



MANSFIELD SHIRE

High Country, Lakes and Rivers

COUNCIL MEETING

TUESDAY, 18 MAY 2021

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

Commencing at 5.00pm

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

Officers:

Chief Executive Officer:
General Manager Infrastructure and Planning
Interim General Manager Community and Corporate Services

Kaylene Corrick
Kirsten Alexander
Mandy Kynnersley



MANSFIELD SHIRE COUNCIL

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.

13.2-13.7 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

In accordance with section 80A of the *Local Government Act 1989*, Council must keep a written record of all assemblies of Councillors. An Assembly of Councillors is defined as a planned or scheduled meeting, comprising at least three Councillors and one member of Council staff, that consider matters that are intended or likely to be the subject of a decision of the Council or subject to the exercise of a function; duty or power of a Council that has been delegated to a person or committee [s.76AA].

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.



AGENDA

MANSFIELD SHIRE COUNCIL
Livestreamed to members of the public via the
[Mansfield Shire Council website](#)
5.00pm

CONTENTS

1.	<i>OPENING OF THE MEETING</i>	3
2.	<i>PRESENT</i>	3
3.	<i>APOLOGIES</i>	3
4.	<i>STATEMENT OF COMMITMENT</i>	3
5.	<i>ACKNOWLEDGEMENT OF COUNTRY</i>	4
6.	<i>DISCLOSURE OF CONFLICTS OF INTEREST</i>	4
7.	<i>CONFIRMATION OF MINUTES</i>	4
8.	<i>REPRESENTATIONS</i>	4
	<i>8.1 Certificate of Appreciation from North East Multicultural Association</i>	4
	<i>8.2 Deputation by Mr Chuck Wark, objector for item 13.2.3 - Application for Planning Permit No. P121/20 – Use and development of the land for a dwelling (and associated shed and access way) in the Farming Zone on a lot less than 40 ha. Construction of a building in Significant Landscape Overlay Schedule 1.</i>	4
	<i>8.3 Deputation by Ms Sally Harvey, objector for item 13.2.3 - Application for Planning Permit No. P121/20 – Use and development of the land for a dwelling (and associated shed and access way) in the Farming Zone on a lot less than 40 ha. Construction of a building in Significant Landscape Overlay Schedule 1.</i>	4
9.	<i>NOTICES OF MOTION</i>	5
	<i>9.1 Notice of Motion 2021/001 from Cr Steve Rabie – Year Round Aquatic Facility for Mansfield (YAFM)</i>	5
10.	<i>MAYOR’S REPORT</i>	7
11.	<i>REPORTS FROM COUNCIL APPOINTED REPRESENTATIVES</i>	8
12.	<i>PUBLIC QUESTION TIME</i>	8
13.	<i>OFFICER REPORTS</i>	9
	<i>13.1 CHIEF EXECUTIVE OFFICER’S REPORT</i>	9



13.2	INFRASTRUCTURE AND PLANNING DIRECTORATE	10
13.2.1	<i>C45 Stockmans Rise Rezoning Application</i>	10
13.2.2	<i>Application for a fee waiver on permit P009/21 – Use and development of land for a retirement village (Beolite Village)</i>	14
13.2.3	<i>Application for Planning Permit No. P121/20 – Use and development of the land for a dwelling (and associated shed and access way) in the Farming Zone on a lot less than 40 ha. Construction of a building in Significant Landscape Overlay Schedule 1</i>	17
13.2.4	<i>Report to community on Climate Action Plan Background / Options paper</i>	30
13.2.5	<i>Amendment C44, Station Precinct, Mansfield</i>	33
13.3	COMMUNITY AND CORPORATE SERVICES DIRECTORATE	38
13.3.1	<i>Corporate Identity Update</i>	38
13.3.2	<i>Internal Audit Charter</i>	41
13.3.3	<i>Memorandum of Understanding between Mansfield Shire Council and Friends of Venilale</i>	43
13.3.4	<i>Mansfield Shire Council Volunteer Policy</i>	45
13.3.5	<i>Mayor and/or Councillor attendance at the National General Assembly of Local Government</i>	47
14.	ASSEMBLIES OF COUNCILLORS	50
15.	COUNCIL RESOLUTIONS REGISTER	52
16.	ADVISORY AND SPECIAL COMMITTEE REPORTS	52
17.	AUTHORISATION OF SEALING OF DOCUMENTS	52
18.	CLOSURE OF MEETING TO MEMBERS OF THE PUBLIC	52
19.	PRESENTATION OF CONFIDENTIAL REPORTS	53
19.1	<i>Confidential: Supply and Delivery of Backhoe/Loader</i>	53
19.2	<i>Confidential: Supply and Delivery of Smooth Drum Roller</i>	53
19.3	<i>Confidential: Subdivision and sale/lease of land at 141 Lakins Road, Mansfield</i>	53
19.4	<i>Confidential: Design Contract Award – Heavy Vehicle Alternate Route</i>	53
19.5	<i>Strictly Confidential: CEO Annual Performance Review Report 2020/2021</i>	53
20.	REOPEN MEETING TO MEMBERS OF THE PUBLIC	53
21.	CLOSE OF MEETING	53



AGENDA

MANSFIELD SHIRE COUNCIL
Livestreamed to members of the public via the
[Mansfield Shire Council website](#)
5.00pm

1. OPENING OF THE MEETING

2. PRESENT

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

- Councillor Rabie
- Councillor Sladdin
- Councillor Tehan
- Councillor Webb

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

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

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

3. APOLOGIES

The Chair will call on the CEO for any apologies.

4. STATEMENT OF COMMITMENT

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

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



5. ACKNOWLEDGEMENT OF COUNTRY

Deputy Mayor James Tehan will recite Council's Acknowledgement of Country:

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

6. DISCLOSURE OF CONFLICTS OF INTEREST

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

- Councillor Rabie
- Councillor Sladdin
- Councillor Tehan
- Councillor Webb

7. CONFIRMATION OF MINUTES

Recommendation:

THAT the Minutes of the Mansfield Shire Council meetings held on 20 April 2021 be confirmed as an accurate record.

8. REPRESENTATIONS

8.1 Certificate of Appreciation from North East Multicultural Association

North East Multicultural Association President, Susan Ingleton, on behalf of North East Multicultural Association (NEMA) awarded Council with a Certificate of Appreciation for *"participation toward the success of Harmony Day Mansfield"*.

8.2 Deputation by Mr Chuck Wark, objector for item 13.2.3 - Application for Planning Permit No. P121/20 – Use and development of the land for a dwelling (and associated shed and access way) in the Farming Zone on a lot less than 40 ha. Construction of a building in Significant Landscape Overlay Schedule 1.

Mr Wark will address Council in relation to the above item being considered at the 18 May 2021 Council meeting.

8.3 Deputation by Ms Sally Harvey, objector for item 13.2.3 - Application for Planning Permit No. P121/20 – Use and development of the land for a dwelling (and associated shed and access way) in the Farming Zone on a lot less than 40 ha. Construction of a building in Significant Landscape Overlay Schedule 1.

Ms Harvey will address Council in relation to the above item being considered at the 18 May 2021 Council meeting.



9. NOTICES OF MOTION

9.1 Notice of Motion 2021/001 from Cr Steve Rabie – Year Round Aquatic Facility for Mansfield (YAFM)

In accordance with Chapter Two, Division 4, Section 22 of the Mansfield Shire Council Governance Rules, Cr Steve Rabie raises the following motion:

Motion:

1. **THAT COUNCIL receives a report from the Administration, no later than July 2021, on establishing a Task Force for a six month period, to implement the 2015 Mansfield Shire Town Structure Plan Sport and Recreation Action 4, as follows:**

“In the short term review the Future Improved Aquatic Facility Options Assessment Report 2011 and the Mansfield Aquatic Facility Community Engagement Final Report 2011 and refer to any past investigations and consultations to inform an investigation for feasible financial models for provision of indoor aquatic facilities”.

2. **THAT the report to Council include draft Terms of Reference for the Task Force, cost and any other implementations requiring Council consideration.**

Background Issues:

An Aquatic facility has been on the community agenda since the 1980's by a dedicated group of supporters. In 1998 a submission was made with support of Council, members of the Swimming Clan and community to Sport and Rec Victoria which was ultimately unsuccessful.

The **Year Round Aquatic Facility for Mansfield Group (YAFM)** was formed in 2003 by community members who believe provision of a pool is a matter of social responsibility to all members of the community.

In 2010/11 the Council narrowly voted against the plan for an indoor heated pool, in part because the plan involved raising rates.

In the 2015 the **Mansfield Shire Mansfield Town Structure Plan** recommended implementation in the short term (5-10 years) of the **Mansfield Shire Sport and Recreation Strategy 2015-2019**. This included Strategy 1.10

“Explore options for an additional indoor recreational facility.”

It also recommended in **8. Sport and Recreation Action 4:**

“In the short term review the Future Improved Aquatic Facility Options Assessment Report 2011 and the Mansfield Aquatic Facility Community Engagement Final Report 2011 and refer to any past investigations and consultations to inform an investigation for feasible financial models for provision of indoor aquatic facilities.”

In 2020 the only indoor swimming facility open to the public which was privately owned closed. The nearest year around indoor public pool is 60kms' away in Benalla with no public transport to reach it.

The Surf Coast Shire now has a committed \$39 million in State and Federal funds for their Aquatic Facility and they used a similar Task Force process. Please see their Terms of Reference (Attached) as a guide.

Conclusion

A Mansfield Aquatic and Leisure Centre is a major strategic development, one which requires further research and understanding of a range of implications before Council determines the next steps. A Taskforce with Terms of Reference provides the starting point in line with the Mansfield Shire Town Structure Plan recommended Open Space and Recreation Action 4 to review and investigate the options for a feasible financial model for provision of indoor aquatic facilities and continues the conversation with our community.

Signature of Councillor Submitting the Motion



Cr Steve Rabie



10. MAYOR'S REPORT

Mayor Mark Holcombe will present the monthly Mayor's report from 21 April to 11 May 2021 to the Council as follows:

The major focus in May has been the presentation of the 2021-22 Proposed Budget to Community groups throughout the Shire.

Councillors, the executive and myself have presented to Ratepayers in Jamieson, Melbourne (non-residents), Mansfield, Bonnie Doon, Tolmie, Goughs Bay and Merrijig as well as to the newly reinvigorated Mansfield District Business Association (MDBA). The objective of these nightly meetings has been to provide as much information to ratepayers as possible, respond to questions on the night, and encourage submissions to be made through the Council's website.

Submissions will be accepted until 18 May and considered on May 25 with Council adopting the final Budget at the June Council meeting. Further to these presentations I have also been interviewed on our Local Community Radio regarding the major items in the Budget.

ANZAC Day was also a major item on the Months agenda and I was privileged to attend the Dawn Service and on behalf of Council, lay a wreath as part of the Mansfield march. Both were extremely well attended by our community and were very moving ceremonies.

