



# MANSFIELD SHIRE COUNCIL

## Ordinary Meeting of Council

MANSFIELD SHIRE

# MINUTES

## UNCONFIRMED

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19 MARCH 2019

MANSFIELD SHIRE OFFICE  
33 Highett Street, Mansfield  
5.00PM

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# MINUTES

**19 MARCH 2019**  
MANSFIELD SHIRE OFFICE  
33 Highett Street, Mansfield  
5.00PM

## 1. OPENING OF THE MEETING

The Mayor, Cr Harry Westendorp, opened the meeting at 5.03pm.

<b>Councillors:</b>	Marg Attley	<i>Tolmie Ward</i>
	Peter Olver	<i>Mansfield Ward</i>
	Paul Sladdin	<i>Bonnie Doon Ward</i>
	Paul Volkering	<i>Mansfield Ward</i>
	Harry Westendorp	<i>Jamieson Ward</i>

<b>Chief Executive Officer:</b>	Alex Green
<b>Community Services Manager:</b>	Melanie Hotton
<b>Corporate and Organisational Development Manager:</b>	Sharon Scott
<b>Development Services Manager:</b>	Ben McKay
<b>Finance Manager:</b>	Mandy Kynnersley
<b>Principle Planner:</b>	Leanne Curphey (part meeting)
<b>Governance and Risk Co-ordinator:</b>	Michelle Kain
<b>Property Management Officer:</b>	Angela Cesarec

## 2. STATEMENT OF COMMITMENT

The Councillors affirmed the following Statement of Commitment:

*“We the Councillors of Mansfield Shire / declare that we will undertake on every occasion / to carry out our duties in the best interests of the community / and that our conduct shall maintain the standards of the Code of Good Governance / so that we may faithfully represent / and uphold the trust placed in this Council by the people of Mansfield Shire.”*

## 3. ACKNOWLEDGEMENT OF COUNTRY

The Councillors affirmed the “Acknowledgement of Country” for the Mansfield Shire Council:

*“Mansfield Shire Council recognises that indigenous people have been custodians of this area for generations. We acknowledge the living culture and unique role of Taungurung people in our region.”*



**4. APOLOGIES**

Nil.

**5. CONFIRMATION OF MINUTES**

**Councillors Attley/Volkering:**

**That the Minutes of the Mansfield Shire Council meeting, held on 19 February 2019, be confirmed as an accurate record.**

**Carried**

**6. DISCLOSURE OF CONFLICTS OF INTEREST**

Nil.

**7. REPRESENTATIONS**

The following deputations were made to the Council in relation to item 10.2.1 – Application for Planning Permit No. P001/19: 321 Rifle Butts Road, Mansfield:

- Mr Ian Bruce
- Mr John Gilson
- Mr Michael Cameron
- Mr Mauro Brega
- Mr Steve Adams
- Ms Merran Stuart
- Ms Lucy Cleeland
- Mrs Trish Gilson

In addition to the above, Mr James Tehan made representation to the Council on behalf of the Victorian Farmers' Federation (VFF) in relation to item 10.3.1 – Rate Variation Proposal and Draft Rating Strategy.

**8. NOTICES OF MOTION**

Nil.



## 9. MAYOR'S REPORT

Mayor Cr Harry Westendorp, will present the monthly Mayor's report to the Council as follows:

*It is apparent to the Council that many of the topics we are currently considering are of great interest to our communities, as evidenced by the amount of dialogue and feedback we have considered. In particular we thank those who provided their feedback to the Station Precinct Concept plans. The input from the community has been most useful in informing the further refinements of this initiative, and the Plan will be considered for endorsement at this month's meeting.*

*We also wish to thank those who provided feedback to the consultants developing the feasibility study for a possible dual-court sport stadium in conjunction with the Secondary College. Once again, the community input into this process allows us, as a Council, to take on board the sentiment and the specific ideas of our communities so that we can best deliver the services that our Shire deserves.*

*At present, the Councillors and Council officers are deeply engaged in the development of the 2019-20 budget and the refinement of the long term strategic financial plans that underpin our sustainability. Much of this work will be an essential requirement of any Rate Variation application if that is approved by Council.*

*It is good to see more of our outlying communities recognizing the value of locally driven community groups. Congratulations to those from Peppin Point and surrounds who recently incorporated their own Community Group, and also the Howqua/Macs Cove folk who established themselves as a sub-group of the Jamieson Community Group. Community groups are a very effective way for our smaller localities to work together for their common good and to speak with a unified voice in support of their concerns and aspirations.*

*A huge thank you to all in our district who are engaged in the hazardous task of fighting the forest fires that have been, or are still, raging. We value the courage, determination, and perseverance of our emergency services personnel, and also those who support them in so many ways. Thanks also to those who manage the coordination of the efforts of those "on the ground" (or in the air) before, during and after these events. It's pleasing to see that the Emergency Management group members have been able to put into practice the planning that has taken place over the previous months.*

**Cr Harry Westendorp  
Mayor**

**Councillors Olver/Sladdin:**

**That the Mayor's report for the period 20 February 2019 to 19 March 2019 be received.**

**Carried**



## 10. OFFICER REPORTS

### 10.1 DEPARTMENTAL REPORTS

**File Number:** E103  
**Responsible Officer:** Chief Executive Officer, Alex Green

#### Introduction

Departmental reporting 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 will present the monthly Departmental reports to the Council, as follows:

- Corporate and Organisational Development
- Development Services
- Infrastructure

#### Attachment

1 Departmental reports

#### Councillors Attley/Volkering:

**That the Departmental reports for the period 20 February 2019 to 19 March 2019 be received.**

**Carried**



## 10.2 DEVELOPMENT SERVICES

### 10.2.1 Application for Planning Permit No P001/19: Proposed Use and Development of Land for Glamping - 321 Rifle Butts Road, Mansfield

**File Number:** DA3339  
**Responsible Officer:** Principal Planner, Leanne Curphey

#### Disclosure of Conflicts of Interest

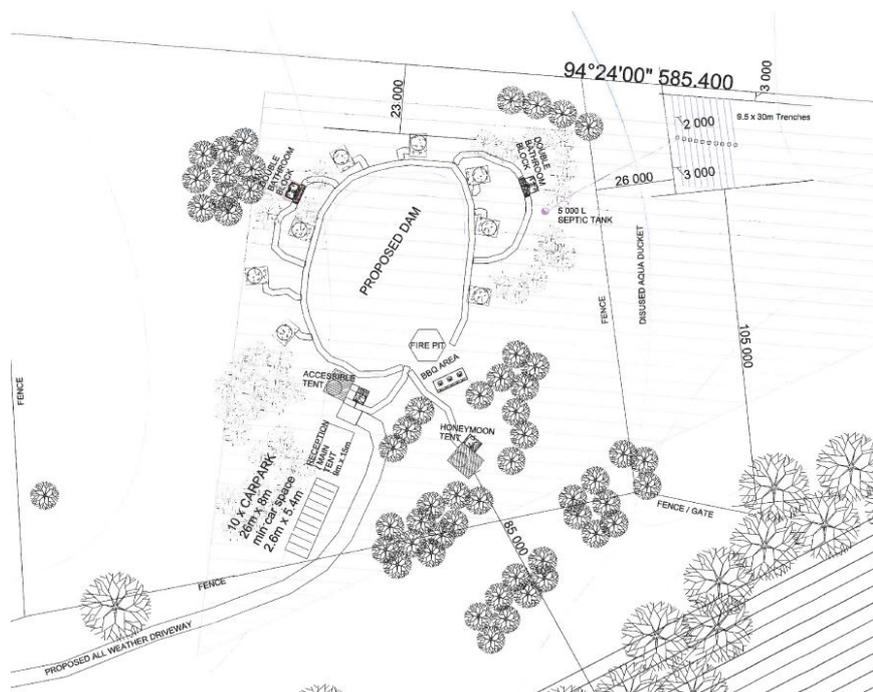
The author of this report and officers providing advice in relation to this report do not have a direct or indirect interest in this matter, as provided in accordance with the *Local Government Act 1989*.

