manager Health and Wellbeing
- Coordinator Capital Works
- Supervisor Parks and Gardens

Members of the assessment panel were required to:

- Follow the Code of Conduct, Confidentiality and Privacy Guidelines and report any conflict of interest.
- Read the material provided and assess each application against the published selection criteria prior to the assessment panel meeting.
- Review the collated scores with other panel members at the Assessment Panel Meeting.
- As per the Guidelines, consider whether additional weighting should be applied to ensure the even distribution of funds across the Shire's geographical area.

The Assessment Panel – Overview and Recommendations:

The grant application submission overview is included as a supporting document to this paper in Attachment 1.

The panel reviewed the five (5) projects and made the following recommendations:

| Organisation & Project Description | Requested Amount (\$) | Panel Recommendation | Pannel Comments |
|--|-----------------------|---|---|
| Boonie Doon Community Group Incorporated - Billy's House. | \$20,000 | FUND \$20,000 | This project shows good community contribution and clearly links the funding objective with evidence of the ongoing benefits to the community. Has a clear project plan and project management structure for the project. |
| Jamieson Art & Gardens (JAG's) under the auspice of the Jamieson & District Historical Society Incorporated - Relocation of JAG's to St. Peter's, Jamieson Anglican Church | \$12,800 | FUND \$10,000 \$2,800 not funded for items outside of grant guidelines | Funding application is very clear and has a demonstrated link to the funding objective. Provides detailed project planning and the community can contribute with both in-kind and cash, even though a small amount. This project benefits two groups and utilises community spaces. |

| | | | |
|---|--------------------|-----------------|--|
| Merton Community Planning Committee Merton under the auspice of Merton Recreation & Memorial Hall Reserves Incorporated - Merton Community Skate Park. | \$20,000 | FUND \$20,000 | Clearly demonstrated link to funding objective by providing clear evidence of demand for the project and the ongoing benefits to the community. Good community contribution. Links well to the Council Plan. |
| Matlock Cemetery Trust – Shelter and interpretative information for visitors to the Cemetery. | \$11,000 | NO FUNDING | Not funded as part of this grant, however, the panel could see the value of this project for the community and will work with Matlock Cemetery Trust to find alternative grant opportunities. |
| Woods Point Progress – Woods Point Playground | \$16,665.80 | NA | Funded as part of Council's capital works plan |
| TOTAL | \$80,465.80 | \$50,000 | |

Key Issues

Five (5) applications were received from community groups.

Three (3) are recommended for funding through the Outlying Communities Infrastructure Fund and one (1) of the projects (Woods Point Playground) will be funded from Council's capital works program.

The Matlock Cemetery Trust applied for a shelter and interpretive information for visitors to the cemetery. While the panel has not recommended funding for this project as part of this grant, Council officers will work with the Matlock Cemetery Trust to find grant opportunities that are suitable for the proposal.

The panel recommends the following projects be funded:

Billy's House

\$20,000 is recommended for the project for the relocation of Billy's historical house from private land to community land, for community use. This will provide Bonnie Doon with a venue where historical memorabilia are displayed for the public. Interest in the story of the town's relocation has always been strong. Additionally, it is envisaged that basic refreshments will be sold with the proceeds going back to the community.

Applicant: Bonnie Doon Community Group Incorporated

Relocation of JAG

\$10,000 is recommended for the project, for the relocation of Jamieson Art & Gardens to St. Peter's, Jamieson Anglican Church. This relocation to St. Peter's Anglican Church supports the growing needs of JAG's Gallery and adds another tourist attraction to Jamieson as well as supporting and promoting local artisans and producers, with all profits used to further develop the growth of the gallery and run free events for the community.

Applicant: Jamieson Art & Gardens (JAGs) under the auspice of the Jamieson & District Historical Society Incorporated

Merton Community Skate Park

\$20,000 is recommended for the project, Merton Community Skate Park. The skate park will provide an inclusive and positive experience for community members and families, where

recreation in a safe outdoor environment is important - providing for exercise, learning and enjoyment, facilitating families getting to know each other better and sharing experiences.