We were very pleased to present a \$100,000 cheque to the "Highline Mountain Bike Festival" who were the worthy recipients from the Exceptional Assistance and Immediate Support Funding from the Andrews Government for bushfire recovery. This is potentially a global event and a credit to the local event organisers Xventure Pty Ltd. The assessment of "Highline" as the winner of this grant was made after an assessment of applications by the Business and Community Advisory Committee.

Our Library was also the beneficiary from the State Government of a \$540,000 grant to enable a library upgrade. I was lucky enough to be part of the presentation to the Library team by the Minister for Local Government, Shaun Leane MP. While in town Mr Leane also met with local traders to hear first hand the difficulties many of our businesses are finding attracting staff and sourcing accommodation for staff.

3AW did an interview on staff problems in regional Victoria and also on the Lake Eildon Masterplan of which I was a part of both interviews.

The Municipal Association of Victoria (MAV) held an initial meeting with Mayors and CEO's from North East Vic Rural Shires to progress the MAV Strategic Plan.

Cr Mark Holcombe
Mayor

Recommendation:

THAT Council receive the Mayor's report for the period 21 April 2021 to 11 May 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 Mark Holcombe Cr James Tehan Cr Steve Rabie
Mansfield Shire CEO Performance and Remuneration Review Reference and Advisory Group	All Councillors
Goulburn Broken Greenhouse Alliance (GBGA)	Cr Rohan Webb
Hume Regional Local Government Network (HRLGN)	Mayor Mark Holcombe
Lake Eildon Land & On-Water Management Plan Implementation Committee	Cr Paul Sladdin
Mansfield Shire Council Audit and Risk Committee	<ul style="list-style-type: none"> Mayor Mark Holcombe Cr Rohan Webb
Mansfield Shire Business and Community Recovery Advisory Committee	<ul style="list-style-type: none"> Mayor Mark Holcombe Cr Paul Sladdin
Municipal Association of Victoria (MAV)	<ul style="list-style-type: none"> Mayor Mark Holcombe Substitute - Deputy Mayor James Tehan
North East Local Government Waste Forum (a committee of the North East Regional Waste and Resource Recovery Group)	Cr Steve Rabie
Rural Councils Victoria (RCV)	Mayor Mark Holcombe (delegate)

Recommendation:

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

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
- Statutory Planning
- Building Services
- Regulatory Services
- Revenue Services
- Governance
- Community Health and Wellbeing

Attachment

- 1 CEO's report

Recommendation:

THAT Council receive and note the Chief Executive Officer's report for the period 21 April 2021 to 10 May 2021.

13.2 INFRASTRUCTURE AND PLANNING DIRECTORATE

13.2.1 C45 Stockmans Rise Rezoning Application

File Number: DA1714/7
Responsible Officer: Manager of Planning and Environment, Melissa Crane

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, in accordance with the *Local Government Act 2020*.

Introduction

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

The purpose of this report is to seek a Council resolution to:

1. Request authorisation from the Minister for Planning to prepare Amendment C45 to the Mansfield Planning Scheme.
2. When authorized by the Minister for Planning, exhibit the amendment.

Background

In October 2020, an application to amend the Mansfield Planning Scheme was received on behalf of the owner of the property. The property is part of a larger development parcel of land known as “Stockmans Rise”, with the western section of the development completed with 38 allotments created. Most of these lots have now been developed with single dwellings and associated shedding. The outflow from the Mullum wetlands bisects the eastern and northern portions of the land. This waterway has been vested to Council as a reserve as part of the original development.

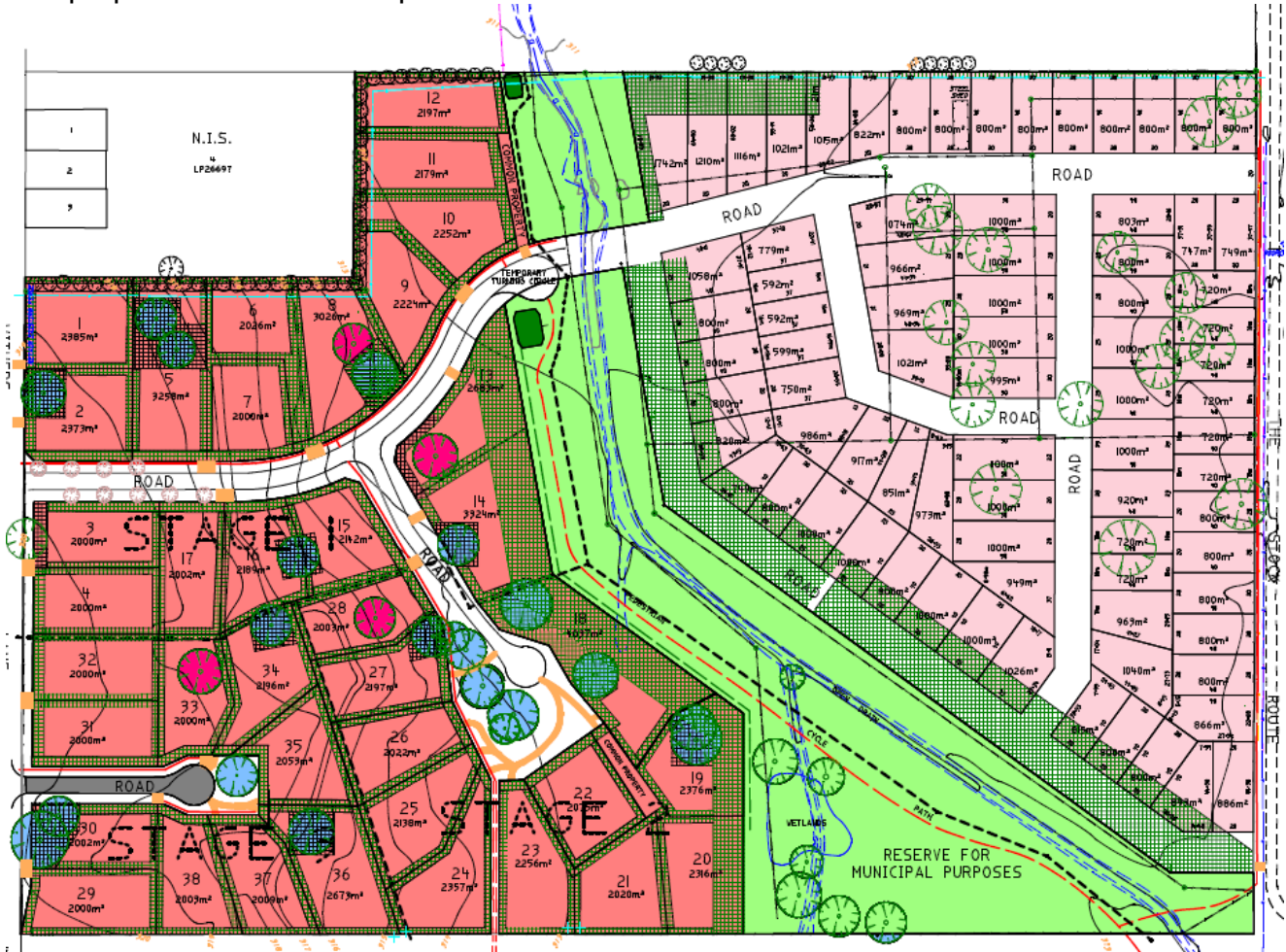
The eastern section of the land is a 9.38 hectare parcel, fronting the Stock Route, Mansfield. The property is predominantly cleared, with some remnant vegetation. The remnant vegetation on site was offset under the relevant native vegetation provisions as part of the first stages of the development.

The proposed rezoning will allow for an increase in density of development from the 2000sqm minimum lot size required in the LDRZ. The indicative concept plan submitted with the application for rezoning proposes the development of an additional 80 residential allotments, ranging in size from 592sqm to 1742sqm, with an average lot size of 873sqm over the whole of the development. Building exclusion zones are proposed along the waterway.

It is also proposed to remove the Development Plan Overlay from the site, as the property is predominantly developed and any design requirements for the completion of the subject site can be managed through the planning permit process.

13.2.1 C45 Stockmans Rise Rezoning Application – Cont...

The proposed outline development is as follows:



The amendment proposes to rezone the land at 57 Stock Route, Mansfield by:

- Rezoning the land from Low Density Residential Zone to General Residential Zone.
- Removing the Development Plan Overlay, Schedule 2 from the land.

Policy and Legislative Implications

A planning scheme amendment is required to be formally exhibited under Section 19 of the *Planning and Environment Act 1987*, with notification being given to potentially affected agencies, groups and landowners.

A Council resolution is required to seek authorisation from the Minister for Planning for Council to formally prepare the amendment, and when authorised, to exhibit the amendment. Exhibition would take place for a minimum statutory period of one month, with advertising to potentially affected agencies, groups and landowners. Once exhibition has taken place, the proposal will then be reported to Council for:

- Consideration of any submissions;
- Referral of any submissions that cannot be resolved to an independent panel for consideration;
- Resolution, which is either adoption with or without changes or abandonment.

13.2.1 C45 Stockmans Rise Rezoning Application – Cont...

Council Plan

The proposed amended development plan complies with the *Mansfield Shire Council – Council Plan 2017-2021*, implementing the following strategic directions:

- Strategic Direction 1, Participation and partnerships.
- Strategic Direction 3, Community resilience and connectivity.

Financial

As the application is at the request of the developer, the fees associated with this proposal are borne by the proponent. With the exception of officer time, no additional expenditure for the project is required.

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

Social

The amendment will provide a positive social benefit through facilitating an increased density, housing choice and range of lot sizes for the township of Mansfield.

Environmental

The amendment will allow for a more efficient use of resources and infrastructure. While there is some remnant vegetation on site, this was considered as part of the eastern development, with all trees offset in accordance with the Native Vegetation provisions.

Economic

The amendment will create positive economic benefits through an increased number of properties for sale, with a resultant impact for the broader rate base. The layout proposed utilises infrastructure in a more effective and efficient way.

Risk Management

There are no significant risks to Council as a result of this report.

Community Engagement

Notification of exhibition of the amendment will be given to potentially affected agencies, groups and landowners under Section 19 of the *Planning and Environment Act 1987*.

Key Issues

The rezoning of this parcel of land will allow for an increase density of residential development in close proximity to town services. It is considered a logical and appropriate extension of the residential zone, as it is currently directly adjacent to the existing residential zone. This amendment will improve the supply, diversity and affordability of land and housing opportunities in Mansfield, with good locational advantages.

The amendment seeks to address future housing demand, with the provision of a range of lot sizes across the development site. This is considered to make more efficient use of residential land within the township boundaries.



13.2.1 C45 Stockmans Rise Rezoning Application – Cont...

Attachments

1. C45 Explanatory Report

Recommendation:

THAT COUNCIL:

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

**13.2 INFRASTRUCTURE AND PLANNING DIRECTORATE CONT.****13.2.2 Application for a fee waiver on permit P009/21 – Use and development of land for a retirement village (Beolite Village)**

File Number: P009/21 – DA5071/5
Responsible Officer: Manager Planning and Environment, Melissa Crane

Recommendation	That the permit application fees be waived.
Applicant Applicant Contact	Beolite Village Limited Lily Kennedy, Administration Manager
Title/Covenant/S173 Agreement	S173 Agreement, AG303166C Requirements for materials and vegetation management that will not be contravened as a result of this report.
Date Application Received	8 February 2021
Current statutory days	0 (Application is on further information)
Zoning	Clause 32.03, Low Density Residential Zone
Overlays	Clause 43.04, Development Plan Overlay, Schedule 2
Site Area	11.233 hectares
Number of outstanding objections	None

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*.