#### Introduction

The proposal is for the use and development of the land for Glamping, including:

- One large reception/main tent
- One disabled access glamping tent with ensuite
- One honeymoon glamping suite with ensuite
- Eight other glamping tents
- Two double bathroom blocks
- Barbecue kitchen area
- New dam
- New site crossover and access driveway
- New designated car parking area for glamping patrons

The glamping tent sites will cater for two people per tent, with a total site capacity of twenty (20) campers. The officer's recommendation is for the proposed use and development to be approved subject to conditions.





## **10.2.1 Application for Planning Permit No P001/19: Proposed Use and Development of Land for Glamping - 321 Rifle Butts Road, Mansfield cont.**

### **Background**

The subject land is located on the east side of Rifle Butts Road, 6 kilometres from the Mansfield township centre and approximately 3 kilometres along the unpaved section of Rifle Butts road that extends from the junction of Ogilvies Road.

The site is an irregular shaped parcel of land with an area of 40 hectares. The property is currently being used as a lifestyle property with some agriculture, specifically grazing cattle. The property also has an existing single dwelling, bungalow and swimming pool situated 300 metres from the front boundary, with a number of outbuildings.

### **Statutory Requirements**

This application has been made under the *Planning and Environment Act 1987* and is being considered on its merits under the Mansfield Planning Scheme.

### **Council Plan**

The request to use and develop the land complies with the Strategic Direction Two – Financial Sustainability strategic objective:

2.6 *Our population continues to steadily grow, supported by the provision of sustainable community infrastructure and services.*

The proposal complies with the Strategic Direction Two – Financial Sustainability strategic objective:

2.7 *Mansfield's economy is diverse, with the agility to respond to changing consumer demands.*

### **Financial**

Prescribed fees for the proposal have been paid to Council.

### **Social**

The proposal provides for a variety of accommodation that assist with tourism.

### **Environmental**

The proposal has taken into consideration the environment and avoided native vegetation and sited the development from away from any waterways. Permit conditions will ensure that the environment is protected.

### **Economic**

The proposal would facilitate new tourism and economic development in the Mansfield area.



## 10.2.1 Application for Planning Permit No P001/19: Proposed Use and Development of Land for Glamping - 321 Rifle Butts Road, Mansfield cont.

### Risk Management

There is no inherent risks associated with the proposal, apart from being minor impact to Rifle Butts Road to accommodate the use and development of the glamping site.

### Community Engagement

The proposed glamping proposal was publicly advertised as it was considered that it may cause potential detriment. Fifteen (15) submissions objecting to the proposal were received which raised a number of issues. These are summarized as follows:

Objection	Response
Increased dust and noise; wandering animals from campers; not in keeping with a residential area; impacts on rural living lifestyle of residents along road; loss of privacy; potential impacts on livestock	It is acknowledged that there will be additional traffic movements with campers staying at the site, however the road is a rural road located in a rural area. The proposal is considered to be of a modest scale and an appropriate location within the farming zone, where there are no dwellings within the immediate area.
Increased fire risk with one way in and one way out; high fire risk along road in summer; lack of biodiversity in proposed planting	The proposal was referred to the CFA who did not object and recommended an Emergency Management Plan. It is noted that part of Rifle Butts Road and also the front of the property at 321 Rifle Butts Road is affected by the Bushfire Management Overlay, however the subject site is not affected by the Bushfire Management Overlay. It is appropriate for the proposal noting that realistically campers are not permitted on the site as permit conditions will require the site must be closed on Code Red Fire Danger periods. Permit conditions will ensure that the appropriate biodiversity will be provided with the landscaping plans.
Potential devaluation of properties and loss of rates.	There has been numerous VCAT cases where the Tribunal Member has stated that this is not a planning consideration.
Having campervans and caravans on the road will make it unsafe	The permit conditions restrict the proposed use strictly to glamping, campervans or caravans sites don't form part of this application. It should be noted however that no restrictions apply to Rifle Butts road for caravans and campervans to use the road.
The enterprise is a non-farming commercial venture	The proposal is a permitted use within the farming zone.



**10.2.1 Application for Planning Permit No P001/19: Proposed Use and Development of Land for Glamping - 321 Rifle Butts Road, Mansfield cont.**

<b>Objection</b>	<b>Response</b>
Will impact farming land	The surrounding land is zoned farming and also rural living where the majority of the land uses are lifestyle or hobby farms. The proposal is a permitted use and the proposal is considered to be of a modest scale with minimal if any impact to adjoining sites.
Traffic engineering report.	No traffic impact assessment was required as part of the permit application. Referral to Council's Infrastructure Department deemed the proposal as appropriate and provided no objection subject to conditions relating to upgrade of existing crossover and drainage.
Concerns with large dam	An application for the construction of the dam will need to be approved by Goulburn Murray Water.

The application was referred to relevant agencies as follows:

- Goulburn Murray Water: No objection, six conditions
- CFA: No objection, three conditions. Any new caravan park is to be fully compliant with the Victorian Fire Services Caravan Park Safety Guideline publication, Bushfire Emergency Management Plan requirement, and premises closure on declared fire danger days, compliance with CFA Caravan Park Fire Safety Guideline 2012).

**Officer's Comments**

The application is referred to Council for decision as there are more than five objections.

The proposal satisfies the Mansfield Planning Scheme; in particular the proposed use of the land for a small scale tourism use. Clause 17.04-1R (Tourism) Planning Policy Framework encourages various types and sizes of sensitively located and designed tourism facilities. Likewise the local planning policy at Clause 21.07-3 notes that a key issue is to maximize tourism visitation while maintaining the attributes that attract tourists. The objectives of this policy is to attract high quality tourism development that is conducive to the environmental attributes of the area and is empathetic to the character of the Shire.



## **10.2.1 Application for Planning Permit No P001/19: Proposed Use and Development of Land for Glamping - 321 Rifle Butts Road, Mansfield cont.**

### **Conclusion**

It is acknowledged that there are a number of objections which are mainly based around the condition of the road and bushfire risk. The CFA did not object and recommended approval subject to an Emergency Management Plan being prepared and implemented. The proposal is a permitted use within the Farming Zone and consideration must balance the support for tourism in the policy framework with the support of the agricultural land noting that the land is not considered to be of productive farmland that is of strategic significance. Accordingly, the application is recommended for approval.

### **Options**

1. Support officer's recommendation.
2. Support officer's recommendation with alternative conditions.
3. Not support officer's recommendation and refuse the application.

