



Mansfield Shire

# Council Meeting

Tuesday 15 August 2023 5:00 pm  
ZOOM

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

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Our aspiration for our Shire and its community

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

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## **Councillors**

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

## **Officers**

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

## Order of Business

### 1. Opening of the meeting

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

### 2. Present

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

### 3. Apologies

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

### 4. Statement of commitment

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

### 5. Acknowledgement of Country

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

### 6. Disclosure of conflicts of interest

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

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

### 7. Confirmation of minutes

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

### 8. Representations

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

### 9. Notices of Motion

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

## **10. Mayor's report**

The Mayor provides a report on his activities.

## **11. Reports from council appointed representatives**

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

## **12. Public question time**

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

## **13. Officer reports**

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

**13.2-13.4 Officer reports are presented to the Council, where required.**

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

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

A Council position is adopted on the matters considered.

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

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

A Council position is adopted on the matters considered.

## **14. Council resolutions report**

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

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

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

## **16. Authorisation of sealing of documents**

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

## **17. Closure of meeting to members of the public**

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

## **18. Presentation of confidential reports**

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

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

## **20. Close of meeting**

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

# Agenda Contents

- 1. Opening of the meeting .....6
- 2. Present .....6
- 3. Apologies.....6
- 4. Statement of commitment .....6
- 5. Acknowledgement of Country .....6
- 6. Disclosure of conflicts of interest.....6
- 7. Confirmation of minutes .....7
- 8. Representations .....7
- 9. Notices of motion.....7
- 10. Mayor's report .....7
- 11. Reports from council appointed representatives .....9
- 12. Public question time .....9
- 13. Officer reports.....10
  - 13.1. Chief Executive Officer's report .....10
  - 13.2. Infrastructure and Planning Directorate .....11
    - 13.2.1. P133/22 - 1/229 Paps Lane Mansfield .....11
  - 13.3. Community and Corporate Services Directorate .....27
    - 13.3.1. Petitions Policy .....27
    - 13.3.2. Commemorative Plaques and Other Markers Policy .....29
    - 13.3.3. Insurance and WorkCover Premiums .....31
    - 13.3.4. Independent Audit Member Recommendation.....34
  - 13.4. Executive Services Directorate .....36
    - 13.4.1. Proposed Motion for the Municipal Association of Victoria State Council Meeting 36
- 14. Council Meeting Resolution Actions Status Register .....39
- 15. Advisory and Special Committee reports .....39
- 16. Authorisation of sealing of documents .....39
- 17. Closure of meeting to members of the public.....39
- 18. Confidential Reports.....39
  - 18.1. Closed Landfills Environmental Monitoring and Reporting Services .....39
  - 18.2. Tender Award: Apollo & High St Drainage Works .....40
  - 18.3. Award of Contract: Infrastructure Plan.....40
- 19. Reopen meeting to members of the public.....40
- 20. Close of meeting .....40

# Agenda

## 1. Opening of the meeting

## 2. Present

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

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

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

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

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

## 3. Apologies

The Chair will call on the CEO for any apologies.

## 4. Statement of commitment

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

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

## 5. Acknowledgement of Country

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

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

## 6. Disclosure of conflicts of interest

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

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

## 7. Confirmation of minutes

### Recommendation

THAT the Minutes of the Mansfield Shire Council meeting held on 18 July 2023 be confirmed as an accurate record.

## 8. Representations

## 9. Notices of motion

Nil

## 10. Mayor's report

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

*It was great to see Jamieson awarded bronze for the Top Tiny Town Award 2023 (population under 1500) at the Top Tourism Awards held in Ballarat on 26 July. Congratulations to the Jamieson community on their strong and successful application!*

*Expressions of Interest are now open for the Mansfield Social Inclusion Action Group (SIAG) and community members are invited to apply outlining their interest and how they can contribute to the group. The Mansfield SIAG will bring community members together to support local mental health and wellbeing through community driven social inclusion initiatives. The EOI is seeking to recruit fifteen community members from a diverse range of backgrounds including those with lived mental health experience, either for themselves or as a carer, and people who have experienced social isolation.*

*Last month Council was pleased to support the Bindaree redevelopment that will increase aged care rooms by 30 resulting in a total of 72 rooms across the facility. The existing independent living units are proposed to be removed and an additional wing will be built, with the extension will providing for a kitchen, deliveries, laundry, and waste disposal. A new car park will be developed providing a total of 45 parking spaces for the site. A sheltered vehicle drop-off area will service the main entrance with a reception and waiting area, small café, and associated activity rooms. These improvements will bring a much needed boost to our Shire's aged care services, and Council looks forward to seeing these plans come to life.*

*Council also supported the proposal of a car museum with an associated café and 10 warehouses. The car museum and café are proposed to be located at 255 Dead Horse Lane and will be sited near the southern boundary with direct frontage to Dead Horse Lane. The approved plans provide for twelve car parking spaces, including one disabled space. The warehouses are proposed to be located towards the rear of the land with an internal access road around the boundary. Upgrade works are due to commence on this section of the Heavy Vehicle Alternate Route later this year and Council engineers have been working with the project consultants to ensure the works are coordinated. The car museum will bring a unique attraction to Mansfield Shire.*

*A lease to Evie Networks was supported for part of the Early Street Carpark in Mansfield to provide a publicly available electric vehicle charging station. The annual lease payment is \$500 and will run for just under ten years. Council looks forward to seeing the positive impact of this infrastructure addition to the Shire, for both locals and visitors alike.*

*And lastly Council entered into a two year license agreement for the premises at 31 Highett Street, Mansfield, known as the Home and Community Care (HACC) building, with options for three by one-year extensions. This building became available to be let to other organisations following Council relinquishing the provision of Aged and Disability Services, with Mansfield District Hospital taking over as the service provider. As such, Council ran a commercial expression of interest and three submissions were received. The Friends of Mansfield Library (FOML), St Vincent De Paul Society, and Gateway Health will lease the building and Council will receive a net lettable area rental of \$18,801.00 per annum plus outgoings.*

*Council supported a peppercorn license arrangement with the Friends of Mansfield Library, with due consideration of the community benefit that the group provides. Over the past 18 months, FOML has donated approximately \$6,000 to Mansfield Library projects, and will continue their great community work from the new site. We thank them for their dedicated work on behalf of our community.*

*Cr James Tehan  
Mayor*

### **Recommendation**

THAT COUNCIL receive the Mayor's report for the period 19 July 2023 to 3 August 2023.

## 11. Reports from council appointed representatives

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

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

### 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, Kirsten Alexander

#### Introduction

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

The Chief Executive Officer report will provide information relation to:

- ▶ Customer Service
- ▶ Governance
- ▶ Capital Works
- ▶ New Initiatives
- ▶ Statutory Planning
- ▶ Building Services
- ▶ Regulatory Services
- ▶ Waste Services
- ▶ Revenue Services
- ▶ Field Services
- ▶ Community Health and Wellbeing
- ▶ Visitor Services (Tourism & Events, Economic Development, VIC and Library)
- ▶ Communications
- ▶ Digital Transformation Project

#### Recommendation

THAT COUNCIL receive and note the Chief Executive Officer's report for the period 19 July 2023 to 9 August 2023.

#### Support Attachments

1. CEO Monthly Report July 2023 [13.1.1.1 - 44 pages]

## 13.2. Infrastructure and Planning Directorate

### 13.2.1. P133/22 - 1/229 Paps Lane Mansfield

<b>File Number</b>	DA7940 P133/22	<b>Responsible Officer</b>	Coordinator Statutory Planning, Nicole Embling
<b>Purpose</b>			

The purpose of this report is to seek Council's determination of application P133/22, lodged for the use and development of land for a dwelling, outbuilding, and group accommodation (3 Cabins), at 1/229 Paps Lane, Mansfield.

This application is being referred to Council for determination as the number of objections exceeds the maximum of three (3) objections delegation. Currently there are thirty (30) unresolved objections.