Introduction

This report is in relation to the waiver of fees for the planning application for the use and development of land for a retirement village. This request has been made due to the applicant being a not for profit community group.

The planning fees for the above proposal are \$8,700.90.

In considering a request to waive fees for an application lodged under Section 47 of the Planning and Environment Act 1987, a fee can only be waived pursuant to Section 20 of the Planning and Environment Regulations (Fees) 2016.

Background

A planning permit was granted in 2008 to allow for the use and development of land for 117 units and a community centre. Under that permit, 55 units and the community centre were constructed before the permit expired. A new permit is being applied for to allow the completion of the development.

13.2.2 Application for a fee waiver on permit P009/21 – Use and development of land for a retirement village (Beolite Village) – Cont...

Policy and Legislative Implications

In considering a request to waive fees for an application lodged under Section 47 of the *Planning and Environment Act 1987*, a fee can only be waived in the following circumstances pursuant to Section 20 of the *Planning and Environment Regulations (Fees) 2016*:

- (a) *an application is withdrawn and a new application is submitted in its place; or*
- (b) *in the opinion of the responsible authority or the Minister the payment of the fee is not warranted because—*
 - i. of the minor nature of the consideration of the matter decided or to be decided; or*
 - ii. the requested service imposes on the responsible authority or the Minister (as the case may be) no appreciable burden or a lesser burden than usual for supplying that service; or*
- (c) *in the opinion of the responsible authority or the Minister (as the case may be) the application or determination assists—the proper development of the State, region or municipal district; or*
 - i. the proper development of part of the State, region or municipal district; or*
 - ii. the preservation of buildings or places in the State, region or municipal district which are of historical or environmental interest; or*
- (d) *the application relates to land used exclusively for charitable purposes.*

Council Plan

There are no implications on the Council Plan or any Council Policies as a result of this decision. The author of this report considers that the report is consistent with Council Policies, key strategic documents and the Council Plan.

Financial

The author of this report considers that the request, other than the immediate cost of the application fee of up to \$8700.90 in fees which would not be received has no significant financial/budgetary implications for Council or the broader community in the long term.

Social

Beolite Retirement Village provides affordable retirement options for Mansfield Shire residents that contributes to the wellbeing of the community, with a well-planned, secure, connected and independent living environment for retired persons.

Environmental

The author of this report considers that the recommendation has no significant environmental or amenity implications for Council or the broader community. Should a planning permit be issued, relevant conditions to protect amenity will be included.

Economic

The author of this report considers that the recommendation has no significant economic implications for Council or the broader community.

Risk Management

The author of this report considers that there are no significant Risk Management factors relating to the report and recommendation.



13.2.2 Application for a fee waiver on permit P009/21 – Use and development of land for a retirement village (Beolite Village) – Cont...

Community Engagement

No community engagement has been undertaken in relation to this fee waiver request, however the planning application will be advertised in accordance with the requirements of the *Planning and Environment Act 1987*.

Key Issues

This report is presented to Council for decision in relation to the waiver of fees for a planning permit application. This request has been made due to the applicant being a not for profit community group. As the development is valued at \$14,000,000, the planning application fee for the development is \$8,700.90.

Officers consider that the circumstances highlighted in Section 20(d) of the regulations are applicable in this instance. That is, the 'use' of the Beolite Retirement Village is a not-for-profit organization with charitable gift status. The board of the organisation is run by volunteers and the development provides an affordable option for retirees in Mansfield.

Attachments

- 1 Letter requesting waiver of planning fees

Recommendation:

That COUNCIL agree to waive the fees for planning application P009/21, in accordance with Section 20 (d) of the *Planning and Environment Act 1987*.

**13.2 INFRASTRUCTURE AND PLANNING DIRECTORATE CONT.****13.2.3 Application for Planning Permit No. P121/20 – Use and development of the land for a dwelling (and associated shed and access way) in the Farming Zone on a lot less than 40 ha. Construction of a building in Significant Landscape Overlay Schedule 1.**

File Number: P121/20 – DA4635
Responsible Officer: General Manager Infrastructure and Planning, Kirsten Alexander

Recommendation	Issue a notice of refusal to grant a planning permit P121/20 for 376 Mt. Battery Road, Mansfield
Applicant Applicant Contact	Nick Vlahandreas (Mountain Planning) on behalf of Travis Purcell and Caitlin Purcell.
Property Address	376 Mt. Battery Road Mansfield B, Lot 3 TP654263, 3\TP654263
Property Owner	Robert Graves
Title/Covenant/S173 Agreement	None
Date Application Received	21 December 2020
Current statutory days	120
Zoning	Clause 35.07 Farming Zone
Overlays	Clause 42.03 Significant Landscape Overlay – Schedule 1 Clause 44.04 Land Subject to Inundation Overlay
Number of outstanding objections	Two

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*.

Introduction

The purpose of this report is to seek Council's determination of an application for a Planning Permit P121/20 that was lodged for the:

- Use and development of the land for a dwelling and associated shed and access way in the Farming Zone on a lot less than 40 ha.
- Construction of a building in Significant Landscape Overlay Schedule 1.

The application is being referred to Council for determination, as the officer's recommendation for the application is to refuse the permit.

13.2.3 Application for Planning Permit No. P121/20 – Use and development of the land for a dwelling (and associated shed and access way) in the Farming Zone on a lot less than 40 ha. Construction of a building in Significant Landscape Overlay Schedule 1. – Cont...

Background

376 Mt Battery Road Mansfield is a property containing two parcels of land, currently under same ownership, totaling to 51.7 hectares in size. These lots are:

Parcel	Lot/Plan or Crown Description	SPI
A	Lot 1 Block 19 LP3180	1~19\LP3180
B	Lot 3 TP654263	3\TP654263

<http://services.land.vic.gov.au/landchannel/download/376-Mt-Battery-Road-Mansfield-Detailed-Property-Report.pdf>

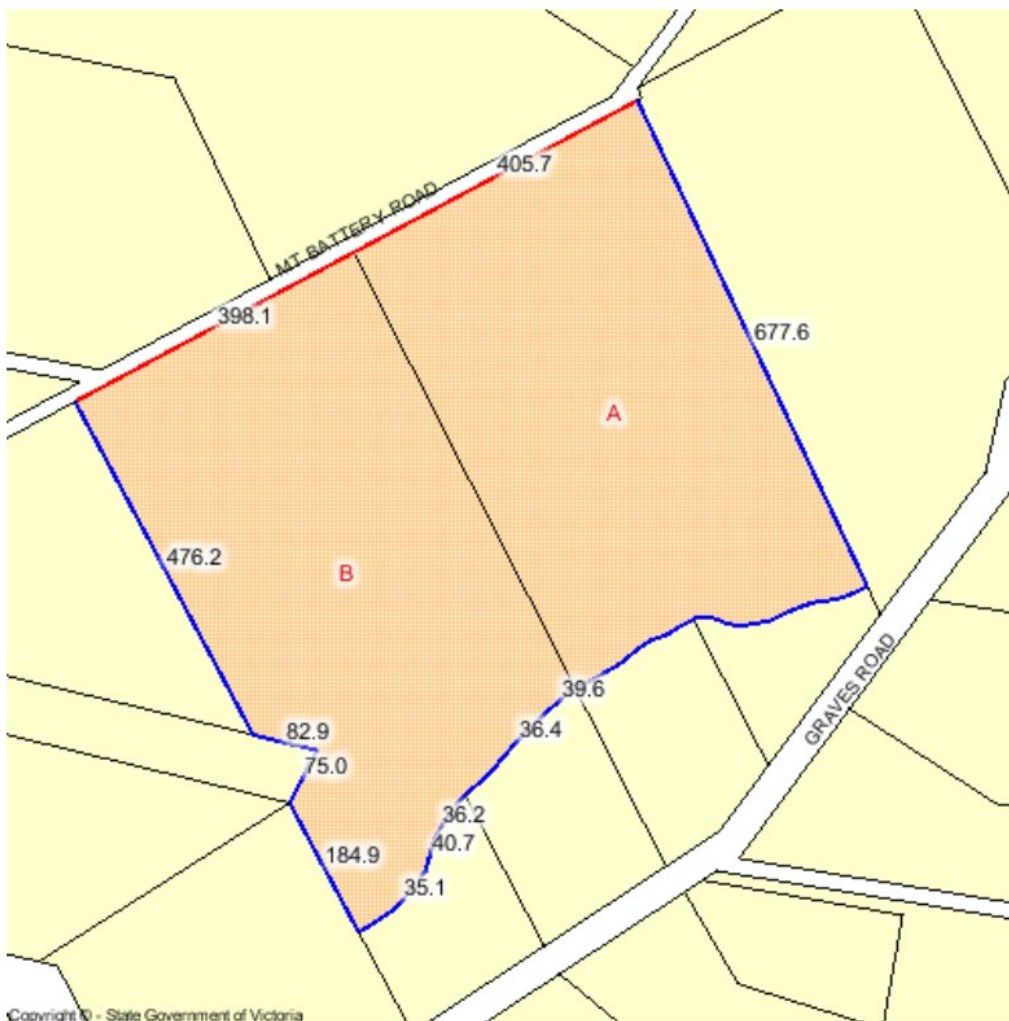


Figure 1: 376 Mt Battery Road Mansfield

Referring to Figure 1, the subject land is Parcel B, Lot 3 TP654263. It is an irregular shaped lot, currently vacant and 26.46 hectares in size. It is bounded by Mt Battery Road on north and adjoining Farming zoned lots on all the other sides. The site lies in Farming Zone (FZ) under Clause 35.07 of Mansfield Planning Scheme.

13.2.3 Application for Planning Permit No. P121/20 – Use and development of the land for a dwelling (and associated shed and access way) in the Farming Zone on a lot less than 40 ha. Construction of a building in Significant Landscape Overlay Schedule 1. – Cont...

The site has an elevation of 359 metres at the North West corner and gently slopes up by approximately 20 metres in the eastern direction. The land contains a mixture of pastures and scattered mature trees. At around a setback of 480 metres from the property frontage the land drops down into an escarpment. The land then meets Ford Creek running along the southern boundary at an elevation of 338 metres. This escarpment is visibly enhanced to a degree by rocky outcrops and rock scatters at various locations along its elevation. When viewed from Graves Road, the escarpment acts as a localised ridgeline and could be considered a distinctive feature of the landscape.

A site inspection was conducted on the 24 February 2021 and site meeting was held on 3 May 2021.

The subject land lies 3 km east from the Mansfield township boundary and is situated where the Rural Living Zone land meets the Farming Zone land. All the lots bounding the subject land lie in Farming Zone, except for the north-western corner, which only touches the Rural Living Zone land.