Applicant: Merton Community Planning Committee under the auspice of the Merton Recreation & Memorial Hall Reserves Incorporated

Council will contact all applicants to formally provide an outcome to their application and thanking the groups for their time and commitment in making an application to the Fund.

| Recommendation |
|---|
| <p>THAT COUNCIL:</p> <ol style="list-style-type: none">1. Receives the assessment panel report for the Outlying Communities Infrastructure Fund 2022-2023.2. Endorse the Outlying Communities Infrastructure Fund assessment panel recommendation to:<ol style="list-style-type: none">a. Fund the Bonnie Doon Community Group Incorporated for \$20,000 to the Billy's House projectb. Fund the Jamieson Art & Gardens (JAGs) under the auspice of the Jamieson & District Historical Society Incorporated for \$10,000 to the Relocation of Jamieson Art & Gardens to St. Peter's, Jamieson Anglican Churchc. Fund the Merton Community Planning Committee under the auspice of the Merton Recreation & Memorial Hall Reserves Incorporated for \$20,000 to Merton Community Skate Park. |
| Support Attachments |
| <ol style="list-style-type: none">1. Council Meeting Supporting Paper OCIF Project Summary [18.3.1.1 - 1 page] |

Considerations and Implications of Recommendation

Sustainability Implications

Not Applicable

Community Engagement

Not Applicable

Collaboration

Not Applicable

Financial Impact

The 2022-2023 Outlying Communities Infrastructure Fund in the sum of \$50,000 was approved as part of Council's annual FY2022-2023 budget.

Legal and Risk Implications

Not Applicable.

Regional, State and National Plans and Policies

Not Applicable

Innovation and Continuous Improvement

Encouraging innovation and continuous improvement by providing our outlying communities with opportunities to drive projects that enhance communities with the support of Council.

Alignment to Council Plan

Theme 1: Connected and Healthy Community

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

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

Theme 2: Vibrant Liveability

Strategic Objective 3 Future focused: Intelligent land use and infrastructure

Strategy 3.2 Enhance township character

Governance - Disclosure of Conflicts of Interest

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

18.3.2. TARGA Permit

| | | | |
|--------------------|-------|----------------------------|---|
| File Number | E8043 | Responsible Officer | Economic Development Officer - Tourism & Events, Gareth MacDonald |
|--------------------|-------|----------------------------|---|

Purpose

To seek Council endorsement for the issue of a conditional permit to Targa High Country for the event proposed for 10-12 February 2023, with an amended event format, and subject to permits from Regional Roads Victoria and Motorsport Australia.

Executive Summary

Mansfield Shire Council and Mt Buller Mt Stirling Resort Management have a partnership agreement with Targa Australia for the Targa High Country (THC) event.

Targa High Country events are typically run in November each year. To hold a race event, Targa High Country must obtain multiple permits, including permits from Council, Regional Roads Victoria and from Motorsport Australia.

The November 2021 event was held between 11 – 13 February 2022 due to the cancellation of the event the previous year because of COVID restrictions. The next event is the final event defined in the current agreement.

Following a death during an event in Targa Tasmania 2022, Motorsport Australia suspended the issuing of all permits until a review of Targa style events was completed. As such, the November 2022 event did not go ahead. A proposed new date of February 2023 has been negotiated in good faith for a potential Targa High Country event, subject to Council approval.

Targa High Country 2023 will not have a street stage. This mitigates risks associated with vehicles travelling at speed on Mansfield's streets and requires fewer road closures.

To plan the event effectively, Council and Targa event organisers need a suitable amount of time for event preparation and promotion. The proposal to offer a conditional permit to Targa for the proposed event in February 2023 allows event organisers to begin this work.