### **Attachment**

- 1 Summary of submissions

### **Councillors Volkering/Attley:**

**Issue a Notice of Decision to approve an application for the use and development of land for Glamping.**

1. **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 generally in accordance with the plans submitted with the application but modified to include:**
  - a) **The Native Vegetation Assessment as required by Condition 13.**
  - b) **A Landscape Plan as required by Condition 20.**
  - c) **An Emergency Management Plan as required by Condition 34.**
  - d) **An amended scaled site plan of the site. The site plan must show dimensioned camp sites and setbacks from identified vegetation, trafficable roads within and the location of static water supplies for fire fighting as well as fire fighting infrastructure (tank).**
  - e) **Details and location of the proposed business identification signage.**
2. **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.**



**10.2.1 Application for Planning Permit No P001/19: Proposed Use and Development of Land for Glamping - 321 Rifle Butts Road, Mansfield cont.**

- 3. The glamping site approved by this permit must not exceed 11 tents with a 20 persons occupancy. The total number of sites for accommodation shall not exceed 10 over-night accommodation sites and their use shall be limited to the proposed glamping tent structures – no other tents, caravans, mobile homes or ‘unregisterable movable dwellings’ shall be permitted on the site.**
- 4. The use of the Glamping sites must be limited to occupancy periods that do not exceed 1 week in duration by the occupier (no permanent occupation by the occupier will be allowed).**
- 5. Prior to commencing the business of operating the Caravan Park, the Responsible Authority that the following matters have been addressed and satisfied:**
  - a) That a potable water supply is available to patrons and at the amenity facilities and that any non-potable water supply tap is clearly and permanently signed as not suitable for consumption**
  - b) That a water supply for fire fighting purposes – comprising hose reels and static supply and other extinguishing facilities is available in accordance with the requirements of a CFA report specific to the site and this legislation**
  - c) That the ablution facilities are completed and functional.**
  - d) That an Emergency Management Plan satisfying the requirements of the Regulations has been prepared, lodged and assessed as satisfactory and approved by the Responsible Authority. It must specifically address the operation of the proposed fire pit and the presence of the proposed dam.**
  - e) That satisfactory arrangements exist for the provision of garbage receptacles and their regular emptying.**
- 6. All external cladding and trim of the proposed buildings must be of a non-reflective nature. Cladding materials must be coloured or painted in muted colours satisfactory to the Responsible Authority.**
- 7. The internal access road must be of an all-weather construction with dimensions adequate to accommodate emergency vehicles.**
- 8. No interrupted overland flow from the development shall be allowed to impact on the adjacent lots.**
- 9. All sign/s must be constructed and maintained to a safe and tidy standard to the satisfaction of the Responsible Authority.**



**10.2.1 Application for Planning Permit No P001/19: Proposed Use and Development of Land for Glamping - 321 Rifle Butts Road, Mansfield cont.**

- 10. The applicant shall ensure no foreign material such as litter is carried from the site and deposited on the surrounding public roads by vehicles leaving the site to the satisfaction of the Responsible Authority**
- 11. Prior to commencement, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and associated statutory requirements or approvals.**
- 12. Prior to commencement, a plan to the satisfaction of the Responsible Authority identifying all native vegetation to be retained and describing the measures to be used to protect the identified vegetation during construction, must be prepared and submitted to and approved by the Responsible Authority. When approved the plan will be endorsed and form part of this permit.**
- 13. Prior to commencement, a native vegetation protection fence must be erected around all scattered trees to be retained on site within 30 metres of any works. This fence will protect the tree by demarcating the tree protection zone and must be erected at a radius of 15 metres from the base of the tree to the extent of the drip line of the tree, whichever is greater. The fence must be constructed of star pickets/chain mesh/or similar to the satisfaction of the Responsible Authority. The fence must remain in place until all works are completed to the satisfaction of the Responsible Authority.**
- 14. Except with the written consent of the Responsible Authority, within the tree protection zone, the following are prohibited:**
  - a) Vehicular or pedestrian access**
  - b) Construction or building works of any kind**
  - c) Trenching or soil evacuation**
  - d) Storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products**
  - e) Entry and exit pits for underground services**
  - f) Any other actions or activities that may result in adverse impacts to retained native vegetation.**
- 15. No additional access ways/cross-overs will be permitted from Rifle Butts Road.**
- 16. Prior to commencement, a plan to the satisfaction of the Responsible Authority identifying the location of the access to the camping site utilizing an existing cross-over must be prepared and submitted to and approved by the Responsible Authority.**
- 17. The plan must avoid the Tree Protection Zones of all native vegetation on the site.**



**10.2.1 Application for Planning Permit No P001/19: Proposed Use and Development of Land for Glamping - 321 Rifle Butts Road, Mansfield cont.**

18. When approved, the plan will be endorsed and will form part of the permit. All works constructed or carried out must be in accordance with the endorsed plan.
19. Prior to commencement of the works, a detailed landscape plan must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of the permit. The landscape plan must be drawn to scale with dimensions to be provided:  
  
The landscape plan must provide for:
  - a) A detailed planting schedule of all proposed trees, shrubs and groundcovers, including botanical names, common names, pot sizes, sizes at maturity and quantities of each plant.
  - b) The plant schedule should be based on the recommended planting schedule documented in the *Revegetation Guide for the Goulburn Broken Catchment* as published by the Goulburn Broken Catchment Management Authority.
20. Prior to commencement of the proposed development, approval for the installation of a septic system must be obtained from Council's Environmental Health Department. The application must include a detailed report on the functional performance of the existing wastewater systems servicing the dwelling and bungalow on the land and any necessary maintenance or improvement works are to be undertaken to the satisfaction of Council prior to the commencement of trading.
21. The proposed wastewater system design is to be based on the lodged Land Capability Assessment Report for up to 10 Glamping sites and the associated facilities. The amenity facilities are to be fitted with water saving fittings and fixtures to limit the volume of wastewater to be treated and dispersed on-site. The sinks adjacent to the BBQ facility are to be equipped with a grease trap(s) of a size to the satisfaction of Council.
22. The wastewater system is to have a dispersal field of a size and location to the satisfaction of Council's Environmental Health Officer.
23. Upon installation of the system, permanent vehicle and stock barriers to the satisfaction of Council are to be incorporated in the site features.
24. Specific action is also to be taken for the diversion of stormwater runoff around the location of the wastewater treatment system and the effluent dispersal area.
25. The system must be installed in accordance with that approval and endorsed for use by the issue of a 'Permit to Use' prior to the occupation of the dwelling.



**10.2.1 Application for Planning Permit No P001/19: Proposed Use and Development of Land for Glamping - 321 Rifle Butts Road, Mansfield cont.**

26. 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).
27. No buildings or works may be erected or carried out within 30 metres of a waterway or on any drainage lines.
28. All wastewater must be treated and disposed of using an EPA approved system, installed, operated and maintained in compliance with the relevant EPA Code of Practice and Certificate of Conformity.
29. The wastewater management system must be appropriately designed to manage the potential volume of wastewater generated under full occupancy (based on a minimum of 11 tents, each with two occupants), including an appropriately sized disposal area based on a full water balance specific to the proposal and subject land.
30. The wastewater disposal area must be located at minimum setback distances of:
  - 100 metres from the nearest waterway
  - 60 metres from any dams (including proposed dam)
  - 40 metres from any drainage lines
31. The wastewater disposal area must be kept free of stock, buildings, driveways and service trenching and must be planted with appropriate vegetation to maximize its performance. Stormwater must be diverted away. 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.
32. Given the proposed use of the development (Caravan Park) in an high bushfire risk landscape a Bushfire Emergency Management plan will need to be developed and address the following:
  - a) Premises details
    - Describe property and business details.
    - Identify the purpose of the BEP stating that the plan outlines procedures for:
      - (i) *Closure of premises on an day with a Fire Danger Rating of Extreme and Code Red.*
      - (ii) *Evacuation (evacuation from the site to a designated safer off-site location).*
      - (iii) *Shelter-in-place (remaining on-site in a designated building).*



**10.2.1 Application for Planning Permit No P001/19: Proposed Use and Development of Land for Glamping - 321 Rifle Butts Road, Mansfield cont.**

**b) Review the BEP**

- Outline that the plan must be reviewed and updated annually prior to the commencement of the declared Fire Danger Period.
- Include a *Version Control Table*.