The immediately surrounding Farming Zone lots range in size from 3 ha to 27 ha, with an exception of 92 ha lot on the north side of Mt Battery Road. The smaller lots are located generally in the west to south direction of the subject land and the larger ones on the opposite side. Mostly, all the smaller lots are developed with a dwelling; whereas only few of the larger lots are similarly developed.

The applicant submitted a tripartite proposal: Agriculture, Conservation, and Dwelling and Shed supported with a Planning Report, a Farm Management Plan, Dwelling Plans and a Land Capability Assessment. The proposal details are as below:

1. Agriculture: It is proposed to breed cattle and establish fruit and vegetable production enterprise on the subject land. The subject land will be divided into five paddocks to provide a total grazing area of 23 ha, supporting 20-30 cows. These paddocks will be established with perennial pasture and rotationally rested and grazed. Depending on seasonal conditions, the cows will calve down in two supervised drafts, spring and autumn, with progeny being finished on another family property.

A permaculture area is also proposed which will include a 20 m x 10 m fully enclosed fruit orchard with 35 heirloom varieties, along with two 15 m x 1.2 m vegetable beds. This permaculture area will be located to the west of the house, between the house and the paddocks and away from the disposal field.

Figure 2 shows the proposed layout of the agricultural development.

2. Conservation: The subject land is proposed to be conserved along the creek. It will include revegetating the conservation area with indigenous species. This will ensure improvement and maintenance of biodiversity, regeneration of native vegetation, improve water quality, improve visual amenity, etc. This zone is demarcated in figure 2 along the creek showing a 45 m wide revegetation buffer zone.

13.2.3 Application for Planning Permit No. P121/20 – Use and development of the land for a dwelling (and associated shed and access way) in the Farming Zone on a lot less than 40 ha. Construction of a building in Significant Landscape Overlay Schedule 1. – Cont...

3. Dwelling and Shed: The proposed dwelling will be a single storey modular design split into 2 structures. The main building will comprise of three modules linked together, whereas the second structure (a separate guest room) is proposed to be constructed as a standalone structure. It will be constructed of “earthy” materials to mute its presence in the landscape. The dwelling will consist of a south-facing porch entrance, open plan lounge, library, water closet, four bedrooms, one bathroom, one ensuite, a swimming pool, one carport and a studio/guest room. All the three modules of the main building are supplemented by a verandah each. A building envelope of size 3500 m² has been assigned for the construction of the building. The corresponding effluent field is proposed to be located northeast of this building envelope.

The dwelling is proposed to be located towards the westernmost boundary of the property on an escarpment that runs east-west through the property. It will be setback by 152 m from the western boundary and 458 m from the northern boundary. The dwelling will have skillion roof form and will be generally 5m high from finished floor level. The highest roof of this modular dwelling will be at 375.4 AHD (Australian Height Datum). The individual AHD levels are outlined in the dwelling plans.

A shed at Finished Floor Level of 379 AHD is proposed to be located along the eastern boundary. It will be setback 10m from the boundary. The shed will be 9m by 18m and will have a maximum height of 5m. A 1500m² building envelope has been assigned for construction of the outbuilding.

Both the dwelling and the shed will be accessible via an internal driveway running along the eastern boundary.

13.2.3 Application for Planning Permit No. P121/20 – Use and development of the land for a dwelling (and associated shed and access way) in the Farming Zone on a lot less than 40 ha. Construction of a building in Significant Landscape Overlay Schedule 1. – Cont...

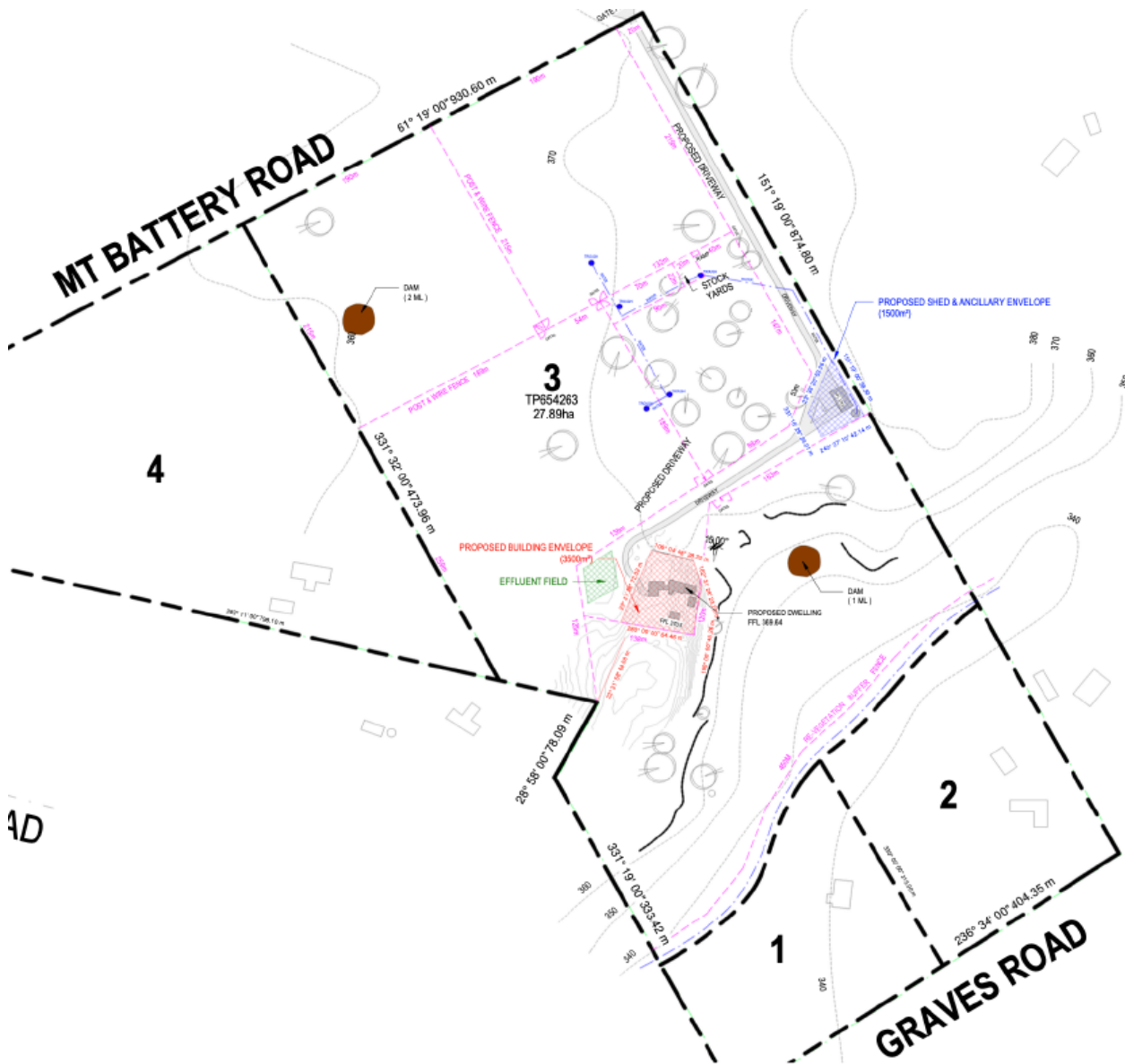


Figure 2: Agricultural Development Plan showing grazing paddocks, dams, troughs, dwelling and shed location, etc.

Referrals:

The following referrals were undertaken as part of this application:

Referral	Advice/Response/Condition
AgVic	Advice provided on the Farm Management Plan
Engineering	No objections, subject to conditions
Environmental Health	No objections, subject to conditions

13.2.3 Application for Planning Permit No. P121/20 – Use and development of the land for a dwelling (and associated shed and access way) in the Farming Zone on a lot less than 40 ha. Construction of a building in Significant Landscape Overlay Schedule 1. – Cont...

Policy and Legislative Implications

In accordance with the *Planning and Environment Act 1987* and the Mansfield Planning Scheme, the application has been assessed against the following relevant provisions:

Planning Policy Framework

Clause 14.01-1S, *Protection of agricultural land*

Objective: To protect the state's agricultural base by preserving productive farmland.

Officer response:

This policy requires that new housing developments are limited in rural areas, through the following measures:

- Directing housing growth into existing settlements.
- Discouraging development of isolated small lots in the rural zones from use for dwellings or other incompatible uses.
- Encouraging consolidation of existing isolated small lots in rural zones.

Officer response:

The lot is under the minimum lot size in the farming zone and is one of two land parcels under same ownership. It is used as a grazing paddock by the existing owner who resides in the other parcel. The subject land could be consolidated with the adjoining parcel to increase the lot size for farming land. Based on this, it is considered that the proposal is not in accordance with the objective of this clause. This policy also requires that the responsible authority consider the "impacts on the continuation of primary production on adjacent land, with particular regard to land values and the viability of infrastructure for such production." To allow a dwelling on this lot, there will be an increase in land value expectations, based on the assumption of more dwelling approvals in the area.

Local Planning Policy Framework

Clause 21.03-2, *Managing Rural Land*

Key Issues:

- Striking a balance between the need to protect agricultural land for agricultural use and the desire of landowners to develop land for a dwelling.
- Ensuring there is a need for a dwelling to support the agricultural use of the land.
- Avoiding amenity impacts created by legitimate use of agricultural land for agricultural purposes.

Officer response:

There are a range of objectives within this policy that consider how a dwelling on a small rural allotment can be considered. One of the decision guidelines in this policy is whether consolidation of existing smaller lots into larger parcels is achievable. In this instance, council officers consider that this lot has the capacity to be consolidated into a larger parcel with the adjoining land, and the development of a dwelling on this lot separately will undermine this capability.



13.2.3 Application for Planning Permit No. P121/20 – Use and development of the land for a dwelling (and associated shed and access way) in the Farming Zone on a lot less than 40 ha. Construction of a building in Significant Landscape Overlay Schedule 1. – Cont...