<b>Executive Summary</b>	
<b>Application Details</b>	
<b>APPLICANT</b>	Regional Planning Services
<b>PROPOSAL</b>	Use and development of land for a dwelling, outbuilding and group accommodation (3 Cabins)
<b>APPLICATION LODGED</b>	10 July 2022 The application was amended 6 June 2023, in accordance with Section 57A of the <i>Planning and Environment Act 1987</i>
<b>NOTICE AND SUBMISSIONS</b>	Advertised 30 objections received to the application
<b>Property Details</b>	
<b>PROPERTY ADDRESS</b>	1/299 Paps Lane, Mansfield VIC 3722
<b>LAND DESCRIPTION</b>	Lot 2 on Lot Plan 90631
<b>ENCUMBRANCES</b>	Nil
<b>EASEMENTS</b>	Nil
<b>LAND AREA</b>	10.5 hectares (approx.)
<b>EXISTING USE</b>	Vacant
<b>Planning Provisions</b>	
<b>ZONE</b>	Clause 35.07 – Farming Zone (FZ)
<b>OVERLAYS</b>	Clause 42.01 – Environmental Significance Overlay – Schedule 2 (ESO2)
<b>PARTICULAR PROVISIONS</b>	Clause 52.06 – Car Parking
<b>Permit Triggers</b>	
<b>CLAUSE 35.07-1 (FZ)</b>	A permit is required to use the land for the purposes of a use listed in Section 2 of Clause 35.07-1 (Dwelling – as the land is less than 40 hectares in size, outbuilding and Group Accommodation – 3 Cabins).

<b>CLAUSE 35.07-4 (FZ)</b>	<i>A permit is required to construct or carry out any of the following:</i> <ul style="list-style-type: none"> <li>• <i>A building or works associated with a use in Section 2 of Clause 35.07-1.</i></li> <li>• <i>A building which is within any of the following setbacks:</i> <ul style="list-style-type: none"> <li>– <i>100 metres of a waterway, wetlands or designated floodplain.</i></li> </ul> </li> </ul>
<b>CLAUSE 42.01-2 (ESO2)</b>	<i>A permit is required to construct a building or construct or carry out works.</i>
<b>Other</b>	
<b>CULTURAL SENSITIVITY</b>	Yes Part of the subject land is within an area of aboriginal cultural heritage sensitivity.
<b>BUSHFIRE PRONE AREA</b>	Yes The subject land is located within an identified Bushfire Prone Area (BPA).
<b>DOMESTIC WASTEWATER MANAGEMENT PLAN RISK RATING</b>	Medium Risk Area

**Subject Land**

The site is irregularly shaped and is 10.5 hectares in area with direct frontage along the western boundary to Paps Lane. There are two natural overland watercourses which traverse the property from north to south and connect directly with Lake Eildon. The land is in the Farming Zone and is currently vacant with a small patch of vegetation near the south-eastern boundary. The land is bordered by Lake Eildon along the south-eastern boundary.

The adjoining land to the north is also in the Farming Zone and there is existing Rural Living Zone developed land to the south-west along Ford Drive. The character of the area is currently a mix of lifestyle (hobby farms) properties on small acreage both in the Farming Zone and Rural Living Zone and some small productive farming operations. Most of the nearby properties in the area are established with single dwellings.

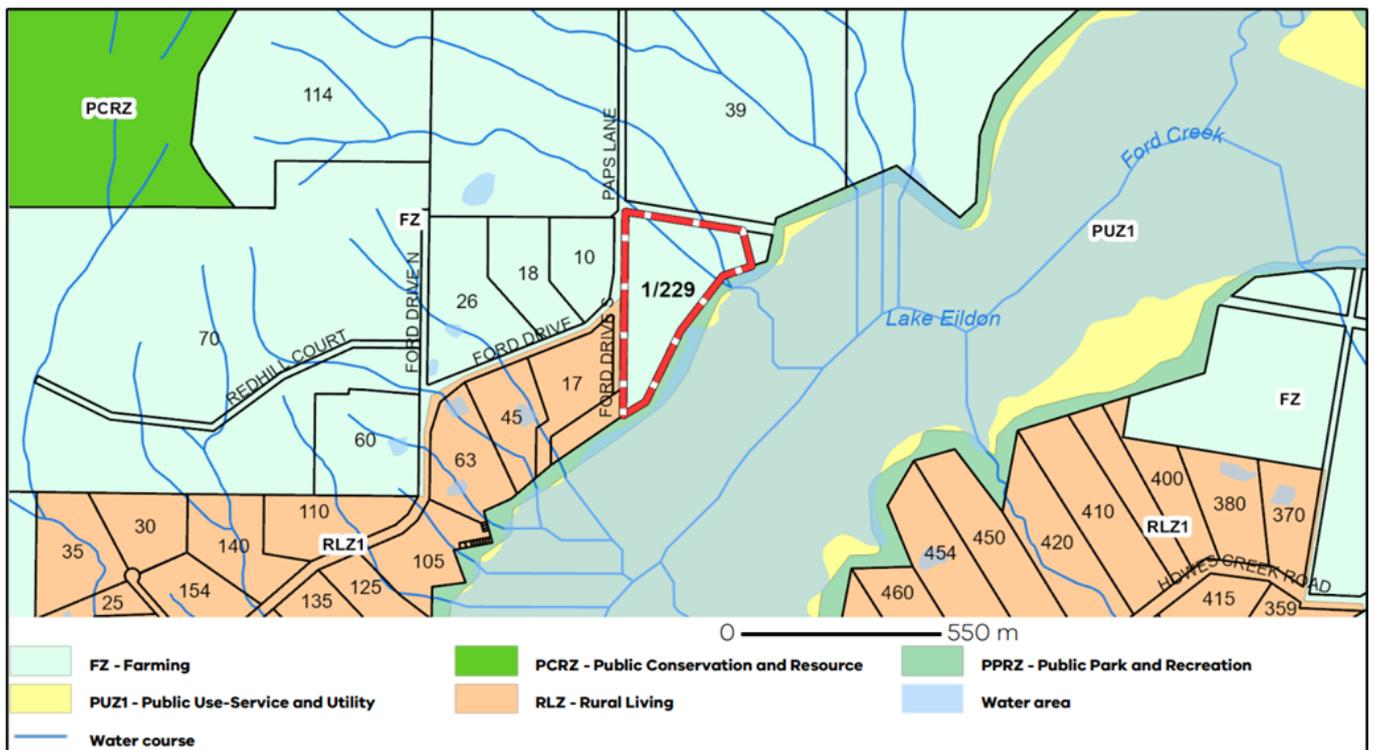


Figure 1 – Zoning of the site and surrounds



Figure 2 – Aerial view of the subject land  
Source – Council GIS

### Proposal

The planning permit application proposes a single dwelling with an associated outbuilding (domestic shed) and group accommodation, comprising of three (3) small cabins which will be constructed in the form of Unregistered Moveable Dwellings (UMD). The applicant has provided that the proposed dwelling would serve as a caretaker’s (manager’s) residence for the group accommodation.

The cabins are proposed to be identical, each providing two (2) bedrooms, individual car parking spaces and landscape screening to delineate the layout. A single vehicle access is proposed from the Government Road Reserve at the north boundary, which currently services the adjoining dwelling to the east.

The submitted proposal locates all buildings and works in between the two waterways, with minimum 30 metre setbacks and wastewater treatment and disposal in the northern corner of the site, maintaining a maximum setback from both waterways and Lake Eildon. A Land Capability Assessment was submitted in support of the application and provided that all onsite wastewater could be treated and disposed of in accordance with the relevant Guidelines and Council's Onsite Wastewater Management Plan.

The existing waterway, south of the proposed dwelling, has evidence of significant erosion which the applicant has proposed to rectify and improve through the implementation of the submitted Environmental Management Plan. The landowner has confirmed their intention to commence implementation of this plan, separate to this application.