**c) Roles & Responsibilities**

- Detail the staff responsibilities for implementing the emergency procedures in the event of a bushfire.

**d) Emergency contact details**

- Outline organisation/position/contact details for emergency services personnel

**e) Bushfire monitoring procedures**

- Details the use of radio, internet and social networks that will assist in monitoring potential threats during the bushfire danger period.
- Describe and show (include a map) the area to be monitored for potential bushfire activity.

**f) Action Statements – trigger points for action**

**i. Prior to the Fire Danger Period**

- Describe on-site training sessions and the fire equipment checks.
- Identify maintenance of bushfire protection measures such as vegetation management.
- Closure of premise during forecast Fire Danger Rating of Extreme and Code Red days
- Outline guest notification procedures and details of premises closure (including timing of closure).

**ii. Evacuation**

- Identify triggers for evacuation from site. For example, when evacuation is recommended by emergency services.
- Details of the location/s of the offsite emergency assembly location.
- Transport arrangements for staff and guests including details such as:



**10.2.1 Application for Planning Permit No P001/19: Proposed Use and Development of Land for Glamping - 321 Rifle Butts Road, Mansfield cont.**

- Number of vehicles required
- Name of company providing transportation
- Contact phone number for transport company
- Time required before transportation is likely to be available
- Estimated travelling time to destination

- Actions after the bushfire emergency event.

**iii. Shelter-in-place**

- Show the location and describe the type of shelter-in-place.
- Triggers for commencing the shelter-in-place option
- Procedures for emergency assembly in the shelter-in-place building.
- 

**33. Premises closure**

The use of the Caravan Park approved under this permit must not operate after 10.00am on any day with a declared Fire Danger Rating of Extreme and Code Red.

**34. Caravan Park Requirement**

The site complies with the CFA Caravan Park Fire Safety Guideline 2012 in accordance with the Residential tenancies Act (Caravan parks and Moveable Dwellings Registration and Standards) Regulation 2010.

**Planning Note:**

In order to protect water quality and natural habitats a 30 metre wide buffer strip of native vegetation must be maintained an enhanced along the waterway that transect the subject land from east to west. Stock must be prevented from having access to the area.

**Carried**



## 10.2 DEVELOPMENT SERVICES CONT.

### 10.2.2 Mansfield Station Precinct Concept Masterplan

**File Number:** E5296  
**Responsible Officer:** Development Services Manager, Ben McKay

#### Disclosure of Conflicts of Interest

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

#### Introduction

The Mansfield Station Precinct Activation Project will provide guidance in the form of a master plan for the future of the township's former station precinct. The project consists of three complimentary stages, with stage one already being endorsed by Council, which comprised the background report as well as the vision statement.

This report finalises Stage two of the project, being the delivery of a concept master plan. At its meeting of 19 December 2018, Council, resolved to release the draft Concept Master Plan for public exhibition and feedback. Public consultation concluded on 15 February 2018, Forty two (42) submissions were received.

The purpose of this report is to consider those submissions and endorse the Concept Master Plan

#### Background

A comprehensive background report was conducted, to inform the Concept Master Plan which included the analysis and feasibility of previous government and community-led strategic plans, the outcomes of the urban economics analysis, current traffic analysis, site and context analysis and a wide-ranging community consultation process.

Drawing from the background report and community consultation three preliminary options were presented to the steering committee and key stakeholders. Feedback from these groups as well as analysis of relevant strategic and statutory information including economic analysis culminated in the preferred concept master plan.

Council, at the December Ordinary Council meeting, resolved to release the draft Concept Master Plan for public exhibition and feedback from 1 January 2018 – 15 February 2018.

#### Statutory Requirements

There are no statutory requirements related to stage two of the Project and the information presented within this report.



## **10.2.2 Mansfield Station Precinct Concept Masterplan cont.**

### **Council Plan**

This project is aligned to the following strategic directions within the 2018-2019 Council Plan

- Strategic Direction One – Participation and Partnerships
- Strategic Direction Three - Community Resilience and Connectivity
- Strategic Direction Four – Enhanced Liveability

### **Financial**

Cost associated with this Project are within the 2018-2019 Council budget and include grant funding from the State and Federal Governments.

An external and specialist consultant, SJB Urban, who were engaged through a tender process, are predominantly undertaking the Project

### **Social**

Social factors associated with this project have been considered and discussed in the concept masterplan report.

### **Environmental**

The concept plan has been developed to not only compliment but also enhance the current environmental characteristics of the site.

### **Economic**

The Mansfield Station Precinct Activation Project will facilitate economic development in the Mansfield Township.

### **Risk Management**

Extensive community engagement to understand competing interests from various businesses, community groups and individuals has been undertaken in order to mitigate any risk.

### **Community Engagement**

The community consultation process for this project to date has been far reaching. The Concept Masterplan was on public exhibition for six (6) weeks, between 2 January – 15 February 2019. The plan was made available through the Council website as well as in hard copy at the Mansfield Shire Council offices, the Mansfield Library, the Mansfield Visitor Information Centre and key community hubs within the outlying townships

As a result of the consultation process Forty two (42) submissions were received. The themes of the consultation are discussed below with the outcomes of the community consultation summarised in attachment 2.



## 10.2.2 Mansfield Station Precinct Concept Masterplan cont.

### Library

- The relocation of the library from the current location was a concern, given its proximity to the centre of town. Ease of access for the community to the library, in its current location, along with concerns for the interaction of people and traffic accessing the station precinct site.
- There was support for the colocation with the arts and cultural centre, with suggestions being made to purchase neighbouring properties of the existing library suite for expansion.

It is important to note that the inclusion of a proposed library into the masterplan could represent anything from a dedicated hub associated with the art space all the way through to a new library. Discussions need to be had that identify community synergies, visitation numbers as well as understanding any efficiencies of operational costs. The masterplan provides a blueprint for potential private and community uses that could benefit from being collocated within the site. Prior to any of these uses being developed onsite it is envisaged that a varying degree of community engagement would still be carried out, depending on the impact they may have on the community. With this in mind it is recommended that the idea of a library remain on the masterplan, to allow future synergies and funding opportunities to be explored.

### Heritage

- Concern that the Taungurung people had not been consulted with about the requirements or the size of the gathering space.
- The heritage shed should be used for storage of heritage items and an office should be constructed to the end of the station building, not with the community hub.

The Taungurung people have, and still are represented as part of the steering committee as well as being part of the community engagement at the commencement of the project. The gathering space will be developed in greater detail as the project progresses, as this will require targeted consultation with the Taungurung people, however it is vital that the space, whatever form it takes, is secured on the Masterplan now.

The basis for the masterplan is to create synergies between uses that will complement each other. Provisions for infrastructure and the ability to collocate office space that mean the project will be financially sustainable are important factors to take into account. The potential for an office to be located at the station office may be investigated as part of a detailed design prior to construction.