Zoning:

Clause 35.07, Farming Zone

The purpose of the zone is as follows:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To provide for the use of land for agriculture.*
- *To encourage the retention of productive agricultural land.*
- *To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.*
- *To encourage the retention of employment and population to support rural communities.*
- *To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.*
- *To provide for the use and development of land for the specific purposes identified in a schedule to this zone.*

Officer response:

An assessment against the decision guidelines is as follows:

Decision Guideline	Officer Response	Complies?
General Issues		
The Municipal Planning Strategy and the Planning Policy Framework	Refer above, discussed in the PPF section	✗ No
Any Regional Catchment Strategy and associated plan applying to the land	There is no impact from the development on the Regional Catchment Strategy	✓ Yes
The capability of the land to accommodate the proposed use or development, including the disposal of effluent.	The site has demonstrated that proposed use and development, including an on-site effluent, can be contained within the boundaries of the property.	✓ Yes
How the use or development relates to sustainable land management	The use and development of the land for a dwelling is proposed to be related to establishment of perennial pasture on the land and rotationally grazing it, and establishing a permaculture area which includes fruit orchards and vegetable beds. Moreover, a conservation area along the river will be established and native vegetation will be planted. This is outlined in the Farm Management Plan submitted with the application. However, the predominant consideration for the zone is whether there is a causal link between the agricultural use and the need for a dwelling. While the land can be managed appropriately, it is not considered that this link has been established.	✓ Yes



Decision Guideline	Officer Response	Complies?
Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.	In terms of the use of the land, a dwelling is not incompatible with the use of surrounding properties to the south, and west, but the land to the north is used for predominantly agricultural purposes. However, the existing owner, who resides on the adjoining partner title, currently uses the subject land as a grazing paddock. The property, without being used and developed for the dwelling, has the capacity to be used with adjoining land for a farming outcome that will be compatible with adjoining and nearby land uses.	✓ No
How the use and development makes use of existing infrastructure and services.	The site obtains access from an existing council road, and will be connected to reticulated electricity.	✓ Yes
Agricultural issues and the impacts from non-agricultural uses		
Whether the use or development will support and enhance agricultural production	While the application has detailed some agricultural uses for the land, it has not demonstrated the causal link between the need for a dwelling to manage that use. As it is currently managed with the adjoining property, an additional dwelling would not support or enhance agricultural production on this site.	× No
Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.	It is considered that pasture establishment, rotational grazing, calving and permaculture growth of fruits and vegetables does not require a permanent accommodation of a site manager. While the potential impacts to the soil quality by the proposed dwelling can be managed, it is considered that the use and development of a dwelling on this land can potentially remove land from agricultural production.	× No
The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.	<p>VCAT has previously recognized that dwellings in the Farming Zone have the potential to limit agricultural activities on nearby farming land. The addition of a dwelling increases land value expectations of more dwelling approvals in the area. This means that the background land values are prohibitive for genuine agricultural enterprises seeking to expand their operations.</p> <p>The subject land is currently operated as a farming land with its adjoining partner land. Use and development of the dwelling on this land will result in permanent fragmentation of farming land.</p>	× No
The capacity of the site to sustain the agricultural use	It is considered that the site has been productive, and can continue to be productive agricultural land. The land has the capacity to make a meaningful contribution to agricultural output in the area. It is considered that the proposed	× No



Decision Guideline	Officer Response	Complies?
	pasture establishment, rotational grazing, calving, establishment and maintenance of permaculture orchid and vegetable beds could be managed by regular visits to the property and does not require a permanent accommodation in an onsite dwelling to manage it.	
The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.	The site has access to water and pasture, and is considered to have good agricultural qualities.	✓ Yes
Any integrated land management plan prepared for the site.	An integrated land management plan has been prepared for the site.	✓ Yes
Dwelling issues		
Whether the dwelling will result in the loss or fragmentation of productive agricultural land	The construction of a dwelling on this site would result in a loss of productive agricultural land, resulting in increased fragmentation.	✗ No
Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.	Due to the size of the land and a significant setback from the property boundaries, it is considered that the dwelling will not be adversely affected by agricultural activities on adjacent and nearby land in Farming Zone.	✓ Yes
Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.	The creation of a separate dwelling on this lot will limit the ability of nearby and adjoining agricultural enterprises from expanding their farming operations, as it will no longer be used for farming purposes only.	✗ No
The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.	Approval of this application will lead to further concentration of dwellings in this area and will result in a permanent fragmentation of agriculture land which can be otherwise consolidated with its partner land.	✗ No
Environmental Issues		
The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.	It is considered that there will not be any adverse impact on the soil and water quality by the dwelling. The applicant has proposed to revegetate, with indigenous species, the conservation area proposed along Ford Creek. No native vegetation is proposed to be removed. Even though the farm management plan outlines that the existing native vegetation within the proposed five paddocks will be protected, it does not detail how. However, this could be addressed with permit conditions had a permit been recommended.	✓ Yes
The impact of the use or development on the flora and fauna on the site and its surrounds.	The applicant has proposed to revegetate, with indigenous species, the conservation area proposed along Ford Creek. No native vegetation is proposed to be removed. Even though the farm	✓ Yes



Decision Guideline	Officer Response	Complies?
	management plan outlines that the existing native vegetation within the proposed five paddocks will be protected, it does not detail how. However, this could be addressed with permit conditions had a permit been recommended.	
The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.	The farm management plan identifies the need to protect and enhance the biodiversity of the area and proposes corresponding measures.	✓ Yes
The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.	The site has demonstrated that on site effluent can be contained within the boundaries of the property.	✓ Yes
Design and siting issues		
The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.	There are no other buildings on the allotment. The proposed dwelling will be located on the ridgeline and significantly setback from the property frontage. The driveway will run partly along the eastern boundary till the proposed shed location and will turn west, bisecting the property to the dwelling site. The building envelopes assigned to the dwelling and shed, and the required length of the internal driveway due to their location will remove areas of land from the site from being able to be used for agriculture.	* No
The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.	The dwelling is proposed to be constructed of muted tones and non-reflective materials. It responds to the "flatness" of land north of the escarpment with its skillion roof. The modular design of the building minimizes the bulk of the dwelling. However, the location of the dwelling on the edge of the escarpment (a prominent visual area) is considered to exacerbate the impact of built environment on the views of this prominent feature from public roads and nearby private lands. The proposed site for the use and development of dwelling has caused concern with the neighbouring property. The permit applicant advised that the location of the dwelling has been selected to minimise impact on the viable farming paddocks, and is located in a saddle to minimise any landscape issues.	Partially
The impact on the character and appearance of the area or features of architectural, historic or scientific	The escarpment forms a distinctive feature from Graves Road, enhanced by rocky outcrops and rock scatters at various locations along its elevation. The location of the dwelling on the edge of the	* No



Decision Guideline	Officer Response	Complies?
significance or of natural scenic beauty or importance.	escarpment is considered to exacerbate the impact of built environment on the character of this natural feature.	
The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities	The proposed driveway will utilise larger areas of the property that may otherwise be used for farming purposes.	* No
Whether the use and development will require traffic management measures.	No traffic management measures will be required.	Not applicable

Overlays:Clause 42.03, *Significant Landscape Overlay*

Purpose:

- To identify significant landscapes.
- To conserve and enhance the character of significant landscapes.
- Identify and protect the visual values of the landscape of state significance on the approaches to mountains and ranges, including Mount Buller, Mount Stirling, Mount Timbertop and other significant mountains.
- Protect short and long distance views of Mount Buller from the Mt Buller Road, other approach roads and public viewpoints.
- Avoid the visual impact of buildings and works in the landscape.
- Minimise the visual impact of buildings and works by requiring setbacks from prominent visual areas, ridgelines and adjoining and nearby private land.

Officer response:

The dwelling is proposed to be constructed of muted tones and non-reflective materials. It responds to the “flatness” of land north of the escarpment with its skillion roof. The modular design of the building minimizes the bulk of the dwelling. However, the location of the dwelling on the edge of the escarpment (a prominent visual area) is considered to exacerbate the impact of built environment on the views of this distinctive feature from relevant public roads, viewpoints and nearby private lands.

It is considered that the proposal in its current form partially satisfies the objectives and decision guidelines of this clause. However, it is considered that, if the proposal was recommended for approval, this could have been addressed by amending the siting of the proposed dwelling.

General Provisions:Clause 65.01, *Approval of an application or plan*

Before deciding on an application or plan, the responsible authority must consider the relevant decision guidelines.

13.2.3 Application for Planning Permit No. P121/20 – Use and development of the land for a dwelling (and associated shed and access way) in the Farming Zone on a lot less than 40 ha. Construction of a building in Significant Landscape Overlay Schedule 1. – Cont...

Officer response:

The application is considered to not be in accordance with the purpose of the Planning Policy Framework, Local Planning Policy Framework, and Farming Zone and is not orderly planning for the area.

In order to fully consider whether there was a strategic justification or proposal for this land to be considered differently to other land in the Farming Zone, an assessment of previous reports in relation to this issue was undertaken. In 1994, Mansfield Shire Council undertook a *Rural Land Use Strategy*, which identified this areas as being within a high agricultural quality. While it is noted that this document is 27 years old, the quality of the land has not significantly changed in this time. A *Rural Living Strategic Study* was also undertaken in 2003 (adopted by Council in 2005). This report did not identify the need for additional rural living land to be developed. In the absence of strategic justification to support considering this land as rural living despite the zoning, the purpose of the Farming Zone must take precedence.

Council Plan

There are no implications on the Council Plan or any Council Policies as a result of this decision. The author of this report considers that the report is consistent with Council Policies, key strategic documents and the Council Plan.

Financial

There are no financial risks in this report. Should the permit be refused, and an appeal be lodged at the Victorian Civil and Administrative Tribunal, the case would be managed by council staff within existing budgets.

Social

There are no broader social implications from the proposed dwelling or as a result of this report.

Environmental

The author of this report considers that the recommendation has no significant environmental or amenity implications for Council or the broader community.

Economic

The author of this report considers that the recommendation has no significant economic implications for Council or the broader community.

Risk Management

The author of this report considers that there are no significant Risk Management factors relating to the report and recommendation.

Community Engagement

The Planning Permit application was advertised to the owner/occupiers of 9 neighboring properties, with the advertising period concluding on 19 January 2021. Two objections were received.

13.2.3 Application for Planning Permit No. P121/20 – Use and development of the land for a dwelling (and associated shed and access way) in the Farming Zone on a lot less than 40 ha. Construction of a building in Significant Landscape Overlay Schedule 1. – Cont...

Key Issues

The Planning Policy Framework and Local Planning Policy Framework of the Mansfield Planning Scheme seek to protect, support and enhance the integrity of agricultural land. The proposal fails to respond to the relevant Planning Policy Framework as the proposal seeks to use and develop the land for a dwelling on an allotment less than 40 hectares in size which is already used as a grazing paddock without a dwelling on site. A Notice of Refusal to Grant a permit is recommended, as the proposal will lead to the further fragmentation of agricultural land where there is capacity for the site to be consolidated into a larger farming property.

Attachments:

- 1 Proposed site and dwelling plans
- 2 Farm Management Plan

Recommendation:

THAT COUNCIL, having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* and under the provisions of the Mansfield Planning Scheme, issue a Notice of Refusal to Grant Planning Permit for P121/20, for the use and development of the land for a dwelling (and associated shed and access way) in the Farming Zone on a lot less than 40 ha and construction of a building in Significant Landscape Overlay Schedule 1 at 376 Mt Battery Road Mansfield (Lot 3 on Title Plan 654263E, Certificate of Title Volume 10214 Folio 702), on the following grounds:

- 1. The proposal is not in accordance with Clause 14.01-1S, Protection of Agricultural Land, as the proposal will result in the permanent removal of agricultural land for primary production purposes and will detract from the long – term capacity of productive agricultural land to continue production.**
- 2. The proposal is not in accordance with Clause 21.03-2, Managing rural land, of the Mansfield Planning Scheme as the proposal:**
 - a. Fails to protect farming and other agricultural practices from the encroachment of urban growth;**
 - b. Fails to retain productive land for agricultural purposes.**
- 3. The proposal is not in accordance with Clause 35.07, Farming Zone as it will lead to the further fragmentation of agricultural land, will not protect or enhance agriculture and will create a residential use in a farming environment.**
- 4. The proposal is not in accordance with the decision guidelines at Clause 65.01 of the Mansfield Planning Scheme as the proposal does not advance the objectives of planning in Victoria and would not result in an orderly planning outcome.**



13.2 INFRASTRUCTURE AND PLANNING DIRECTORATE CONT.

13.2.4 Report to community on Climate Action Plan Background / Options paper

File Number: E7177
Responsible Officer: Environment Officer – Brigitte Brocklesby

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*.