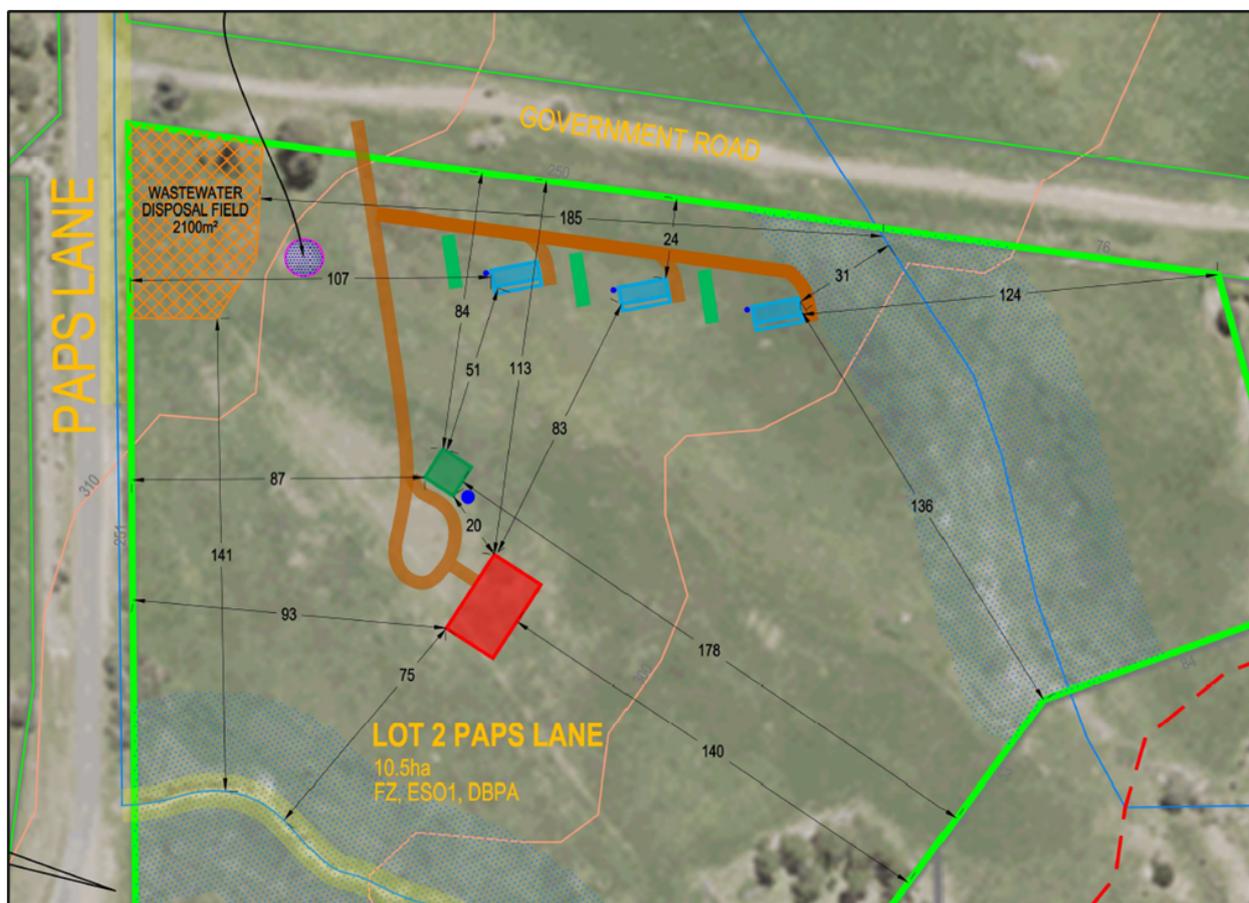


Figure 3 – Submitted Site Plan



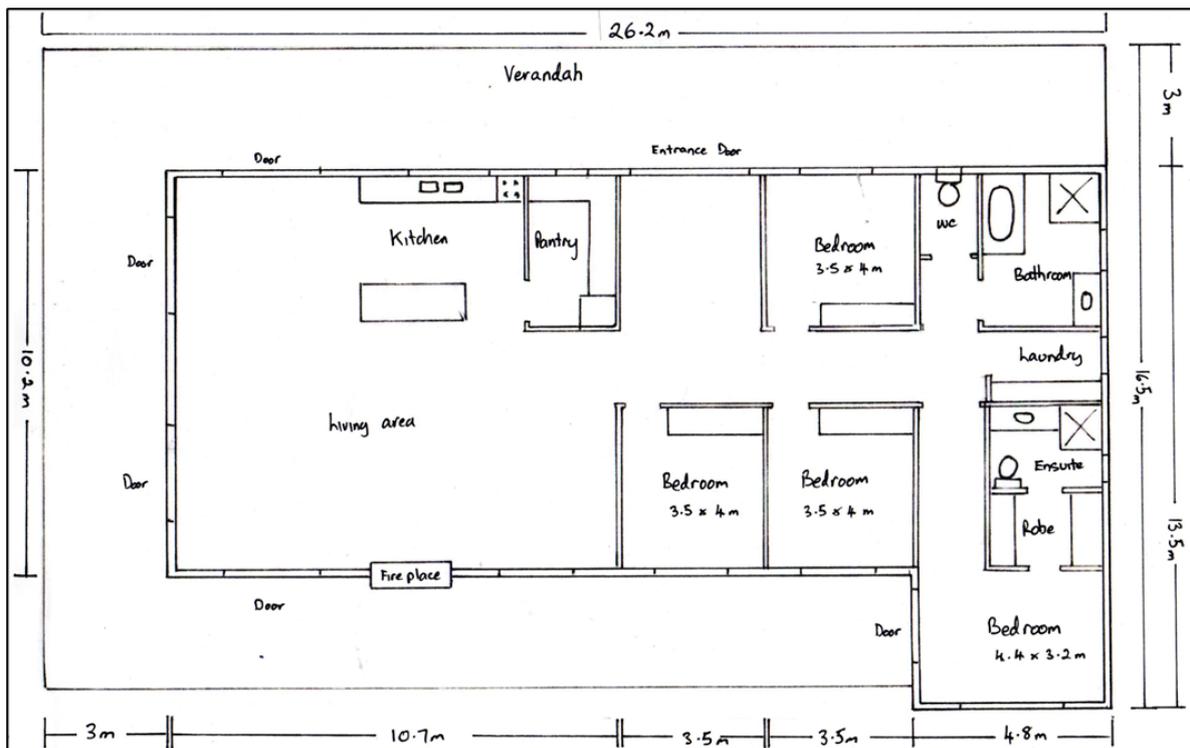


Figure 6 – Dwelling Floor Plan

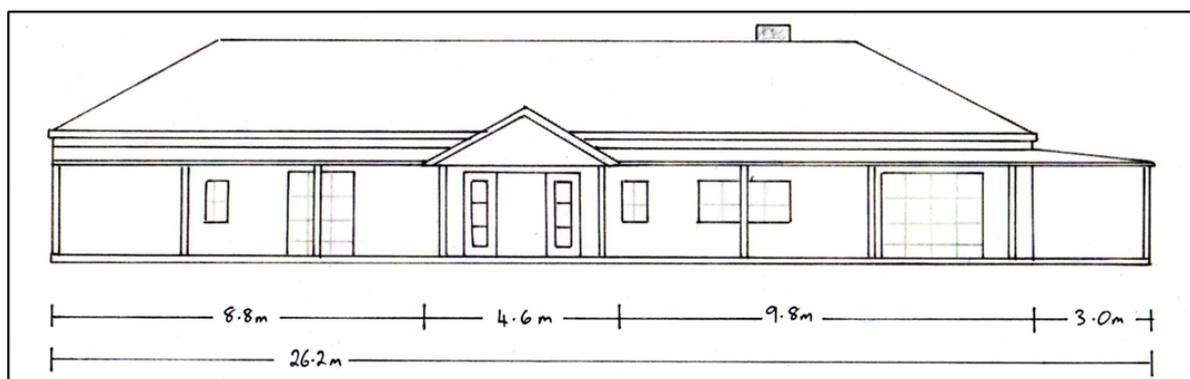


Figure 7 – Dwelling West Elevation Plan (would be visible from Paps Lane)

The proposal would not require the removal of, or any impact to, native vegetation and the small, isolated patch of land within an area of cultural heritage sensitivity is not proposed to be impacted.

**Key Issues**

**External Authorities**

Referral Authority	Type of Referral	Response
Goulburn Murray Water (GMW)	Determining	Conditional consent
Country Fire Authority (CFA)	For Comment	Supportive, with recommended conditions
Goulburn Broken Catchment Management Authority (GBCMA)	For Comment	Supportive, with recommended conditions
Department of Energy, Environment and Climate Action (DEECA)	For Comment	Supportive, no conditions

## Internal Referrals

Department	Response
Environmental Health (Wastewater)	Conditional consent
Engineering	Conditional consent

## Public Notice

The application was advertised with a sign onsite and letters were sent to the owners and occupiers of all adjoining and nearby properties, including nine (9) addresses. The application was required to be advertised as the proposal may cause material detriment to the neighbouring properties, as a planning permit is required for the proposed use of land for Group Accommodation.

The application has received thirty (30) objections to date.