## 10.2.2 Mansfield Station Precinct Concept Masterplan cont.

### Rail trail

- Upgrades were proposed along with a suggestion to create a grade separated path along the original alignment at Withers Lane as well as it being questioned if the trail could go all the way into town.

Improvements to the rail trail have been suggested as part of the enhancement of the existing landscape to the west of the stock route. Any work along the rail trail would require further community consultation and targeting engagement with community groups.

### Facilities

- There was support for the colocation of community facilities, however maximizing the existing infrastructure was also a focus.
- It was suggested the museum storage should be increased to 800sqm and relocated so as not to interrupt views to Mt Battery and Mt Buller and include art workshops (around 100m<sup>2</sup>)

There is potential for the size of storage facilities and footprints to change depending on the need of the end users. The masterplan will show an indicative design and demonstrate the ability for these types of facilities to be catered for onsite. The detail design will occur at the construction stage. Strong support was shown for both the pump track and play areas

### Traffic/Parking/Caravan

- Traffic congestion in Kitchen Street as well as the location being too far from the all abilities playground was mentioned. Retaining the current car park was also a theme.

The all abilities playground has been relocated to improve access from the car park. The repositioning of the car park creates a separation from Kitchen Street and should ease any congestion. The intention of the existing carpark to become a civic space is to allow the precinct to blend into and form a link into the town centre, which from a spatial perspective will allow pedestrian activation.

### General

- Concern that the masterplan doesn't address the area west of the stock route

The characteristics of the site result in a disconnect between the eastern and western end, meaning the walkability from one end to the other is poor. This, along with need to intensify activation of the site has meant that the footprint has been contained to the eastern side of the stock route. With this in mind the masterplan proposes that the western end be enhanced to expand its existing natural features and create a lookout to the east.



## 10.2.2 Mansfield Station Precinct Concept Masterplan cont.

- Concern over the operability of so many uses in one building

Consideration will have to be given prior to the commencement of development as to how these uses function. These uses have been grouped together however as there are relationships that demonstrate a level of crossover that can benefit all users.

### Officer's Comments

The proposed concept masterplan has balanced the future need of the community while responding sensitively to surrounding land uses.

The Master Plan will establish the guiding framework for development of the civic precinct, including a new community learning hub, and creating a new vibrant public space. The Master Plan presents a step forward in realising key aspirations for the civic precinct and sets a clear strategic direction for future land-use and development of detailed designs.

The main points raised in submissions from the public consultation process have predominately related to the relocation of the library and elements relating to detailed design. These main considerations can generally be incorporated into the design of specific elements at a later stage.

### Attachments

- 1 Mansfield Station Precinct Activation Project Concept Master Plan
- 2 Summary of themes from submissions

### Councillors Sladdin/Attley:

#### That Council:

1. **Endorse the Mansfield Station Precinct Activation Project Concept Master Plan subject to the inclusion of the proposed library, in accordance with the exhibited draft Concept Plan.**
2. **Acknowledge and thank the Mansfield Station Precinct Project Steering Committee for their efforts to date.**

**Carried**



## 10.3 EXECUTIVE SERVICES

### 10.3.1 Rate Variation Proposal and Draft Rating Strategy

**File Number:** E5736  
**Responsible Officer:** Finance Manager, 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 direct or indirect interest in this matter, as provided in accordance with the *Local Government Act 1989*.

#### Summary

This report asks Councillors to consider the submissions received in relation to:

- a) the Draft Rating Strategy; and
- b) the Rate Variation Proposal.

#### Background

At the Ordinary Council Meeting on 18 September 2018 Council instructed the Chief Executive Officer, by way of a Notice of Motion, to prepare the necessary processes and documentation for a rate variation application for the 2019-20 budget.

Officers prepared the required financial strategies, modelling and explanatory data to enable consultation with the broader community on the issue.

Council endorsed the Draft Rating Strategy to be released for community engagement at the Ordinary Council Meeting on 20 November 2019.

The Draft Strategy and the Rate Variation Proposal were released concurrently for public review and feedback on 30 November 2018.

The consultation period closed on 14 January 2019. The resulting feedback has been collated and is now presented to Council for consideration with this report.

#### Statutory Requirements

Rates and Service Charges are regulated by Part 8 of the *Local Government Act 1989*.

Sections of particular note include:

- S158: Council must declare rates and charges (including differentials) by 30 June each year for the following financial year



### 10.3.1 Rate Variation Proposal and Draft Rating Strategy cont.

- S159: Council may declare a municipal charge which cannot exceed 20% of the total of general rates and municipal charge combined.
  - Note this limit is expected to be revised to 10% if the *Local Government Bill* (new Act) is passed in its current form
- S161: If a Council declares differential rates, it must specify the objectives of each differential rate
- S161(5): the highest differential rate must not be more than 4 times the lowest differential rate
- S162: Council may declare a service charge for the collection and disposal of refuse
- S185E: Council may apply the Essential Services Commission for a higher rate cap

#### Council Plan

Item 2.4.2: Review the need to apply for a variation to the State's rate capping with the Long Term Financial Plan

#### Financial

The rating strategy does not impact income to Council, only the distribution of rate income among property owners.

The rate variation proposal seeks to transfer income between categories, from the waste service charges to general rates. The proposal does not increase Council's revenue.

#### Social

There is no significant social impact in relation to this matter.

#### Environmental

There are no environmental impacts in relation to this matter.

#### Economic

The Rate Variation Proposal and the Draft Rating Strategy (particularly the change in the maximum Municipal Charge %) will have a more significant impact on those ratepayers of properties on the top end of the valuation scale. The largest value properties tend to sit in the Farmland rate differential category.

Conversely, properties with lower than average Capital Improved Values will see a reduction in overall rate and waste charges.



### **10.3.1 Rate Variation Proposal and Draft Rating Strategy cont.**

Council are unable to assess any broader economic impact of an increase in rates to high value property owners as we are not privy to the financial position of these property owners and/or their enterprises.

Council currently has 6 ratepayers that have invoked their rights under the Financial Hardship Policy. One of these is a ratepayer in the Farmland differential category.

#### **Risk Management**

Should the Rate Variation Proposal not go ahead, Council will be required to remove \$1.2m from the annual budget each year in order to comply with the Victorian Ombudsmans recommendations around waste service charges. If this were to happen, services will need to be reduced or cut in order to remain financially sustainable.

#### **Community Engagement**

A community engagement plan was prepared and included the following forms of engagement:

- Explanatory information and the proposal made available online (or in hard copy on request)
- Survey to canvass community feedback (online and hard copy if requested)
- Advertisement in the local newspaper (Mansfield Courier)
- Facebook posts
- Webpage news items
- Four “Drop In Sessions” for community members to engage in one on one discussions with Councillors

#### **Drop In Sessions**

The following sessions were held.

- Wednesday, 5 December at the Family and Childrens Centre 10am – 12noon
- Friday, 7 December at the Library 1pm – 3pm
- Monday, 10 December at the Youth Centre 10am – 12noon
- Thursday, 13 December at the Library 2pm – 4pm

Each session was advertised in the local paper (Mansfield Courier), on facebook and on Council’s website.

There were 2 attendees received at these sessions. Each of the attendees subsequently made a submission via the online survey and therefore their concerns and comments are addressed in the section below.