Introduction

This report seeks Council's endorsement to release the background/options paper for the Climate Action Plan for community comment via the 'Engage with us' project page on Council's website.

Significant community feedback was received via the 'Engage with us' platform (over 60 comments) and the release of the background/options paper demonstrates how the comments received have been considered.

The scope of Climate Action available to Council will vary depending on the level of organisation commitment and community aspiration for climate action.

Background

Council engaged Ironbark Sustainability in February 2021 to develop a background paper and Climate Action Plan. The background/options paper considers Mansfield Shire's operations and community greenhouse gas emissions profiles.

The background paper contains a range of timeframes and potential actions to achieve zero net emissions from Council's operations. The three options for emission reduction are outlined on Page 8 of the report. Each action pathway has different timeframe and implementation options that have various associated costs, savings, benefits and challenges:

1. Energy Efficient Focus
2. Renewables Focus
3. Balanced Approach

Within each of these options there are a number of potential projects that reduce emissions and reduce Council's operating costs. The estimated upfront costs, cost savings and payback (years) is presented in Table 3 (Page 9) of the report.

Payback periods for most emission reduction projects are less than 10 years. Cost scenarios (annual operating cost) to purchase carbon credits to offset remaining emissions to achieve zero net emissions range from \$2,500 to \$5,800 per annum.

Ideas for climate action generated by the community have been included in the background/options paper.

13.2.4 Report to community on Climate Action Plan Background / Options paper – Cont...

Policy and Legislative Implications

The *Local Government Act 2020* mandates the consideration of climate change risk in Council decision-making processes.

- Under 9(2)(c) Councils are required to promote the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks.
- Under 9(2)(b) Councils are required to give priority to achieving the best outcomes for the municipal community, including future generations.
- Under 9(2)(h) regional, state, and national plans and policies are to be taken into account during Council's strategic planning.

Council Plan

The current Council Plan (2017 – 2021) has the following objective relevant to the Climate Action:

- *Enhanced liveability – Strategic Objective 4.4 We have strong policy and decision making frameworks in place to protect and enhance the unique character of our Shire for future generations.*
- *Action – To continue developing the Climate action Plan to ensure liveability.*

Financial

The Background / Options paper for the Mansfield Shire Climate Action Plan has been delivered using Bushfire recovery funding and Working for Victoria staff time.

Social

There are no social implications associated with this report.

Environmental

The primary aim of the background paper is to reduce the impact of Council operations and the impact of our broader community on the natural environment.

Economic

There are currently no economic implications associated with this report.

Risk Management

There are currently no risk management implications associated with this report.

13.2.4 Report to community on Climate Action Plan Background / Options paper – Cont...

Community Engagement

The Climate Action background paper has been developed following internal and external consultation that has included:

- 'Engage with Us' ideas (22 April 2021 to date – over 60 comments received);
- Mansfield Matters advertisement in Mansfield Courier (24 February 2021);
- Facebook notification (24 February 2021);
- Councillor briefing before release the Draft Background Paper (4 May 2021)
- Direct e-mail to 300 business providers in the Shire (11 March 2021);

Key Issues

The Climate Action Plan Background Paper will now be released back to the community for further comment.

The draft background paper and associated action plan have been developed for inclusion into the Community Vision process. The Community Vision process is still under development.

The Climate Action Plan Background/Options paper will now be loaded onto Council's 'Engage with us' portal as a means of reporting back to the community and demonstrate the inclusion and consideration of the feedback provided in the earlier stages of community consultation.

Attachments

- 1 Climate Action Plan Background / Options paper

Recommendation:

THAT COUNCIL notes that the Climate Action Plan background/options paper will be put into the 'Engage with us' platform to further engage with the community and to be included in Council's Community Visioning Project.

13.2 INFRASTRUCTURE AND PLANNING DIRECTORATE CONT.

13.2.5 Amendment C44, Station Precinct, Mansfield

File Number: C44, Station Precinct
Responsible Officer: Manager Planning and Environment, Melissa Crane

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 2020.

Introduction

The purpose of this report is to seek a Council resolution to:

1. Request authorisation from the Minister for Planning to prepare Amendment C44 to the Mansfield Planning Scheme.
2. When authorized by the Minister for Planning, exhibit the amendment.

Amendment C44 proposes to implement and give further strategic weight to the *Mansfield Station Precinct Activation Project, Master Plan and Implementation Plan*, May 2019 by implementing the adopted plan into the Mansfield Planning Scheme.

Background

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.
- 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.

13.2.5 Amendment C44, Station Precinct, Mansfield – Cont...

- 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.

Under the Mansfield Planning Scheme, the land is zoned Public Park and Recreation, with the Heritage Overlay applying to two heritage places on the land (19, Sawdust kilns, towards the western end and 31, Station, goods shed, outbuildings and platform, towards the eastern end). This amendment will not amend this present zoning or application of the Heritage Overlay over these two sites.



Mansfield Station Precinct to which Amendment C44 applies

Policy and Legislative Implications

A planning scheme amendment is required to be formally exhibited under Section 19 of the Planning and Environment Act 1987, with notification being given to potentially affected agencies, groups and landowners.

A Council resolution is required to seek authorisation from the Minister for Planning for Council to formally prepare the amendment, and when authorised, to exhibit the amendment. Exhibition would take place for a minimum statutory period of one month, with advertising to potentially affected agencies, groups and landowners. Once exhibition has taken place, the proposal will then be reported to Council for:

- Consideration of any submissions;
- Referral of any submissions that cannot be resolved to an independent panel for consideration;
- Resolution for adoption with or without changes, or abandonment.

13.2.5 Amendment C44, Station Precinct, Mansfield – Cont...

Council Plan

The proposed amended development plan complies with the Mansfield Shire Council – Council Plan 2017-2021, implementing the following strategic directions:

- Strategic Direction 1, Participation and partnerships.
- Strategic Direction 2, Financial sustainability. The amendment directly implements the strategy under Strategic Objective 2.7, *Mansfield's economy is diverse, with the agility to respond to changing consumer demands*, to:
 - Develop a master plan for the Station Precinct in partnership with key stakeholders.*
- Strategic Direction 3, Community resilience and connectivity.
- Strategic Direction 4, Enhanced liveability. The amendment directly implements:
 - The strategy under Strategic Objective 4.1, *We have long term strategies and capital works programs in place to respond to changing community needs*, to:
 - Plan a rolling program of streetscape improvements and 'place making' projects for the Mansfield township and smaller settlements.*
 - The strategy under Strategic Objective 4.2, *We are a community that is passionate about arts, culture, heritage and the environment*, to:
 - Promote community awareness of, and participation in, Arts and Cultural services, programs and facilities.*

Financial

The budget for this project was allocated in the 2019/20 budget. No additional expenditure for the project 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.

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.

Social

The amendment and master plan provide a range of significant positive social and community benefits through the enhancement of an existing cultural and community hub, provision of additional and expanded community activities (for example the operation of food premises, functions and events by appointed operators) and the establishment of guidelines for the future use and development of community infrastructure and tourism amenities.

Environmental

The amendment and master plan will have positive environmental impacts, protecting and enhancing both the man-made and natural environment within the precinct. Actions identified for the implementation of the master plan include improvements to existing heritage buildings, the Mansfield Mullum wetlands, rail trail, pedestrian connections to the town, adventure playground and Taungurung gathering space, all contributing to a sustainable future for the precinct.

13.2.5 Amendment C44, Station Precinct, Mansfield – Cont...

Economic

The amendment will create positive economic and employment benefits through:

- Facilitating additional and complementary tourism and business opportunities within the precinct.
- Enhancing an economic environment to stimulate economic activity and attract future investment, encouraging further redevelopment and revitalisation of the precinct over time.
- Improving the economic potential of the precinct by allowing uses that complement the public and recreational uses on the land to be conducted by private and community operators.

Risk Management

There are no risks identified in this report.

Community Engagement

Notification of exhibition of the amendment will be given to potentially affected agencies, groups and landowners under Section 19 of the Planning and Environment Act 1987.

Preliminary advice was sought from the Taungurung Land and Waters Council and Department of Environment, Lands, Water and Planning that proposed uses and developments for the precinct may be conducted under the existing reservation for the land (*Preservation of relics and buildings, recreation, education and tourism*) under the *Crown Land (Reserves) Act 1978*. Both agencies have agreed that proposed uses and developments comply, therefore confirming the proposed actions in this amendment and allowing the amendment to proceed.

The views of a wide range of community groups and relevant agencies were sought in the development of the adopted *Mansfield Station Precinct Activation Project, Master Plan and Implementation Plan*, May 2019. Specific agencies consulted for the master plan were the Department of Environment, Land, Water and Planning (DELWP), the Department of Economic Development, Jobs, Transport and Resources (DEDJTR) and VicRoads. Direct notification of this amendment will be given to these agencies and all relevant community groups associated with the precinct (land affected by this amendment).

Key Issues

The inclusion of the *Mansfield Station Precinct Activation Project, Master Plan and Implementation Plan*, May 2019 as a reference document to the planning scheme will give the adopted plan further strategic weight and provide the strategic framework for the full implementation of the plan in the scheme. A new objective under Clause 21.09, Mansfield township, will emphasise the strategic significance of the precinct, the importance of attracting further investment in and redevelopment and revitalisation of the precinct and the use of the *Mansfield Station Precinct Activation Project, Master Plan and Implementation Plan*, May 2019 to guide future use and development in the precinct.

13.2.5 Amendment C44, Station Precinct, Mansfield – Cont...

While the PPRZ best reflects the primary public and recreation uses of the land and should be retained, zone provisions require that some uses identified for the land in the *Mansfield Station Precinct Activation Project, Master Plan and Implementation Plan*, May 2019 cannot be conducted unless they are 'by or on behalf of the public land manager'.

The use of an incorporated document is provided for in the PPRZ, providing the flexibility to retain the present suitable zone over the precinct but also allow some widening of the scope of use and development proposed under the *Mansfield Station Precinct Activation Project, Master Plan and Implementation Plan*, May 2019.

In addition to recreation uses, the adopted master plan identified additional preferred uses for the land of community activities, retail and café associated with a community hub, a food and beverage outlet, bike hire, shop and repair and functions and events. While all of these uses would not require a planning permit if they are conducted by or on behalf of a public land manager, they become prohibited if they are not conducted by or on behalf of a public land manager. As Mansfield Shire Council would not be directly conducting these additional uses and activities itself and intends to allow other organisations / entities to run them under sub-lease, they would become prohibited under present zone provisions. The proposed incorporated document allows them to be conducted by an entity other than a public land manager without a planning permit. Mansfield Shire Council would still retain management overview of these uses through conditions and management of any sub-lease for the operations.