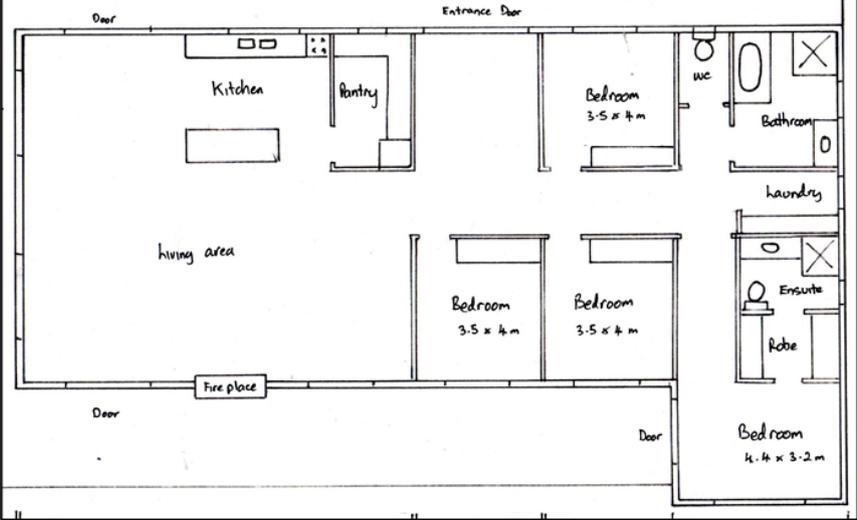
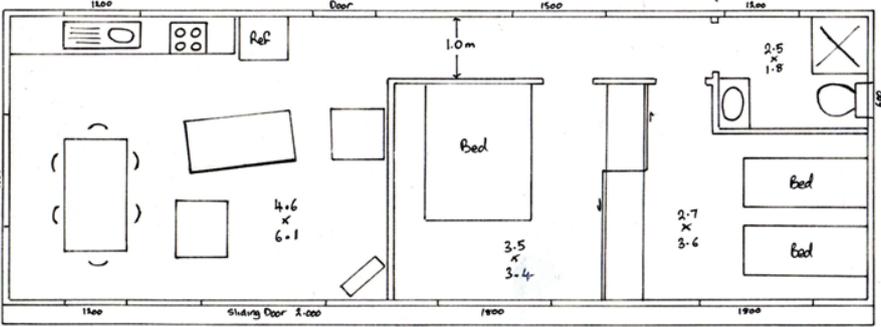
The application was amended by the applicant on 6 June 2023 to reduce the number of Cabins from the originally proposed four (4), to three (3) and with significant changes in the layout following a Consultative Meeting between the objectors and applicant, facilitated by Council Officers. At the time of the Consultative Meeting there were six (6) Submitters who all objected; they were all invited to the meeting and four (4) Submitters attended.

The amended application documents have been provided to all Submitters; no submissions have been withdrawn.

The objections raise the following concerns with the application:

Objection	Officer Response
Group Accommodation is a Commercial Use	Group Accommodation as determined by Clause 73.04 of the Mansfield Planning Scheme is nested under 'Accommodation'. Clause 73.03 defines Group Accommodation as: <i>Land, in one ownership, containing a number of dwellings used to accommodate persons away from their normal place of residence.</i> The Mansfield Planning Scheme allows for the consideration of this type of use in the Farming Zone and does not prohibit the consideration of "commercial" uses.
Land use conflicts	The surrounding properties are established with existing dwellings and the proposal provides for a minimum setback from boundaries of 107 metres for the Group Accommodation buildings and 93 metres for the dwelling. It is considered that the use of land for a dwelling and 3 Cabins is consistent with the development in the area and particularly the existing dwellings on small lots in the Farming Zone and dwellings in the Rural Living Zone.
Group Accommodation is not suitable in the Farming Zone	As described above, Group Accommodation is defined as an Accommodation Use and is most typically approved in General Residential, Rural Living Zone and Farming Zone. Group Accommodation requires a planning permit for Use in all Zones, except the Commercial 1 Zone where an existing building has no more than a door at street level (eg. 'Shop-Top' housing), otherwise Group Accommodation always requires a planning permit for use in Mansfield Shire. There is evidence across Mansfield Shire of existing Group Accommodation facilities in the Farming Zone.

Objection	Officer Response
	<p>The Farming Zone does enable non-agricultural land uses and requires consideration of the relevant decision guidelines which ensure the development will not restrict or prohibit farming on adjoining and nearby properties.</p> <p>As the proposal is on an existing small lot in the Farming Zone with a limited capacity for agricultural activities and the surrounding land uses are mostly rural living it is anticipated that there would be no detrimental impact to agriculture.</p>
<p>Amenity Impacts</p>	<p>The amended proposal provides for the Group Accommodation buildings to be located in one area, maintaining most of the property for agricultural and environmentally sustainable activities. The buildings are proposed to have a minimum setback from boundaries of 98 metres and significant landscaping is proposed to partially screen the buildings from adjoining and nearby properties. The permit applicant has proposed design measures to reduce the visual amenity of the proposal.</p>
<p>Additional traffic along Paps Lane</p>	<p>The proposal would be expected to increase traffic along Paps Lane, which is a sealed Access Road and determined by Council Engineers as capable of the proposed increase levels. It is noted that Paps Lane is utilised by locals and tourists for recreation purposes to access Lake Eildon and therefore already experiences increased traffic flows seasonally.</p>
<p>Over-development of the site</p>	<p>The proposed development is located in one area close to the northern boundary and allows for approximately 8 hectares of the land to be undeveloped and used for other purposes. Therefore, of the 10.5 hectares only approximately 2.5 hectares is proposed to be developed, which is considered consistent with the character of development of nearby properties which are being used for Hobby Farms, or similar.</p> <p>It is important to note that the proposed development maintains the maximum possible setback from Lake Eildon and the application has been assessed by GMW who are satisfied that there would not be any impact on the catchment area.</p>
<p>Wastewater disposal onsite will not comply</p>	<p>The application is supported by a Land Capability Assessment which has been assessed by GMW and Council's Environmental Health team who have determined that the proposal is able to comply with the relevant requirements of Councils Domestic Wastewater Management Plan and the EPA <i>Code of Practice Onsite Wastewater Management</i>.</p>
<p>Impact on Lake Eildon (and the Catchment Area)</p>	<p>As above, the assessment of any impact to Lake Eildon has been undertaken by GMW as the relevant determining authority for the Catchment Area. GMW is satisfied that the proposal will not impact negatively on the Catchment Area.</p>
<p>Application documents refer to a four (4) bedroom Dwelling, but the plans show six (6) bedrooms</p>	<p>The application documents submitted to Council detail a Dwelling with four (4) bedrooms, as shown below:</p>

Objection	Officer Response
	 <p style="text-align: center;"><i>Figure 3 - Dwelling Floor Plan</i></p> <p>Furthermore, the Cabins are each proposed to have two (2) bedrooms, as shown below:</p>  <p style="text-align: center;"><i>Figure 4 - Cabin (Group Accommodation) Floor Plan</i></p>
Dwelling could be rented out	If approved the dwelling could be rented out for a permanent residence, the nature of the proposal would not allow the dwelling to be used for temporary accommodation.
If approved would set a precedent for more Commercial uses in the area	Any permit issued under the <i>Planning and Environment Act 1987</i> and Mansfield Planning Scheme does not specifically set a precedent for further development of the land or surrounds. Any future proposal for Group Accommodation would be assessed on its merits.
Public Notice period was too short	<p>The planning permit application was advertised on Public Notice between 17 October to 2 November 2022, which is a period of 15 days. The <i>Planning and Environment Act 1987</i> specifies that the Notice period must be no less than 14 days.</p> <p>It is also advised that the notice period is only set as a time frame in which Council will not make a decision – objections can be accepted up until such time as a decision has been made. It is noted that the original notice was placed on site in October 2022, and local residents have now had 9 months to put a submission into the application.</p> <p>Furthermore, it is considered that the public notice has been sufficient as a minimum of thirty (30) people are aware of the application.</p>

## Conclusion

A full assessment of the application in relation to the relevant policies of the Mansfield Planning Scheme is included in the attached Delegate Assessment Report.

The application has demonstrated how the proposed use and development is appropriately designed and sited to have a minimum impact on neighbouring properties, whilst utilising the views of Lake Eildon and surrounds. The proposal incorporates environmental land management outcomes that would improve the water quality in the existing waterways and will also include significant native plantings.

Overall, the proposal will provide for additional accommodation facilities in a suitable location with access to Lake Eildon for recreational purposes and to the Mansfield Township, which is supported by planning policy and the relevant planning controls.