### 10.3.1 Rate Variation Proposal and Draft Rating Strategy cont.

#### Survey – Rate Variation proposal and Rating Strategy

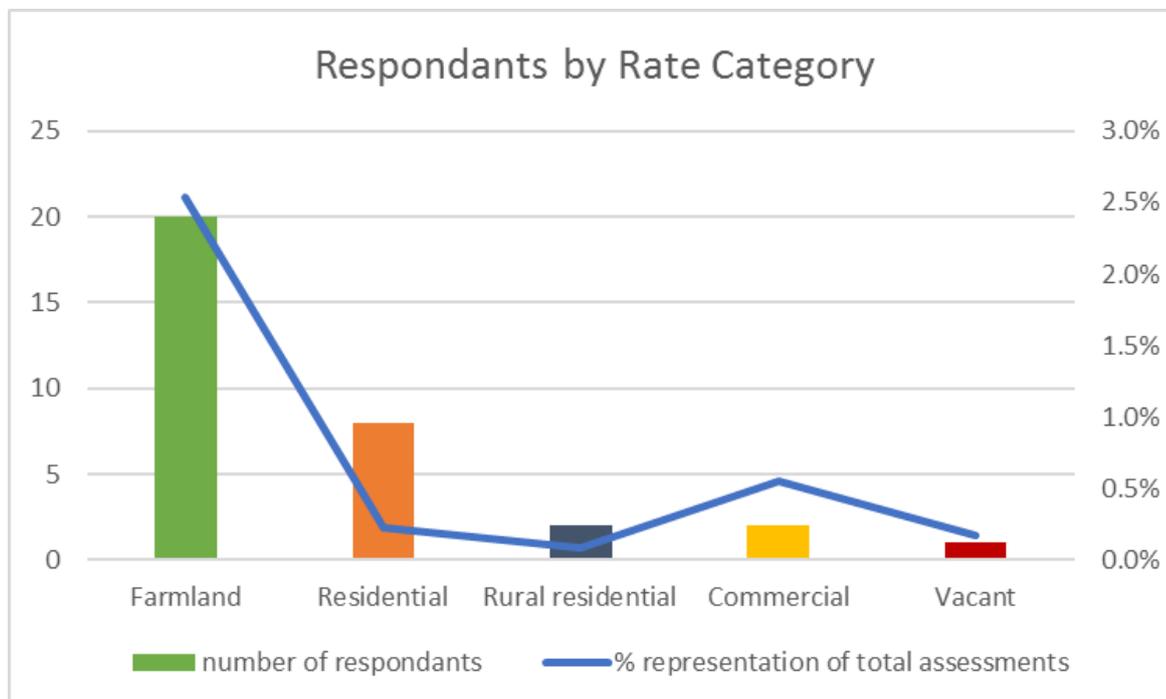
An online survey was conducted over a period of 6 weeks between 30 November 2018 and 14 January 2019. The survey was also available in hard copy on request.

Council received a total of 33 responses which represents 0.4% of the total rate assessments.

The majority (61%) of responses received came from residents who pay the farm rate as illustrated in the charts below, representing 2.5% of the farmland rating category.

The response rate from ratepayers in other rating categories are lower.

Total response rates to this survey can be considered extremely low.



#### Officer's Comments

It is important to note that there were two areas of consideration in the engagement process.

- 1 – rate variation to redistribute excess waste income to rates; and
- 2 – a change in the municipal charge

The differentiation between the two has been confused in many of the submissions received, and as such they should be read with the following in mind.

A rate variation in the form proposed will not significantly impact what the average rate payer will be charged for rates and waste in total.



### 10.3.1 Rate Variation Proposal and Draft Rating Strategy cont.

Differential category	Variance from current rates notice under new proposal after reallocating waste income and altering differentials
Residential	\$2 less per annum
Vacant Land	\$8 more per annum
Rural Residential	\$10 more per annum
Farmland	\$2 less per annum
Commercial	\$6 more per annum

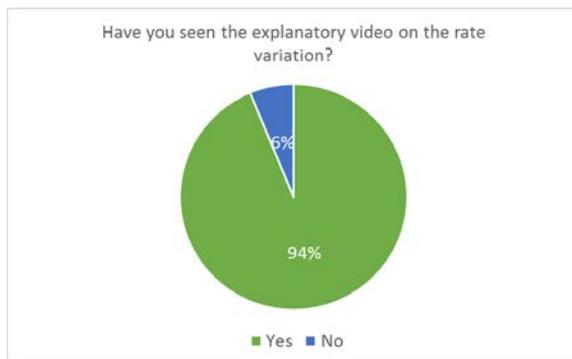
A reduction in the municipal charge, which can be considered quite separately from a rate variation proposal, will have the following impact on the average rate payer

Differential category	Estimated variance from change in municipal charge
Residential	\$33 less per annum
Vacant Land	\$84 less per annum
Rural Residential	\$9 more per annum
Farmland	\$143 more per annum
Commercial	\$122 more per annum

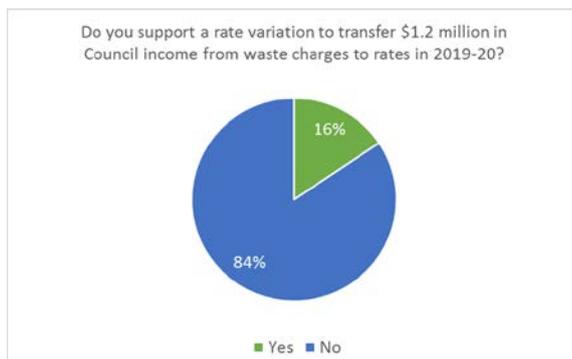
### Survey – Rate Variation Proposal and Rating Strategy

The results of the survey are shown below.