Attachments

Proposed Amendment C44 documents:

1. C44 Explanatory Report
2. C44 instruction sheet
3. Clause 21.09
4. Clause 36.02 schedule
5. Clause 72.04 schedule
6. Station Precinct Incorporated Document

Recommendation:

THAT COUNCIL:

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

13.3 COMMUNITY AND CORPORATE SERVICES DIRECTORATE

13.3.1 Corporate Identity Update

File Number: E7379
Responsible Officer: Graphic Designer, Beatrice Sheldrick

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.

Introduction

Upon undertaking a competitor analysis, it has been identified that elements of the Council brand (logos, font, and colours) should be enhanced to improve legibility and accessibility.

Background

Council's logo and supporting documentation was originally developed when the Shire of Mansfield amalgamated with the City of Benalla and the Shire of Benalla in the mid-nineties. Following the deamalgamation of Delatite Shire Council in 2002, Mansfield Shire Council "purchased" the branding from Rural City of Benalla.

It has now been identified that the logo including the font and colours would benefit from some modification and modernisation.

Policy and Legislative Implications

There are no Council policies related to this project.

Council Plan

At its roots, this project seeks to improve accessibility and engagement across our communities. A branding update will assist in improving community engagement, connectivity and recovery.

The updated corporate identity is considered a response to the following strategic directions of Council's Plan:

- Strategic Direction One: Participation and partnerships
 - 1.1 - Our community has a say in matters of interest to them.
- Strategic Direction Three: Community resilience and connectivity
 - 3.1 - Our website and social media outlets are responsive, effective information portals for our community.

13.3.1 Corporate Identity Update – Cont...

Financial

Concepts for this project have been developed using current resources including

- Council's Communications Department
- Working for Victoria employees funded by the State Government

This project can also be delivered utilising the current resources.

Social

Nil.

Environmental

Nil.

Economic

The update to material collateral such as uniforms and signage, will be gradually rolled out on an 'as needs basis' and will not require any discretionary budget. i.e if a sign needs replacing due to damage, it will be replaced using the updated logo.

Council's external documents, publications and online resources can all be updated utilising the current resources, and will not require any budget.

Risk Management

Nil.

Community Engagement

Nil.

Key Issues

The key issues of this project include the legibility of current font. By updating the corporate identity, Council will have improved professional standards – both internally and externally.

With the intent of using internal resources, there will be no immediate cost to Council.

The changes made to the current corporate identity are considered modest changes, and are a movement towards modernised collateral (signage, uniforms, car detailing etc).

Council-led initiatives will be better recognised with an increasingly consistent approach to its professional branding. Additionally, Council has identified the need for its logo to suit a wider range of publications and mediums.



13.3.1 Corporate Identity Update – Cont...

Attachments

1. Updated Council logo

Recommendation:

THAT COUNCIL

- 1) Endorse the updated logo for Mansfield Shire Council**
- 2) Roll out new logo on external documents.**
- 3) Roll out new logo on other collateral on an 'as needs basis'.**



13.3 COMMUNITY AND CORPORATE SERVICES DIRECTORATE CONT.

13.3.2 Internal Audit Charter

File Number: E34
Responsible Officer: Manager Business & Performance, Mandy Kynnersley

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*.

Introduction

This report presents the Internal Audit Charter 2021 for Council endorsement.

Background

Mansfield Council has identified the conduct of internal audits as a key component of the Council's governance framework in accordance with the *Local Government Act 2020*.

The Internal Audit Charter provides the framework for the conduct of the internal audit function in the Council and is typically endorsed by the Council on the recommendation of the Audit and Risk Committee.

Council's Internal Audit function is currently outsourced to independent professional contractors. This service is provided under the terms of a three year contract and subject to review by the Audit and Risk Committee. The current contract expires August 2022, and the next tender process will commence around April/May 2022.

Policy and Legislative Implications

NA

Council Plan

NA

Financial

NA

Social

NA

Environmental

NA

Economic

NA

Risk Management

Internal Audit is a key part of Council's risk management framework. The Charter is provided to prospective Internal Audit providers as part of the three yearly tender package, and governs the conduct of the internal audit program.



13.3.2 Internal Audit Charter – Cont...

Community Engagement

NA

Key Issues

The Internal Audit Charter 2015 has been updated and the draft reviewed by the Audit and Risk Committee.

The Audit and Risk Committee recommended amending the Charter to incorporate and enhance the objectives and core principles, as published by the Institute of Internal Auditors and provided by Council's current Internal Auditors, AFS & Associates. These changes have been incorporated into the Internal Audit Charter 2021 presented to Council with this report.

Other minor updates have been made to legislative and staff position references within the Charter.

Attachments

- 1 Internal Audit Charter 2021

<u>Recommendation:</u>

THAT COUNCIL endorse the Internal Audit Charter 2021.



13.3 COMMUNITY AND CORPORATE SERVICES DIRECTORATE CONT.

13.3.3 Memorandum of Understanding between Mansfield Shire Council and Friends of Venilale

File Number: E7379

Responsible Officer: Coordinator Governance & Risk, Michelle Kain

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*.

Introduction

The purpose of this report is to seek Council's endorsement of a proposed Memorandum of Understanding (MOU) between Mansfield Shire Council and Friends of Venilale (FoV).

Background

The initial Mansfield – Venilale Friendship Agreement was signed in 2004, following Victorian Local Governance Association (VLGA) and Municipal Association of Victoria (MAV) encouragement of friendship relationships between the then newly-established nation of Timor-Leste (East Timor) and cities, shires and councils across Australia.

The focus of Mansfield shire's assistance to Venilale has been on tourism, education and support for women's handicrafts groups. This focus was agreed to by Venilale leaders and the first Mansfield delegation. It ties in with the recognition of the skills and knowledge that the Mansfield community has to offer and acknowledges that Mansfield is a small shire unable to fund larger infrastructure development. Support for health in Venilale in the form of supplying and funding medical items has been added as a fourth focus as health needs became known.

Friends of Venilale meet monthly in Mansfield. A Mansfield Shire Council representative acts as a liaison person between the committee and Council. Friends of Venilale employs a local Friendship Liaison Officer, Education Support Officer and a Consultant/Translator to coordinate projects in Venilale. Friends of Mansfield meets regularly with the Venilale Posto Administrativo administration and village chiefs. Ties between the two towns have been consolidated and extended through a steady stream of visits each way and also enhanced by the placement of several Australian volunteers in Venilale.

For the proposed MOU, Friends of Venilale are seeking the following support from Council:

- Annual donation of \$3,000;
- Provision of a meeting space for monthly meetings;
- Provision of printing support as required (for example annual calendar);
- Provision of a Friends of Venilale information section on Council's website;
- Provision of administrative support as required.

The proposed MOU is for a term of four years.



13.3.3 Memorandum of Understanding between Mansfield Shire Council and Friends of Venilale – Cont...

Policy and Legislative Implications

There are no implications relating to this matter.

Council Plan

Strategic Direction One: Participation and Partnerships

Financial

Council has been contributing an annual donation of \$2,000 to Friends of Venilale since 2004. The new agreement proposes an annual donation of \$3,000, plus administrative costs.

Social

The objectives of Friends of Venilale include the fostering and development of relationships between the communities of Mansfield Shire and the sub district of Venilale.

Environmental

There are no environmental impacts relating to this matter.

Economic

Friends of Venilale's assistance to Venilale has been on tourism, education and support for women's handicrafts groups.

Risk Management

There are no risk impacts relating to this matter.

Community Engagement

There is no community engagement required.

Key Issues

Council recognises and supports the ongoing relationship that Friends of Venilale has developed with the sub district of Venilale.

Council has been providing an annual donation of \$2,000, it is now recommended that Council consider increasing this donation to \$3,000 which will assist with covering expenses such as printing and other administrative tasks.

It is also proposed that the term of the agreement is for four years taking the next consideration of the agreement to the next term of Council.

Attachment

1. Memorandum of Understanding

Recommendation:

THAT COUNCIL:

1. endorse the Memorandum of Understanding between Mansfield Shire Council and Friends of Venilale for a term of four years; and
2. approve an annual donation of \$3,000 for the term of the agreement.

13.3 COMMUNITY AND CORPORATE SERVICES DIRECTORATE CONT.

13.3.4 Mansfield Shire Council Volunteer Policy

File Number: E7379
Responsible Officer: Senior Coordinator Community Health and Wellbeing,
Jenny Lovick

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*.

Introduction

The purpose of this report is to present Council with the Mansfield Shire Council Volunteer Policy for endorsement. The Policy has been reviewed and updated to include COVID safe actions.

Background

Mansfield Shire Council's Volunteer Program supports the Community and Home Care Services, Visitors Information Centre, Youth Services, Family and Children's Services, Library Services, emergency recovery assistance and community events.

The Volunteer Policy outlines the principles by which the Mansfield Shire Council will recruit, manage and support volunteers engaged across the organisation's programs, activities, events and committees.

Due to the COVID19 pandemic, changes to the Volunteer Policy have been made in keeping with COVID safe practice to including, but not limited to, Services Victoria QR code scanning, cleaning and sanitation procedures.

Policy and Legislative Implications

There are no implications relating to this matter.

Council Plan

Strategic Objective 3.3

Mansfield Shire is a welcoming, supportive and inclusive place to be.

- Promote volunteering opportunities across the Shire and develop a process to increase opportunities for residents to contribute to community life.

Financial

There are no financial risks in this report.

Social

At the recent Aged Care community focus groups, the question posed to participants was, what added value to living well in Mansfield, to which one key theme was the ability to volunteer and give back to community.



13.3.4 Mansfield Shire Council Volunteer Policy – Cont...

Environmental

There are no environmental implications as the result of this report.

Economic

The author of this report considers that the endorsement of this policy and the engagement of volunteers has positive economic implications for Council and the broader community.

Risk Management

Risk Management factors relating to the endorsement of this report are mitigated by having a current policy and associated documents.

Community Engagement

Currently the Community Connector (funded through the CASI program) is undertaking the task of reinstating the volunteers who had been stood down in the COVID19 pandemic management.

Key Issues

This policy contains, provision for volunteers; an integrated, whole of Council approach to support and strengthen **volunteering** within Council, management and continuous improvement.

The Policy requires Council endorsement.

Attachments

- 1 Volunteer Policy 2021

Recommendation:

THAT Council endorse the Volunteer Policy 2021

13.3 COMMUNITY AND CORPORATE SERVICES DIRECTORATE CONT.

13.3.5 Mayor and/or Councillor attendance at the National General Assembly of Local Government

File Number: E7379

Responsible Officer: Chief Executive Officer, Kaylene Conrick

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*.

Introduction

This reports concerns the upcoming Australian Local Government Association (ALGA) National General Assembly (NGA21) scheduled to be held in Canberra from 20 – 23 June 2021 and Mansfield Shire Council's representation.