## Recommendation

THAT COUNCIL issue a Notice of Decision to Grant a Planning Permit for Planning Application P133/22 to allow for the Use and development of land for a dwelling, outbuilding and group accommodation (3 Cabins) on Lot 2 on Lot Plan 90631, commonly addressed as 1/299 Paps Lane, Mansfield in accordance with the endorsed plans and subject to the following conditions:

### Amended Plans

1. Before the use and/or development commences, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application submitted, but modified to show:
  - a. A building and activity envelope for the group accommodation cabins, with an area not exceeding 1 hectare of the subject site, that comprises the extent of area available for use to guests to the site.
  - b. A nominated domestic curtilage envelope for the dwelling, not exceeding 5,000m<sup>2</sup> in area (excluding accessways), comprising area for domestic services, outbuildings, appurtenances and the like.
  - c. A minimum reserve water supply onsite for firefighting purposes of 10,000L for the dwelling and 20,000L for the Group Accommodation buildings, within close proximity to the respective buildings.
  - d. The area of Cultural Heritage Sensitivity suitably fenced and excluded from activities on the land.
  - e. Suitable stock exclusion fencing a minimum of 30 metres either side of the unnamed eroded gully waterway, in accordance with the requirements of the Goulburn Murray Water Condition No. 36.
  - f. Fencing or suitable plantings to restrict vehicle and stock access to the wastewater disposal area.
  - g. Details of all hard surface areas and finishes, including accurate dimensions for internal accessways and car parking areas.
  - h. A Landscaping Plan in accordance with Condition 3 of this permit.
  - i. Native plantings within the fenced area of the unnamed eroded gully waterway, in accordance with the requirements of the Goulburn Murray Water Condition No. 36.

### **Endorsed Plans**

1. The use and development must be in accordance with the endorsed plans forming part of this permit and must not be altered without the prior written consent of the Responsible Authority.

### **Landscaping**

1. Concurrent with the plans required by Condition 1 of this permit, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale and fully dimensioned.
  - a. A planting schedule of all proposed vegetation (trees, shrubs and ground covers), which includes botanical names, common names, pot size, mature size and total quantities of each plant;
  - b. A mixture of lower, middle and upper storey vegetation, to provide an effective visual screen of at least 6 metres in height along the northern boundary and the eastern waterway for a buffer of 30 metres;
  - c. At least 50% species selection by type and number must be indigenous to the local Ecological Vegetation Class to the satisfaction of the Responsible Authority;
  - d. Each individual plant shown clearly on the plan;
  - e. Features such as fencing, garden beds, paths, paving and accessways;
  - f. All planting abutting the accessway(s) to have a maximum mature height of no more than 900mm (extending at least 2 metres along the frontage road from the edge of an exit lane and 2.5 metres along the exit lane from the frontage) in accordance with the requirements Clause 52.06-9 (Design Standards for car parking) of the Mansfield Planning Scheme;
  - g. The use of drought-tolerant species, where practicable; and
  - h. An appropriate irrigation system, including stormwater re-use where practicable.
2. Before the use starts or prior to the occupancy of any of the developments approved by this permit, or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
3. The landscaping shown on the endorsed plans must be maintained for the life of the use and development to the satisfaction of the Responsible Authority, including that any dead, diseased, dying or damaged plants are to be replaced with like for like replacements of the same or greater size.

### **Section 173 Agreement**

1. Prior to the commencement of use for Group Accommodation, the permit holder must enter into an agreement with the Responsible Authority pursuant to Section 173 of the *Planning and Environment Act 1987*, to the effect that:
  - a. The Group Accommodation buildings must not be used as permanent residence (Dwellings).
  - b. If the use of the land for Group Accommodation ceases for a period of more than two years, the building(s) must be removed from the land within three months or otherwise decommissioned to be non-habitable outbuildings.

The permit holder must pay the reasonable costs of the preparation, review, execution and registration of the Section 173 Agreement by Council's preferred solicitors.

### **Land Management**

1. The land must be managed in accordance with the endorsed Environmental Management Plan, to the satisfaction of the Responsible Authority. This condition continues to have force and effect once the development approved is completed.
2. The area of Cultural Heritage Sensitivity must be fenced at all times and excluded from any activities relating to the Group Accommodation.

### **Maximum Number of Guests**

1. Except with the prior written consent of the Responsible Authority, each Group Accommodation Unit must only accommodate a maximum of four (4) persons at any one time.

### **Land Use and Amenity**

1. Noise levels associated with the use must at all times comply with the Environment Protection Regulations under the *Environment Protection Act 2017*.
2. The external materials of the buildings, including the roof, must be constructed of materials of muted colours to protect the aesthetic amenity of the area. No materials having a highly reflective surface must be used. For the purpose of this clause "highly reflective" includes unpainted or untreated aluminium, zinc or similar materials.
3. All waste areas must be sited and screened so as to not be visible from abutting road(s) or adjoining properties, to the satisfaction of the Responsible Authority.
4. The use must be conducted to the satisfaction of the Responsible Authority so that the amenity of the area is not detrimentally affected by the use or development, through the:
  - a. Transport of materials, goods or commodities to or from the land;
  - b. Appearance of any buildings, works or materials;
  - c. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil; or
  - d. Presence of vermin.
5. The outbuilding(s) must not be used for human habitation at any time.
6. The outbuilding(s) must not be used until such time as an occupancy certificate is issued for the dwelling, or at such other time as may be agreed in writing by the Responsible Authority.
7. The development must be connected to reticulated sewerage, if available. If reticulated sewerage is not available all wastewater from the dwelling must be treated and retained within the lot in accordance with the requirements of the Environment Protection Regulations under the Environment Protection Act 2017 for an on-site wastewater management system.
8. The development must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for firefighting purposes.
9. The development must be connected to a reticulated electricity supply or have an alternative energy source.

### **Car Parking and Access**

1. The car parking spaces, access lanes, driveways and associated works and landscaping shown on the plan must be:
  - a. constructed and available for use in accordance with the plan approved by the responsible authority; and
  - b. formed to such levels and drained so that they can be used in accordance with the plan; and
  - c. treated with an all-weather seal or some other durable surface; and
  - d. line-marked or provided with some other adequate means of showing the car parking spaces; and
  - e. be of sufficient dimension to accommodate emergency vehicles.

### **Engineering**

1. Prior to the commencement of use the existing access within the road reserve is to be sealed for a minimum of 5 metres from the edge of the existing seal. Suitable engineering design drawings must be approved by Council.
2. Appropriate measures must be implemented throughout the construction stage of development to rectify and/or minimise mud, crushed rock or other debris being carried

onto public roads or footpaths from the subject land to the satisfaction of the Responsible Authority.

3. Before the commencement of use of any use permitted by this permit, or by such later date as is approved by the Responsible Authority in writing, the following works must be completed in accordance with the endorsed plans and to the satisfaction of the Responsible Authority:
  - a. All stormwater discharging from the site, buildings, vehicle access ways and works must be discharged to a water tank, soakwell or otherwise discharged so as not to cause erosion, flooding or nuisance to the subject or surrounding land to the satisfaction of the Responsible Authority. The water tank/s (if required) must be in muted, non-reflective tones to the satisfaction of the Responsible Authority;
  - b. The areas shown on the endorsed plans for vehicle access to the permitted buildings and works must be constructed in accordance with the endorsed plans and be surfaced with concrete, reinforced concrete, brick paving, gravel, crushed rock or hot mix asphalt so as to prevent mud or other debris from being carried onto the road to the satisfaction of the Responsible Authority.
4. Except with the written consent of the Responsible Authority, the use permitted must not commence until the development has been completed to the satisfaction of the Responsible Authority in accordance with the permit and endorsed plans (including, but not limited to built form and layout, access lanes, landscaping and drainage).
5. Before the development is occupied or the use commenced, any damage to Council infrastructure resulting from the development must be reinstated:
  - a. At the full cost of the permit holder; and
  - b. To the satisfaction of the Responsible Authority.