Key Issues

A report on the outcomes of the February 2022 Targa event was previously provided to Council at the May 2022 meeting, outlining the following:

- The Targa High Country February 2022 event ran to plan with no major incidents.
- Council conducted a survey of race participants to estimate economic benefit derived directly from drivers. In conservative estimates, Targa teams reported spending more than \$470,000 in Mansfield Shire, directly on accommodation, retail, and hospitality during the event and in reconnaissance visits prior to the event.
- The cost to Council for the 2022 event was \$41,463.82.
- Participation in the event attracted Mansfield Shire coverage on Channel 9 and 9Now. 'Targa TV' was broadcasted nationally with an average of 285,000 viewers. This was re-broadcast on FOX and distributed via Boulder Creek International to more than 150 countries, over 600 million screens in total.
- A post-event survey was completed by 87 shire businesses to understand business sentiment to inform Council's post-event review process and to inform future discussions

about THC. 72 businesses of the 87 (84 percent) said they supported the continued running of Targa High Country in Mansfield Shire.

- A letter from Victoria Police, Mansfield, stated that the event was well-coordinated and professionally run, however safety concerns were raised about the street stage, in which cars raced directly through the main streets of Mansfield. Issues were also highlighted with TARGAFest, with a large crowd and the consumption of alcohol potentially requiring police intervention.

Targa High Country 2023 is proposed to run with no street stage. This means there is no racing circuit through the Mansfield township, mitigating the potential safety risks highlighted by Victoria Police.

TARGAFest is proposed to start at 2pm on Saturday 11 February on the High St Median Strip in Mansfield, with vehicles arriving between 2.30-4.30pm and departing by 6pm. The event, now an afternoon event, is planned to host family-friendly activities. Rather than a street stage, the event will be a showing of vehicles, with music and activities. Drivers will no longer be racing as they return to Mansfield from Eildon, so the timing of the event encourages participants to increase the direct economic benefit to Mansfield Shire with increased hospitality bookings from 6pm, at the close of the event.

| Recommendation |
|---|
| THAT COUNCIL issue a conditional permit for Targa High Country, subject to Targa obtaining permits from both Motorsport Australia and Regional Roads Victoria, for an event to be held in Mansfield Shire on 10-12 February 2022 with an amended event format that does not include a street stage. |
| Support Attachments |
| Nil |

Considerations and Implications of Recommendation

Sustainability Implications

The economic sustainability of Mansfield Shire is supported by events, with Targa contributing more to the local economy than any other major event. Last year, Council invested \$41,463.82. The race participants reported spending more than \$470,000 on Mansfield Shire accommodation, retail, and hospitality. This excludes increased economic activity from community members who patronise the event.

Community Engagement

Community Engagement has been undertaken in accordance with the Council Community Engagement Policy. Businesses were engaged in the review of Targa High Country 2022 event. Council has a contractual agreement with Mt Buller and Targa High Country for the final event, and subject to Council approval for the proposed event date, the community will be informed of the changed arrangements.

Collaboration

Not Applicable

Financial Impact

Is accounted for in the Budget for community events.

Legal and Risk Implications

Asset Risk: With the removal of the Mansfield street stage, only a small section of the proposed route will be located on Council roads (between Jamieson and Eildon) during the event. This helps to mitigate risks to Council infrastructure.

Financial Risk: The agreement provides for a financial contribution from each party. Subject to Council approval for issue of a permit for the new event date, good faith negotiations will be held with Targa to ensure that financial risks to Council are minimised.

Reputation Risk: Community concerns have been raised related to the safety of the event, which have been addressed by the removal of the street stage from this event. Reputational risks are mitigated by early engagement and communication over the changed arrangements with all parties and the broader community.

Safety Risk: Motorsport Australia are responsible for reviewing the safety of Targa style rally events. Safety risk has been considered carefully and the 'street stage' has been removed from this event to minimise the risk of accidents related to vehicle speed through the Mansfield township. Fire risk has been assessed in collaboration with the Country Fire Authority.

Regional, State and National Plans and Policies

Not Applicable

Innovation and Continuous Improvement

Post-event reviews have been undertaken to identify improvements for subsequent events.

Alignment to Council Plan

Theme 1: Connected and Healthy Community

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

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

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.