#### Question 1



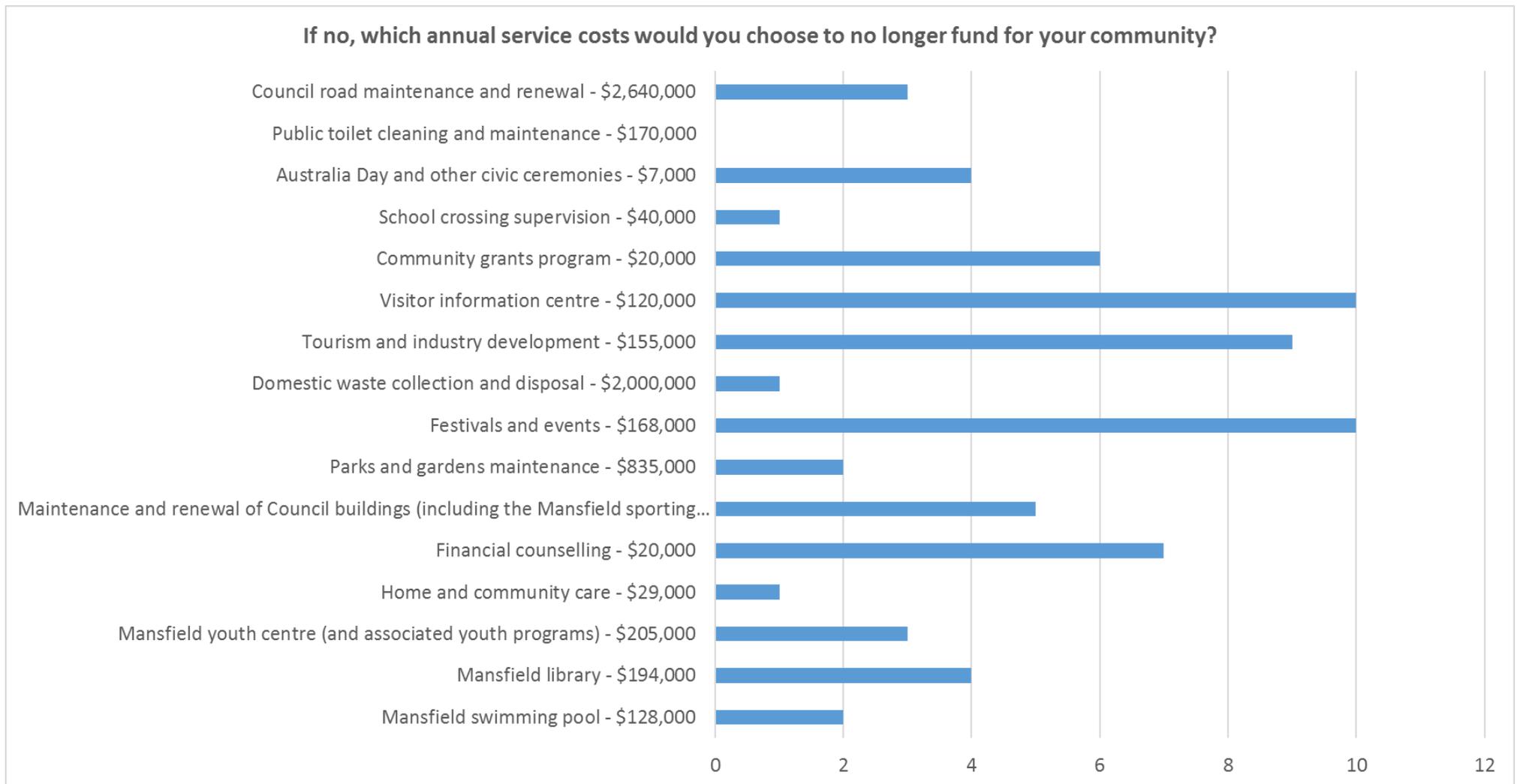
#### Question 2





### 10.3.1 Rate Variation Proposal and Draft Rating Strategy cont.

#### Question 3





### 10.3.1 Rate Variation Proposal and Draft Rating Strategy cont.

**Question 3(a)** – comments from the question “which annual service costs would you choose to no longer fund for your community?”

NOTE: community response comments have been provided verbatim, with minor spelling errors amended only.

	Community response	Officer comments
1	This is councils decision how to stay within their nominated budget. Reduce a staff member and it would be covered.	If Council did not apply for and receive a variation to the rate cap, the shortfall in the budget would be \$1.2million. Reduction of any one staff member would fall well short of this amount.
2	irrelevant question unless all options including staffing levels are listed.	<p>The survey stated that most services not listed as an option are either fully funded or legislated services that must be delivered by Council.</p> <p>Staffing levels are appropriate for the services currently being delivered, and cannot be considered separately from the services within which they are deployed. Following the restructure in April 2018 that led to the redundancy of a number of staff, there are no further staff cuts that can be made that will not impact on service delivery to the community.</p>
3	Looking at further reducing costs across the whole organisation like Wodonga did	Organisation wide operational costs were assessed in the 2018-19 budget and significant cost savings were made. There are no further cost savings that can be made without impacting the services delivered to the community.



### 10.3.1 Rate Variation Proposal and Draft Rating Strategy cont.

Community response		Officer comments
4	No extra staff to be employed and a complete review of all salaries and positions to help establish a sustainable cost base.	Staff salaries and positions were all reviewed as part of the restructure that was completed in April 2018.  The appointment of two new director positions was approved by Council in year two (2019-20) of the Strategic Plan 2018-2022.
5	The proposed managers	The appointment of two new director positions was approved by Council in year two (2019-20) of the Strategic Plan 2018-2022.
6	Council should direct CEO to undertake cost savings in Budget which is what he is paid to do.	Councillors have the authority to make the final decision on the annual budget and the services they choose to deliver for the community. It is legislated to consult with the community to ensure they have considered the services that are needed and wanted by both rate payers and community members.



### 10.3.1 Rate Variation Proposal and Draft Rating Strategy cont.

	Community response	Officer comments
7	I would 'cut back 'the Parks and Garden maintenance by half. Also ALL new developments should pay ALL costs eg roads, pathways etc	<p>The Parks and Gardens team maintain roundabouts, large reserves, roadside areas and significant open space within the town centre. They also perform irrigation, weed spraying, cleaning of public BBQ facilities and maintenance of park furniture.</p> <p>Cutting the Parks and Gardens budget by half would significantly reduce the aesthetics of the Shires open spaces and town centres.</p> <p>New subdivisions increase the costs of maintaining parks, gardens, trees and open space areas, and the Mansfield Shire is currently experiencing solid growth in this regard.</p> <p>New development should not be considered on an individual basis, but as part of the wider community that will use infrastructure. Sometimes benefits will be largely confined to the residents of a new development. Conversely sometimes the benefits will accrue to both existing and new residents. With this in mind, the costs of infrastructure for developments need to be shared amongst all the likely users, which includes existing and future development. In this way, costs should be distributed on a fair and equitable basis.</p>
8	Most of these are can not be cut. I would need to view the full budget.	
9	two new directors as proposed by the CEO, enough employees already	The appointment of two new director positions was approved by Council in year two (2019-20) of the Strategic Plan 2018-2022.



### 10.3.1 Rate Variation Proposal and Draft Rating Strategy cont.

Community response		Officer comments
10	Staff costs - in particular 'back-end'. Campaign to increase volunteerism and community group participation in many of above.	Staff cannot be considered independent of the service they contribute to deliver.
11	Employment of external consultants - too many	External consultants are employed where either: a) Council do not currently have the required skill set employed internally or, b) Council staff do not have the time capacity to complete the required tasks
12	DO NOT employ two new "Directors" in the shire to the cost of approx \$500,00	The appointment of two new director positions was approved by Council in year two (2019-20) of the Strategic Plan 2018-2022.
13	Reduce the number of Council employees and/or motor vehicles and expenses? Further alternative cost cutting to some services?	Vehicles are continually being assessed for optimal levels of use.  Comments on reductions in staff numbers have been made at #2 and #5 above.
14	Ratepayers without full knowledge or expertise should not be asked to nominate cuts to services.	Council is legislated to, and highly values the benefit of consulting with the community around budget allocations to services.
15	Staff levels; 10% off all services	Comments on reductions in staff numbers have been made at #2 and #5 above.