#### **Environmental Health**

1. Prior to the commencement of works, an *Application for a Permit to Install* a septic tank system must be submitted and approved by Council prior to any installation.
2. The onsite wastewater disposal system must be developed in accordance with the Land Capability Assessment prepared by Geoplan – Geoscience + Planning (dated May 2022), or otherwise amended with the written consent of the Responsible Authority.
3. Stormwater from the works must not be permitted to enter the effluent disposal field, septic tank or any associated wastewater infrastructure to the satisfaction of the Responsible Authority.
4. The wastewater disposal area must be kept free of stock, buildings, driveways, car parking and service trenching and must be planted with appropriate vegetation to maximise its performance. Unless wastewater disposal is by subsurface irrigation methods, a reserve wastewater disposal field of equivalent size to the primary disposal field must be provided for use in the event that the primary field requires resting or has failed.
5. All sewage and sullage shall be treated in accordance with the requirements of the Responsible Authority. All effluent shall be disposed of and contained within the curtilage of the property in accordance with the EPA Code of Practice On Site Wastewater Management and the Australian Standards AS 1547 - 2000 Disposal Systems for Effluent from Domestic Premises and AS/NZS 1547:2000/2012 On-site Domestic- Wastewater Management.
6. Prior to the commencement of any works the permit holder must ensure that any obligations or duties that arise under the *Environment Protection Act 2017* are met. This may include obtaining an EPA permission, approval, or exemption in accordance with the *Environment Protection Regulations 2021*.

### **Goulburn Broken Catchment Management Authority**

1. The finished floor levels of the proposed dwelling and group accommodation must be constructed at least 300 millimetres above the highest existing ground level underneath the building footprint or higher level deemed necessary by the responsible authority. In terms of the building footprint, it excludes all associated non-habitable areas such as the garage, carport, patio, verandah areas and the like.
2. The proposed buildings, including sheds must achieve setbacks consistent with the requirements of *Guidelines for the Protection of Water Quality* (NEPRC, 2016).
3. The proposed septic system, including effluent fields (if required) must achieve setbacks consistent with the requirements of *Guidelines for the Protection of Water Quality* (NEPRC, 2016).
4. A Works on Waterways Permit (obtained from the Goulburn Broken CMA) will be required prior to the commencement of any works in or within the surrounds of a Designated Waterway

### **Goulburn Murray Water**

1. No buildings are to be constructed within 30 metres of any waterways or within 50 metres of Full Supply Level (288.9 metres AHD) of Lake Eildon.
2. A 30 metre wide buffer strip of native vegetation must be established and maintained either side of the unnamed eroded gully waterway that runs from Paps Lane to Lake Eildon through the subject land. Stock must be prevented from having access to this area.
3. All construction and ongoing activities must be in accordance with sediment control principles outlined in EPA Publication 275, *Construction Techniques for Sediment Pollution Control* (May 1991). There must be no transport of sediment or other materials off-site either during or following construction.
4. All wastewater from the dwelling and each of the cabins must be treated to a standard of at least 20mg/L BOD and 30mg/L suspended solids using a package treatment plant(s) or equivalent. The system(s) must be an EPA approved system, installed, operated and maintained in accordance with the relevant EPA Code of Practice and Certificate of Conformity.
5. The wastewater disposal area must be at minimum setback distances of 300 metres from the Full Supply Level (288.9 m AHD) of Lake Eildon, 100 metres from the nearest waterway, 60 metres from any dams, 20 metres from any bores and 40 metres from any drainage lines. Reduced setbacks may be applied in accordance with the requirements of the current EPA – *Code of Practice On-site Wastewater Management*, Publication 891.4, July 2016, where wastewater is treated to a secondary standard.
6. The wastewater disposal area must be kept free of stock, buildings, driveways, car parking and service trenching and must be planted with appropriate vegetation to maximise its performance. Stormwater must be diverted away.
7. Any works across a waterway such as crossings or wastewater pipework must be in accordance with any relevant Works on a Waterway permit required by the Goulburn Broken Catchment Management Authority.

### **Permit Expiry**

1. This permit will expire if one of the following circumstances applies:
  - a. The development is not commenced within two (2) years of the date of this permit; or
  - b. The development is not completed within four (4) years of the date of this permit; or
  - c. The use is not commenced within two (2) years of the completion of the development; or
  - d. The use ceases for a period of two (2) or more years.

In accordance with Section 69 of the *Planning and Environment Act 1987*, an application may be submitted to the Responsible Authority for an extension of the periods referred to in this condition.

### Notations

- 1) This permit does not authorise the commencement of any building works. Building approval must be obtained prior to the commencement of any approved works.
- 2) Before any earthworks are undertaken, it is recommended that you contact 'Dial Before You Dig' on 1100.
- 3) A site assessment for determining the bushfire attack level (BAL) in relation to the construction of a building has not been considered as part of this planning permit.
- 4) An application for works within a road reserve is required to be made prior to commencing any works on the road reserve and must comply with the requirements of the *Road Management Act 2004*.
- 5) The permit holder acknowledges and accepts that the possibility of nuisance from adjoining or nearby agricultural operations may occur. The possible off-site impacts include but are not limited to dust, odour, waste, vibration, soot smoke, or the presence of vermin, from animal husbandry, animal waste, spray drift, agricultural machinery, pumps, trucks and associated hours of operation. In acknowledging the existence of the agricultural operations being conducted from adjoining or nearby land, the permit holder and guests of the accommodation shall not make complaint against lawful agricultural activities on the adjoining or nearby land.
- 6) Any failure to comply with the conditions of this permit may result in action being taken to have an Enforcement Order made against some or all persons having an interest in the land and may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.

### Support Attachments

1. Delegate Assessment Report [13.2.1.1 - 65 pages]
2. Plans [13.2.1.2 - 12 pages]
3. Vegetation Planting Schedule [13.2.1.3 - 1 page]
4. Land Management Plan [13.2.1.4 - 20 pages]

## Considerations and Implications of Recommendation

### Sustainability Implications

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

### Community Engagement

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

### Collaboration

Not Applicable

## **Financial Impact**

The application has been assessed within existing Council resources in the Statutory Planning Department. An application fee of \$2,943.30 was received for the application.

## **Legal and Risk Implications**

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

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

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

## **Innovation and Continuous Improvement**

Not Applicable

## **Alignment to Council Plan**

Theme 1: Connected and Healthy Community Strategic Objective 2: Activities that promote connection and fitness of our people and visitors  
Strategy 2.3 Enhance the social and economic value of tourism to Mansfield.

Theme 2: Vibrant Liveability Strategic Objective 3 Future focused: Intelligent land use and infrastructure  
Strategy 3.1 Protect natural vistas and farmlets  
Strategy 3.4 Plan for and encourage appropriate housing

Theme 3: A Trusted, Effective and Efficient Council Strategic Objective 8 A consultative Council that represents and empowers its community  
Strategy 8.1 Increase community trust in Council to make informed decisions with “no surprises”

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

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

### 13.3. Community and Corporate Services Directorate

#### 13.3.1. Petitions Policy

<b>File Number</b>	E513/2	<b>Responsible Officer</b>	Interim Coordinator Governance & Risk, Jane Carter
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#### Purpose

To provide a framework for ensuring that petitions are considered by Council in a consistent and equitable manner.

#### Executive Summary

The existing Petitions Policy and Procedure was first created in 2019 to ensure that petitions are handled in a fair and consistent manner, and that collection of any personal information will be used solely for the purpose of administering petitions and verifying their authenticity in accordance with the *Privacy and Data Protection Act 2014*.

In addition to the Petitions Policy and Procedure, Council’s *Governance Rules 2022* were subsequently updated to incorporate governance rules covering the presentation of petitions and joint letters to Council under Division 9.

#### Key Issues

A review of the Petitions Policy and Procedure documents (refer Attachment 2) and the *Governance Rules 2022* has recently been completed by Council officers as the Petitions Policy was due for review.

The review has identified significant duplication between the requirements of the Policy and the *Governance Rules 2022*. To ensure clarity for the community and efficient use of Council resources, it is proposed that the Policy be revoked as it is no longer required. The Petitions Procedure will be publicly displayed on Council’s website (attached for reference in Attachment 1).

#### Recommendation

THAT COUNCIL revokes the Petitions Policy and notes that the Petitions Procedure will be publicly available on Council’s website.

#### Support Attachments

1. Petitions Procedure 2023 [13.3.1.1 - 5 pages]
2. Petitions Policy 2019 [13.3.1.2 - 8 pages]

### Considerations and Implications of Recommendation

#### Sustainability Implications

Not Applicable

## **Community Engagement**

No community engagement was required or undertaken in relation to the proposed revocation of the Petitions Policy, as the requirements of the existing policy are already contained in Council's *Governance Rules 2022*.