18.3.3. Councillor Appointed Representation on Committees

| | | | |
|--------------------|------|----------------------------|---|
| File Number | E502 | Responsible Officer | General Manager Community & Corporate Services, Dena Vlekkert |
| Purpose | | | |

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.

Executive Summary

In accordance with the *Local Government Act 2020 (the Act)*, Council may establish Delegated Committees or Joint Delegated Committees by resolution under section 64 of the Act. Mansfield Shire Council does not currently have any Delegated or Joint Delegated Committees.

In accordance with section 53 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. Updates from these Committee meetings are provided at the next available Council meeting for noting.

The following committees previously had Councillor representation; however, this is no longer required as the committees have since been disbanded:

- Lake Eildon Land and On Water Management Plan Implementation Committee
- North East Local Government Waste Forum (a Committee of the North East Regional Waste and Resource Recovery Group – NEWRRG)

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 Act and was established by Council resolution on 21 July 2020.

The purpose of this Committee is to:

- Monitor the compliance of Council policies and procedures with:
 - the overarching governance principles pursuant to section 9 of the Act; and
 - the associated regulations and any Ministerial directions;
- Monitor Council financial and performance reporting;
- Monitor and provide advice on risk management and fraud prevention systems and controls; and
- 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

THAT COUNCIL nominates the following Councillors to the Mansfield Shire Audit and Risk Committee:

1. Cr _____
2. Cr _____

2. Chief Executive Officer (CEO) Employment Matters Committee

This committee oversees matters relating to CEO employment and remuneration in accordance with section 45(2) of the Act, including:

- Recruitment and Appointment of CEO
- Contractual Arrangements
- Remuneration and Expenses
- CEO Performance Objectives and Review

The Committee is chaired by the Mayor.

The Committee must include the Mayor and at least two Councillors. A quorum of three Councillors is required for a meeting.

Recommendation

THAT COUNCIL nominates the following Councillors to Chief Executive Officer Employment Matters Committee:

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.

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 Murray Climate Alliance (GMCA)

The GMCA, previously known as the Goulburn Broken Greenhouse Alliance, is a membership based alliance of 13 local governments, the Goulburn Broken Catchment Management Authority, North East Catchment Management Authority and DELWP (Hume).

This Alliance requires representation from one Mansfield Shire Councillor.

Recommendation

THAT COUNCIL nominates Cr _____ to the Goulburn Murray Climate Alliance (GMCA).

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).

iv. Municipal Association of Victoria (MAV)

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.

v. 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.

Recommendation

THAT COUNCIL nominates Mayor Cr _____ or Cr _____ to Rural Councils Victoria (RCV).

18.4. Executive Services Directorate

18.4.1. Schedule of Meetings: Dec 2022 - Nov 2023

| | | | |
|--------------------|------|----------------------------|---|
| File Number | E343 | Responsible Officer | General Manager Community & Corporate Services, Dena Vlekkert |
| Purpose | | | |

This report seeks Council endorsement of the meeting schedule of Mansfield Shire Council meetings for the next 12 months (December 2022 – November 2023).

Executive Summary

In accordance with Council's Governance Rules (the 'Rules'), Council is required to establish the time and date of its Council meetings and provide reasonable notice to the public. 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.

Key Issues

Meetings are usually held on the third Tuesday of the month, except for the following adjustments to the monthly meeting schedule:

- December meeting to be held on the second Tuesday due to proximity to Christmas,
- January where there is no meeting,
- June meeting to be held on the fourth Tuesday to accommodate the Australian Local Government Association's National General Assembly, and
- November meeting to be held on the fourth Tuesday due to the Melbourne Cup public holiday.