This year's NGA21 falls in the week that Council has a scheduled council meeting, being 22 June 2021. This report also asks Council to endorse the change of date for the June Council Meeting

Background

The NGA21 is the biggest annual gathering of elected members from Australia's 537 councils. The 2021 Assembly marks a "return to normal service" after last year's event was cancelled because of COVID-19.

The theme for this year is *Working Together for our Communities* and with a focus on economic recovery: what councils are doing on their own or in partnership with state, territory and commonwealth governments, and others, to drive job creation and stimulate local economies.

Local government's role in nurturing and sustaining economic activity is substantial in providing many of the "building blocks" for business activity, as the most connected level of government. Councils play a critical role in facilitating, establishing, and growing local businesses and economies, not only through their services and networks but in partnership with the states and Commonwealth in infrastructure and job creation programs.

NGA21 is a unique opportunity to send a powerful message to the Australian Government that financial support, particularly Financial Assistance Grants provided by the Commonwealth is essential for councils and their communities. It is a chance to make a case for local government's inclusion in National Cabinet as First Ministers refocus on job creation and economic growth.

This year, there is an option to attend the NGA21 in person, or virtually.

In addition to the NGA event, each year on the Sunday preceding the start of the NGA a Regional Cooperation and Development Forum is held for regional councils.



13.3.5 Mayor and/or Councillor attendance at the National General Assembly of Local Government cont...

Policy and Legislative Implications

This report is prepared in accordance with Council's Expense Policy which requires Council endorsement for any proposed interstate travel by Councillors.

Council Plan

Strategic Direction Five - Responsible Leadership.

Strategic Objective 5.1: *We achieve the highest standards of good governance*

Financial

The conference registration fee is \$989.00 per person. The cost of flights, accommodation and incidental expenses are approximately \$1,200 per person.

Virtual attendance registration fee is \$689.00 per person.

To attend the NGA21, the Regional Forum on Sunday 20 June 2021 there is a cost of \$225.00 per person. This is not being offered as a virtual session.

The 2020-21 budget includes \$15,000 for Mayor and Councillor training and professional development, and \$7,000 for travel expenses. These funds have not yet been expended.

Social

Sessions at the NGA21 will allow for interaction with presenters and other thought leaders that will provide maximum opportunity to gain insights which can be taken back to Council and the community.

Environmental

There are no environmental impacts relating to this matter.

Economic

The focus this year will be on economic recovery: what councils are doing on their own or in partnership with state, territory and commonwealth governments, and others, to drive job creation and stimulate local economies.

Risk Management

There are no risk impacts relating to this matter.

Community Engagement

N/A



13.3.5 Mayor and/or Councillor attendance at the National General Assembly of Local Government cont...

Key Issues

Councillors who attend the NGA21 will be accompanied by CEO Ms Kaylene Conrick.

Mayor Mark Holcombe and Cr Rohan Webb have both expressed an interest in attending the NGA21 event. In line with our Council Expenses Policy 2020, interstate travel by Councillors must comply with the following:

Prior approval must be obtained from the Mayor, in discussion with the CEO. Travel proposals relating to the Mayor and Councillors will be the subject of a report to Council by the CEO.

Where travel is by flight, the standard form of travel will be economy class. All travel and accommodation reservations should be booked and confirmed prior to departure through the Executive Assistant Mayor & CEO.

The role of councillor includes formal duties such as attending meetings and reading meeting agendas and papers. In addition, many hours are invested in performing informal duties such as meeting with residents and ratepayers.

Over the past 15 years in particular there has been an increased focus on the importance of providing councillors with resources and facilities and the opportunity to attend relevant training and conferences to support councillors to appropriately fulfill their role.

The ALGA 2021 event is the 27th National General Assembly and provides the opportunity for elected members from across Australia to gather to hear from experts, to share experiences and network. The event includes an address from the Hon Scott Morrison, key note speakers and panel of experts on matters of interest to local government. The event also includes 140 motions that each council votes on to be progressed by Australian Local Government Association with the Federal Government.

This report also proposes to change the Council Meeting date from 22 June to 29 June.

Recommendation:

THAT COUNCIL:

- 3. Endorse the in person attendance of and the Chief Executive Officer at the National General Assembly of Local Government and Regional Cooperation and Development Forum, scheduled for 20 – 23 June 2021 in Canberra.**
- 4. approve all costs associated with flights, accommodation, registration fees, expenses and incidentals incurred by the attendees and the Chief Executive Officer, estimated to be no more than \$2,414 per person.**
- 5. change the date of the scheduled June Council Meeting to now be held on Tuesday 29 June 2021.**

14. ASSEMBLIES 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);

A written record of each assembly is held by Council and is available for public inspection.

The following is a list for the past month of assemblies held, the issues discussed and any conflicts of interest declared.

DATE	TYPE OF ASSEMBLY	ISSUES DISCUSSED
4 May, 2021	<p>Councillors’ Briefing</p> <p>Councillors:</p> <ul style="list-style-type: none"> • Cr Mark Holcombe • Cr Steve Rabie • Cr Paul Sladdin • Cr James Tehan • Cr Rohan Webb <p>External Attendees:</p> <ul style="list-style-type: none"> • Into our Hands CEO, Sarah Thomson • Ironbark Sustainability consultants: Paul Brown, Sandra Mack, Lucy Carew-Reid • <p>Officers:</p> <ul style="list-style-type: none"> • CEO, Kaylene Conrick • GM Infrastructure and Planning, Kirsten Alexander • GM Community and Corporate, Chris Snook • Manager Operations and Capital Works, Kristian Burchat • Manager Planning, Melissa Crane • Environment Officer, Damien Gerrans 	<p>Conflicts of Interest: NIL</p> <p>Issues Discussed:</p> <ul style="list-style-type: none"> • Friends of Veniale MoU • Commercial and Industrial Land Use Strategy • Lakins Road Precinct • Integrated Water Management Plan • Draft Footpath, Cycle and Brindleway Strategy • Into Our Hands Community Foundation • Climate Change Action Plan • Township Approaches, Planning Scheme Amendment • Dry Creek Road • Laundry at Merrinig • Illegal buildings in Jamieson • Ancona Hall Ramp, Community Infrastructure Fund • Truck Wash • Soldiers Lane Pod Dwelling • Camping, Local Law
4 May 2021	<p>Jamieson Community Budget Information Session</p> <p>Councillors:</p> <ul style="list-style-type: none"> • Cr Mark Holcombe • Cr James Tehan • Cr Steve Rabie <p>Apologies:</p> <ul style="list-style-type: none"> • Cr Paul Sladdin • Cr Rohan Webb • GM Community and Corporate, Chris Snook <p>Officers:</p> <ul style="list-style-type: none"> • CEO, Kaylene Conrick • GM Infrastructure and Planning, Kirsten Alexander • Coordinator Governance and Risk, Michelle Kain • Manager Business Performance, Mandy Kynnersley 	<p>Conflicts of Interest: NIL</p> <p>Issues Discussed:</p> <ul style="list-style-type: none"> • Proposed Council Budget 2021-22 • Proposed Revenue & Rating Plan 2021-25 • Current Issues • Lake Eildon Master Plan • Station Precinct Master Plan
5 May 2021	<p>Melbourne Non-Resident Ratepayers’ meeting</p> <p>Councillors:</p> <ul style="list-style-type: none"> • Cr Mark Holcombe • Cr James Tehan 	<p>Conflicts of Interest: NIL</p> <p>Issues Discussed:</p> <ul style="list-style-type: none"> • Proposed Council Budget 2021-22 • Proposed Revenue & Rating Plan 2021-25



DATE	TYPE OF ASSEMBLY	ISSUES DISCUSSED
	<ul style="list-style-type: none"> • Cr Rohan Webb <p>Apologies:</p> <ul style="list-style-type: none"> • Cr Paul Sladdin • Cr Steve Rabie <p>Officers:</p> <ul style="list-style-type: none"> • CEO, Kaylene Conrick • GM Infrastructure and Planning, Kirsten Alexander • GM Community and Corporate, Chris Snook • Coordinator Governance and Risk, Michelle Kain • Manager Business Performance, Mandy Kynnersley 	<ul style="list-style-type: none"> • Current Issues • Lake Eildon Master Plan • Station Precinct Master Plan
6 May 2021	<p>Mansfield Community Budget Information Session</p> <p>Councillors:</p> <ul style="list-style-type: none"> • Cr Mark Holcombe • Cr James Tehan • Cr Rohan Webb • Cr Steve Rabie <p>Apologies:</p> <ul style="list-style-type: none"> • Cr Paul Sladdin <p>Officers:</p> <ul style="list-style-type: none"> • GM Infrastructure and Planning, Kirsten Alexander • GM Community and Corporate, Chris Snook • Community and Corporate Services Directorate Support, Mandy Snell 	<p>Conflicts of Interest: NIL</p> <p>Issues Discussed:</p> <ul style="list-style-type: none"> • Proposed Council Budget 2021-22 • Proposed Revenue & Rating Plan 2021-25 • Current Issues • Lake Eildon Master Plan • Station Precinct Master Plan
10 May 2021	<p>Bonnie Doon Community Budget Information Session</p> <p>Councillors:</p> <ul style="list-style-type: none"> • Cr Mark Holcombe • Cr James Tehan • Cr Rohan Webb <p>Apologies:</p> <ul style="list-style-type: none"> • Cr Paul Sladdin • Cr Steve Rabie • CEO, Kaylene Conrick • GM Infrastructure and Planning, Kirsten Alexander <p>Officers:</p> <ul style="list-style-type: none"> • GM Community and Corporate, Chris Snook • Manager Business and Performance, Mandy Kynnersley • Community and Corporate Services Directorate Support, Mandy Snell • Senior Coordinator Field Services, Ari Croxford-Demasi 	<p>Conflicts of Interest: NIL</p> <p>Issues Discussed:</p> <ul style="list-style-type: none"> • Proposed Council Budget 2021-22 • Proposed Revenue & Rating Plan 2021-25 • Current Issues • Lake Eildon Master Plan • Station Precinct Master Plan

Recommendation:

THAT Council receive and note the Assemblies of Councillors report for the period 21 April 2021 to 11 May 2021.



15. COUNCIL RESOLUTIONS REGISTER

This report presents to Council a schedule of outstanding actions from Council meetings held from 17 April 2018 to 20 April 2021.

Attachment

- 1 Council Resolutions Register

Recommendation:

THAT Council receive and note the Council Resolutions Register as at 20 April 2021

16. ADVISORY AND SPECIAL COMMITTEE REPORTS

Nil

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: Supply and Delivery of Backhoe/Loader

19.2 Confidential: Supply and Delivery of Smooth Drum Roller

19.3 Confidential: Subdivision and sale/lease of land at 141 Lakins Road, Mansfield

19.4 Confidential: Design Contract Award – Heavy Vehicle Alternate Route

19.5 Strictly Confidential: CEO Annual Performance Review Report 2020/2021

20. REOPEN MEETING TO MEMBERS OF THE PUBLIC

Recommendation:

THAT Council reopen the meeting to members of the public.

21. CLOSE OF MEETING