A copy of the Petitions Procedure will be made publicly available for community reference on Council's website, and no changes of significance are proposed to the existing Procedure.

## **Collaboration**

Not Applicable

## **Financial Impact**

Not Applicable

## **Legal and Risk Implications**

Not Applicable.

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

Not Applicable

## **Innovation and Continuous Improvement**

Not Applicable

## **Alignment to Council Plan**

Theme 3: A Trusted, Effective and Efficient Council Strategic Objective 8 A consultative Council that represents and empowers its community  
Strategy 8.2 Develop capacity and capability to advocate powerfully for the most important interests of the Mansfield community

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

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

### 13.3.2. Commemorative Plaques and Other Markers Policy

<b>File Number</b>	E513/2	<b>Responsible Officer</b>	Interim Coordinator Governance & Risk, Jane Carter
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**Purpose**

To seek Council endorsement of the Commemorative Plaques and Other Markers Policy.

**Executive Summary**

This Policy sets out guidelines for the approval and placement of commemorative plaques and other markers within road reserves or open spaces under the control of Council. It defines conditions under which Council will accept requests, to provide consistency for the contribution of members of the community to be acknowledged.

The Policy was due for review and following review by Council officers, no changes are proposed to the existing policy.

**Key Issues**

Council recognises that organisations, families, or individual members of the community may wish to mark the location of an event or achievement by the placement of commemorative/ memorial/ historical objects, structures, or markers (memorial).

Any approval for the placement of a memorial will be considered with due regard to the importance of the event and/or achievement of the organisation, family or individual.

**Recommendation**

THAT COUNCIL endorse the Commemorative Plaques and Other Markers Policy.

**Support Attachments**

1. Commemorative Plaques and Other Markers Policy 2023 [13.3.2.1 - 4 pages]

## Considerations and Implications of Recommendation

### Sustainability Implications

Not Applicable

### Community Engagement

Not applicable as no changes were proposed to the policy.

### Collaboration

Not Applicable

### Financial Impact

Not Applicable

## **Legal and Risk Implications**

Not Applicable.

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

Not Applicable

## **Innovation and Continuous Improvement**

Not Applicable

## **Alignment to Council Plan**

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

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

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

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

### 13.3.3. Insurance and WorkCover Premiums

<b>File Number</b>	E11021	<b>Responsible Officer</b>	Interim Coordinator Governance & Risk, Jane Carter
<b>Purpose</b>			

To seek approval for the payment of invoices relating to Mansfield Shire Council’s insurance renewal and Work Cover premium for 2023-24.

#### Executive Summary

Council has received invoices relating to the 2023-24 insurance renewal and Work Cover premium that require Council approval, as the invoices exceed the CEO’s financial delegation.

Council’s insurance program is coordinated through JLT Public Sector (JLT), a division of Jardine Lloyd Thompson Pty Ltd, which is part of the Marsh Group of Companies. JLT Public Sector has been delivering specialist services to local government authorities since 1972 and arrange several insurance policies on Council’s behalf.

The JMAPP Policy covers Council’s assets including buildings, vehicles, machinery and artworks. MAV Insurance provides Public and Products Liability and Professional Indemnity cover, and Crime Insurances. The premiums for the insurance cover amount to \$417,486.20 (excluding Fees, Stamp Duty, GST) in total, an increase of 3.9% over the 2022-23 cost. The invoices for the policies include stamp duty payable and admin fees of \$10,095.60 in total.

Inflationary pressures and an increase in local government claim numbers and costs generally have contributed to a significant increase in insurance premiums for 2023-24. This increase has been partially offset for Mansfield Shire by a review of insured bridge assets to ensure that the coverage is relevant and appropriate.

The Victorian Work Cover Authority has increased the workplace industry classification rate from 1.5701% in 2022-23 to 2.0048% in 2023-24. This has had an impact on all Work Cover premiums across Victoria, with Councils generally experiencing increases of 60-70%, and some experiencing premium increases of up to 100%.

The Work Cover premium for Mansfield Shire has increased to \$237,984 (ex GST) for 2023-24 from \$118,191 in 2022-23 (noting that a discount of 3-5% applies if paid in full rather than instalments). This is a significant increase over the premiums in prior years, which have typically remained around the 2022-23 premium amount.

#### Key Issues

##### 2023-24 Insurance Renewal

The various policies included in the 2023-24 insurance renewal are detailed in Attachment 1. The policies cover the period commencing 1 July 2023 to 30 June 2024 and are due for payment in mid-August.

The following factors have impacted the cost of the 2023-24 insurance renewal:

- **Inflationary Impacts:** Interest rate increases and the national rate for inflation for December 2022 at 7% have impacted both the insurers' cost of capacity to meet their capital adequacy regulatory requirements, and the inflationary impact on the cost of settling claims regardless of the line of insurance.
- **Natural Disasters:** The impact of both recent local (floods) and global natural catastrophes has resulted in insurers increasing premiums to cover all catastrophe exposed risks.
- **Increase in LGA Claims Numbers and Costs:** The most influential factor in the MAV Local Government Mutual Liability Insurance (LMI) renewal pricing is a significant increase in claim numbers and costs. The increases are evident across all Local Government claim types, including:
  - personal injury claim numbers are growing at a significant rate - slips and falls (i.e., footpath falls) are the predominant cause of the increased claim numbers,
  - higher property damage claim numbers (tree roots and flooding), which have been largely offset by a reduction in the size of claims,
  - higher numbers of professional indemnity claims (albeit from a low base) with claim numbers 63% higher than expected, mostly offset by lower average claim sizes, and;
  - higher numbers of claims above \$1m compared to the long-term trend.

**2023-24 Work Cover Premium**

Council's Work Cover premium with current insurer, Gallagher Bassett, has typically fluctuated around \$110,000 to \$130,000 in recent years, however industry-wide factors such as the inflationary pressures and increasing claim numbers impacting on insurance renewal costs, as outlined above, have contributed to a significant jump in the 2023-24 Work Cover premiums.

Council currently has 4 open claims (down from 5) and is taking steps to resolve these claims as quickly as possible. Details of these claims are included in the OHS reports to the Audit and Risk Committee. The history of the 4 open claims and the effect on premiums is outlined below:

- 1 claim was received in 2020 and will impact premiums until 2023-24.
- 3 claims were received in 2022 and will impact premiums from 2023-24 until 2026-27.

Insurance House, a workers compensation expert, has been appointed to provide expert advice and assistance in managing Council's current workers compensation program for 2023-24, due to the complexity and workload associated with current open claims.

<b>Recommendation</b>
<p>THAT COUNCIL:</p> <ol style="list-style-type: none"> <li>1. Authorises the Chief Executive Officer to approve payment of invoices relating to Mansfield Shire Council's 2023-24 insurance renewal for a total amount of \$427,581.80 (ex GST), and</li> <li>2. Authorises the Chief Executive Officer to approve payment of Mansfield Shire Council's 2023-24 Work Cover premium for an amount not exceeding \$237,984.07 (ex GST).</li> </ol>
<b>Support Attachments</b>
<ol style="list-style-type: none"> <li>1. Insurance Renewal 2023-24 Cost Details [13.3.3.1 - 2 pages]</li> </ol>

## Considerations and Implications of Recommendation

### Sustainability Implications

Not Applicable

### Community Engagement

Not Applicable

### Collaboration

Not Applicable

### Financial Impact

The 2023-24 insurance renewal and Work Cover premium costs are both higher than the respective budget allocations. The 2023-24 insurance budget allocation in total is \$350,000 (ex GST), up from \$277,623 budgeted in 2022-23. The 2023-24 budget allocation for Work Cover premiums is \$118,323.

The increased insurance and Work Cover costs invoiced for 2023-24 were not known at the time of budget preparation, and although a reasonable budget allowance was included to cover the expected increase in premiums, the significant jump in the premiums will result in these items being over budget.

Council has received notification of increased 2023-24 Financial Assistance Grant payments that will help to fund unbudgeted increase in insurance premiums.

### Legal and Risk Implications

The insurance policies are structured to manage key risks to Council's financial sustainability.

### Regional, State and National Plans and Policies

Not Applicable

### Innovation and Continuous Improvement

Not Applicable

### Alignment to Council Plan

Theme 3: A Trusted, Effective and Efficient Council Strategic Objective 8 A consultative Council that represents and empowers its community  
Strategy 8.1 Increase community trust in Council to make informed decisions with "no surprises"

### Governance - Disclosure of Conflicts of Interest

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

### 13.3.4. Independent Audit Member Recommendation

<b>File Number</b>	E10900	<b>Responsible Officer</b>	Manager Business & Performance, Tony Cooper
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**Purpose**

To seek Council endorsement for the nomination of Ms Moh-Lee Ng to a second three year term as an independent Audit and Risk Committee member.