The following meeting schedule for Mansfield Shire Council is proposed from December 2022 until November 2023:

| Meeting Date | Meeting Time | Meeting Location |
|-------------------------|--------------|--------------------------------------|
| 13 December 2022 | 5.00 pm | Online (ZOOM) / Livestream (YouTube) |
| No meeting January 2023 | | |
| 21 February 2023 | 5.00 pm | Online (ZOOM) / Livestream (YouTube) |
| 21 March 2023 | 5.00 pm | Online (ZOOM) / Livestream (YouTube) |
| 18 April 2023 | 5.00 pm | Online (ZOOM) / Livestream (YouTube) |
| 16 May 2023 | 5.00 pm | Online (ZOOM) / Livestream (YouTube) |
| 27 June 2023 | 5.00 pm | Online (ZOOM) / Livestream (YouTube) |

| | | |
|--|---------|--------------------------------------|
| 18 July 2023 | 5.00 pm | Online (ZOOM) / Livestream (YouTube) |
| 15 August 2023 | 5.00 pm | Online (ZOOM) / Livestream (YouTube) |
| 19 September 2023 | 5.00 pm | Online (ZOOM) / Livestream (YouTube) |
| 17 October 2023 | 5.00 pm | Online (ZOOM) / Livestream (YouTube) |
| 28 November 2023 | 5.00 pm | Online (ZOOM) / Livestream (YouTube) |
| Recommendation | | |
| THAT COUNCIL adopt the proposed meeting schedule for Mansfield Shire Council from December 2022 – November 2023. | | |
| Support Attachments | | |
| Nil | | |

Considerations and Implications of Recommendation

Sustainability Implications

Not Applicable

Community Engagement

Council meeting dates are advertised to the community in accordance with the Governance Rules.

Collaboration

Not Applicable

Financial Impact

Not Applicable

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 section 60 of the *Local Government Act 2020* (the Act), Council's Governance Rules set 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

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.

18.4.2. Council Christmas Function – Early Office Closure

| | | | |
|--------------------|-------|----------------------------|--|
| File Number | E9506 | Responsible Officer | People & Culture Advisor, Janique Snyder |
| Purpose | | | |

To endorse the early closure of Council's offices and services on Friday 2 December 2022 at 12.30 pm so the Council staff may attend Council's Christmas Function.

Executive Summary

It is proposed that the Mansfield Shire Council Main Office, Works Depot and services including Community Services, Youth and Family Services, Visitor Information Centre, and Library be closed at 12.30 pm on Friday 2 December 2022 to enable staff to attend Council's Christmas function.

Key Issues

The function is to be held in Mansfield at a venue still 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 including school crossing supervisors.

Recommendation

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 12.30 pm and 5.00 pm on Friday 2 December 2022.

Support Attachments

Nil

Considerations and Implications of Recommendation

Sustainability Implications

Not Applicable

Community Engagement

Mansfield Shire Council offices, community service, youth and family services, visitor information centre, library, and field services closures will be advertised in 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.

Collaboration

Not Applicable

Financial Impact

There are minimal financial impacts associated with the closure.

Legal and Risk Implications

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

Regional, State and National Plans and Policies

Not Applicable

Innovation and Continuous Improvement

Not Applicable

Alignment to Council Plan

Theme 1: Connected and Healthy Community

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

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

Governance - Disclosure of Conflicts of Interest

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

19. Council Meeting Resolution Actions Status Register

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

| Recommendation |
|--|
| THAT COUNCIL receive and note the Mansfield Shire Council Meeting Resolution Actions Status Register as at 14 November 2022. |
| Support Attachments |
| 1. Mansfield Shire Council Action Register as at 16 November 2022 [19.1.1 - 4 page] |

20. Advisory and Special Committee reports

Nil

21. Authorisation of sealing of documents

Nil

22. Closure of meeting to members of the public

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

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

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

| Recommendation |
|---|
| THAT COUNCIL close the meeting to members of the public under Section 66(2)(a) of the Local Government Act 2020 to consider Confidential Reports in accordance with section 66(2) of the Local Government Act 2020 for reasons set out in section 19 below. |

23. Confidential Reports

23.1. 2022-2023 Resealing and Crack Sealing Program

Confidential

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

24. Reopen meeting to members of the public

Recommendation

THAT COUNCIL reopen the meeting to members of the public.

25. Close of meeting