**Executive Summary**

The Mansfield Shire Council Audit and Risk Committee (ARC) comprises two councillors and three independent committee members.

The term of appointment for each independent member is, where possible, arranged to provide an orderly rotation of membership. Each independent member is appointed for a three-year term.

Moh-Lee Ng has been an independent member of the Mansfield Shire Council ARC since 2020, with her term expiring in November 2023. Moh-Lee Ng is seeking re-appointment for a second term.

**Key Issues**

Recruitment and appointment of independent Committee members requires a public process. However, under section 7.3 of the Charter of the Audit and Risk Committee, Council may use its discretion to directly appoint an independent member for a second three-year term without going through a public recruitment process.

It is proposed that Council directly appoints Moh-Lee Ng for a second three-year term. The Chair of the Committee, Mr Peter Johnson and all other members of the Committee have been contacted and are supportive of the proposal. Moh-Lee Ng is an active participant of the ARC and brings a set of skills that are considered highly desirable to the committee. Council will also benefit from the continuity of Moh-Lee Ng being appointed for a second term.

AFS, Mansfield Council’s internal auditors, recently undertook a review of the effectiveness of the ARC – there were no issues raised during this process regarding the performance or skills mix of the committee.

**Recommendation**

THAT COUNCIL appoints Ms Moh-Lee Ng to the Mansfield Shire Council Audit and Risk Committee for a second three-year term commencing 13 November 2023.

**Support Attachments**

Nil

## Considerations and Implications of Recommendation

### Sustainability Implications

Not Applicable

### Community Engagement

Not Applicable

### Collaboration

Not Applicable

### Financial Impact

Not Applicable

### Legal and Risk Implications

Maintaining a good mix of skills and experience in the ARC members is an important risk mitigation measure, ensuring the Committee has the capability to provide independent assurance and assistance to Council on its risk, control and compliance framework.

### Regional, State and National Plans and Policies

Not Applicable

### Innovation and Continuous Improvement

Not Applicable

### Alignment to Council Plan

Theme 3: A Trusted, Effective and Efficient Council Strategic Objective 8 A consultative Council that represents and empowers its community  
Strategy 8.1 Increase community trust in Council to make informed decisions with “no surprises”

### Governance - Disclosure of Conflicts of Interest

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

## 13.4. Executive Services Directorate

### 13.4.1. Proposed Motion for the Municipal Association of Victoria State Council Meeting

<b>File Number</b>	E364	<b>Responsible Officer</b>	Chief Executive Officer, Kirsten Alexander
<b>Purpose</b>			

To seek Council's endorsement for submission of a motion for consideration at the Municipal Association of Victoria (MAV) State Council Meeting on 13 October 2023.

#### Executive Summary

Mansfield Shire Council is a member of the MAV and is represented by delegate, Mayor Cr James Tehan. The MAV is a membership association and the statutory peak body for local government in Victoria.

The MAV State Council Meeting will be held on 13 October 2023 and motions are sought from member councils on issues of state-wide significance to local government. Motions must be submitted online by 14 August 2023 and have been the subject of a Council resolution. Councils may amend their submitted motions for the 13 October 2023 State Council Meeting up until 30 August 2023.

The following Motion and supporting Rationale have been prepared for Council's consideration.

#### Motion:

That the MAV advocates to the Victorian Government to not implement IBAC Recommendations 10 and 11 from the Operation Sandon Report due to fact that this would take away the ability of local communities to exercise their democratic rights on local planning matters that may impact on them. The Minister currently has the power to call in planning items and there is an established Planning Panel process.

#### Rationale:

Replacing permit application decisions being decided in the Council chamber, with an independent panel process that is removed from the local context would:

- Remove council's accountability to the community on planning matters.
- Leave communities thinking they can influence through council, when they cannot.
- Would damage local democratic processes, whereby the community can have an influence through their council's consideration of contentious matters.

#### Key Issues

On Thursday 27 July the Independent Broad-based Anti-Corruption Commission (IBAC) tabled the Operation Sandon special report. The report included 11 recommendations focused on planning system.

Recommendations 10 and 11 relate to replacing the current process of planning permit applications being considered by Council (where not delegated to Council officers), with an independent planning panel process.

**Recommendation 10 states the following:**

*IBAC recommends that the Premier ensures that the Taskforce engages subject-matter experts and consults stakeholders to develop a model structure for independent determinative planning panels for statutory planning matters that addresses the integrity risks identified in Operation Sandon, having regard to:*

- (a) the skills mix and method of appointing panel members and the efficacy of rotating panel members*
- (b) the scope of panel coverage, being whether all councils should be required to use an independent planning panel, including the option of shared or regional panels in areas where councils handle fewer planning permits*
- (c) the referral criteria that should apply statewide to make clear which matters should be determined by planning panels rather than by council planning officers*
- (d) decision-making process and reporting requirements to ensure transparency and accountability of panel decisions*
- (e) arrangements to handle complaints about planning panels and review their performance to ensure continuous improvement.*

**Recommendation 11 states the following:**

*IBAC recommends that the Minister for Planning develops and introduces to Parliament amendments to the Planning and Environment Act 1987 (Vic) to:*

- (a) remove statutory planning responsibilities from councillors*
- (b) introduce determinative planning panels for statutory planning matters, where a local council is currently the responsible authority*

*This is to give effect to the model developed by the Taskforce in response to Recommendation 10.*

<b>Recommendation</b>
THAT COUNCIL endorse the following motion and supporting rationale for submission to the MAV State Council Meeting on 13 October 2023: <ul style="list-style-type: none"><li>• That the MAV advocates to the Victorian Government to not implement IBAC Recommendations 10 and 11 from the Operation Sandon Report due to fact that this would take away the ability of local communities to exercise their democratic rights on local planning matters that may impact on them. The Minister currently has the power to call in planning items and there is an established Planning Panel process.</li></ul>
<b>Support Attachments</b>
1. Operation Sandon special report - recommendation summary [13.4.1.1 - 10 pages]

## Considerations and Implications of Recommendation

### Sustainability Implications

Not Applicable

## Community Engagement

The proposed changes contained in the IBAC recommendations are far-reaching and will have implications for the way that communities can influence planning outcomes. Community engagement will be required as further details of the proposed changes in response to the IBAC recommendations become available.

## Collaboration

Collaboration with other Councils will occur, including through the MAV State Council meeting.

## Financial Impact

Not Applicable

## Legal and Risk Implications

Not Applicable

## Regional, State and National Plans and Policies

IBAC have recommended some wide-ranging changes to the *Planning and Environment Act 1987* in the Operation Sandon report.

## Innovation and Continuous Improvement

Not Applicable

## Alignment to Council Plan

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

Strategy 3.4 Plan for and encourage appropriate housing

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

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

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

## Governance - Disclosure of Conflicts of Interest

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

## 14. Council Meeting Resolution Actions Status Register

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

<b>Recommendation</b>
THAT Council receive and note the Mansfield Shire Council Meeting Resolution Actions Status Register as at 9 August 2023.
<b>Support Attachments</b>
1. Action Register as at 9 August 2023 [14.1.1 - 5 pages]

## 15. Advisory and Special Committee reports

Nil

## 16. Authorisation of sealing of documents

Nil

## 17. Closure of meeting to members of the public

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

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

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

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

## 18. Confidential Reports

### 18.1. Closed Landfills Environmental Monitoring and Reporting Services

#### Confidential

This report contains confidential information pursuant to the provisions of Section 66(2) of the Local Government Act 2020 under Section 3(g) - private commercial information, being information provided by a business, commercial or financial undertaking that:(i) relates to trade secrets; or (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage

## **18.2. Tender Award: Apollo & High St Drainage Works**

### **Confidential**

This report contains confidential information pursuant to the provisions of Section 66(2) of the Local Government Act 2020 under Section 3(g) - private commercial information, being information provided by a business, commercial or financial undertaking that:(i) relates to trade secrets; or (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

## **18.3. Award of Contract: Infrastructure Plan**

### **Confidential**

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

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

### **Recommendation**

THAT COUNCIL reopen the meeting to members of the public.

## **20. Close of meeting**