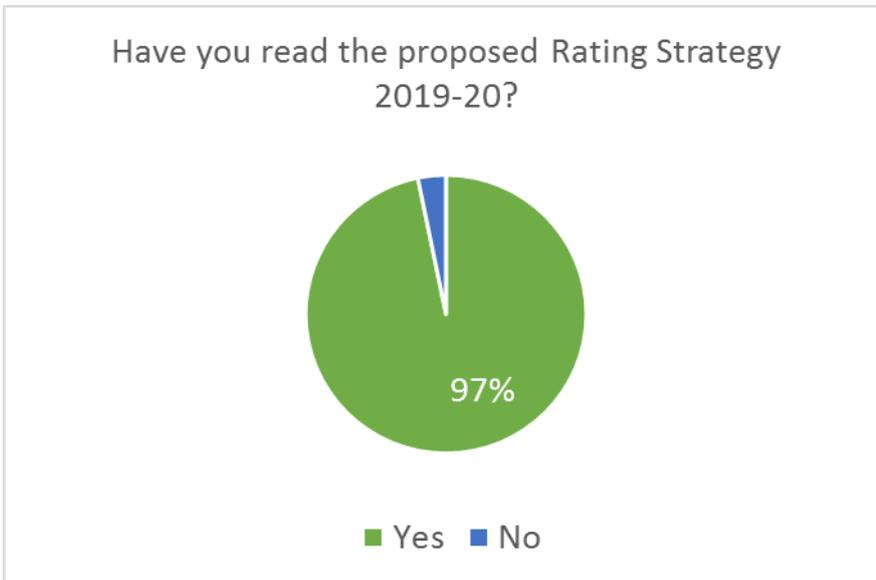


### 10.3.1 Rate Variation Proposal and Draft Rating Strategy cont.

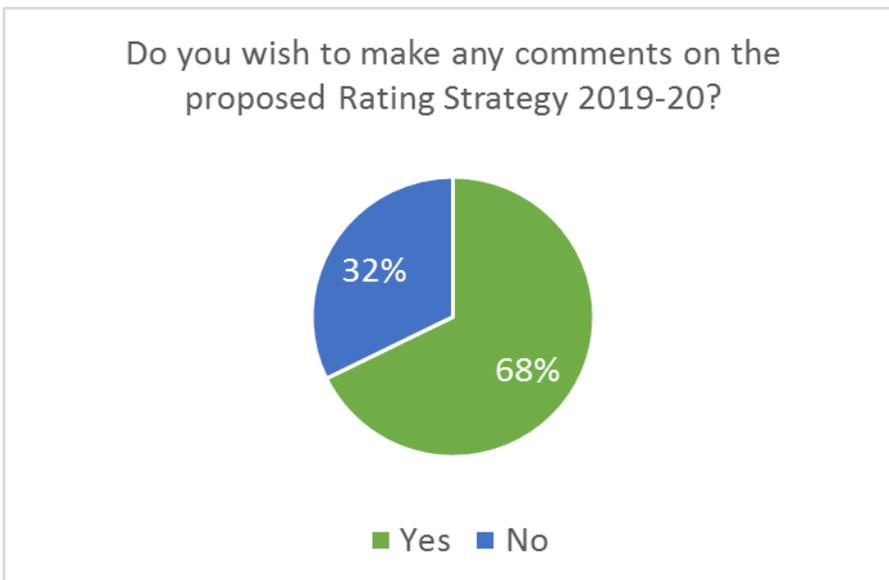
Community response		Officer comments
16	What rubbish!! The design of this survey is crap, just scaremongering. Reductions in services has to be worked out by council.	The survey and associated information is fact based.
17	Across the board cost cutting, management and service improvements, focus on immediate cost/benefits, less studies	
18	Vacuum truck street cleaning in certain areas	

### 10.3.1 Rate Variation Proposal and Draft Rating Strategy cont.

#### Question 4



#### Question 5





### 10.3.1 Rate Variation Proposal and Draft Rating Strategy cont.

**Question 6** – Comments on the rating strategy or rate variation proposal

Theme	Summary of submission/s	Officer comments
<b>Staffing and the selection of services to no longer fund</b>	Staffing is not costed and listed separately in the survey.  Not all services are listed in the survey.	The survey stated that most services not listed as an option to withdraw funding are either fully funded externally or legislated services that must be delivered by Council. Staffing levels are not relevant independent of the service they are related to and must be considered as an integral cost of delivering a service.



**10.3.1 Rate Variation Proposal and Draft Rating Strategy cont.**

Theme	Summary of submission/s	Officer comments
<p><b>Impact on the farming and rural ratepayers</b></p>	<p>The rate variation proposal disadvantages rural and semi rural rate payers.</p> <p>The municipal charge should remain at a 20% maximum as the new Local Government Bill has not yet been enacted.</p> <p>Rural rates have increased out of proportion over the last 5 years and is basically an assets tax with no relationship to its earning potential.</p>	<p>The rate variation proposal does not disadvantage “rural” (farmland) and “semi rural” (rural residential) rate payers. The draft rating strategy seeks to ensure the impact of transferring waste charges to rates charges is fair and equitable, by amending the rating differentials.</p> <p>The significant impact on the farming community is a result of the proposal to change the Municipal Charge from 20% to 10% in line with the preliminary recommendations of the State Government. This is not part of the rate variation proposal, but part of the revised rating strategy.</p> <p>The rating system is set by the State Government. Legislation requires rates to be allocated based on property valuations.</p> <p>Annual rate increases are a function of many things including:</p> <ul style="list-style-type: none"> <li>• % increase of the total pool of rate revenue (ie the Ministers Rate Cap)</li> <li>• Mix of property types (proportion of farmland, residential, commercial, vacant and rural residential properties)</li> <li>• Shift in land values in comparison with other properties within the same rating category</li> </ul> <p>Annual rate increases are not directly linked with property valuation increases and therefore are unlikely to increase in the same proportion.</p>
<p><b>Rate differentials</b></p>	<p>Council should reconsider offering rural residential rating category a discounted differential – road maintenance and waste collection to these properties costs the shire more than residential properties.</p>	



### 10.3.1 Rate Variation Proposal and Draft Rating Strategy cont.

Theme	Summary of submission/s	Officer comments
<b>Waste service charges</b>	<p>Will there be a reduction in waste services?</p> <p>What will happen if waste costs increase in future?</p> <p>Waste service charges that were in excess of the cost of the providing the service in the past should be refunded to ratepayers.</p>	<p>No. There will be no reduction in waste services as a result of the Rate Variation Proposal.</p> <p>If the cost of waste management service increases, these costs will be passed on to rate payers at cost recovery. Council policy dictates which services are allocated to which properties (ie where bins are mandatory). Cost increases specific to a type of waste service (eg kerbside garbage collection) will be passed on to those ratepayers that currently incur a charge for that service.</p> <p>The income earned over and above the cost of the waste service has been spent on delivering services and infrastructure for the community – ie to the communities benefit.</p> <p>It would cost approximately \$5.6m if the waste service income that was in excess of the cost of the service was returned to ratepayers in full.</p>



### 10.3.1 Rate Variation Proposal and Draft Rating Strategy cont.

Theme	Summary of submission/s	Officer comments
Service delivery	<p>Council should be focussed on delivering essential services first.</p> <p>Non-essential services could be prioritised with community engagement.</p>	<p>The definition of essential and non-essential services will differ amongst members of the community, which is why engagement has been sought on the issue to ensure everyone has a voice if they wish to.</p>
Tourism, events and economic development	<p>Tourism should be funded by those that benefit.</p>	<p>The beneficiaries of tourism development and public events like Targa can be argued to be much broader than the direct recipients of monetary gain. Vibrant communities stem from vibrant economies. Tourism and events bring investment to town. That investment may be primarily to local commerce (ie food and beverage, retail outlets, accommodation providers) in the first instance. However, the more funds that come into the businesses in town, the more businesses the district can support. This leads to more employment and therefore population growth. This can then drive other markets such as housing, education, health and so on. Larger populations have better opportunities to attract external funding (ie State, Federal, private) for improved facilities which can provide greater opportunities for our community (ie sporting, educational, vocational, health and wellbeing).</p>
Visitor information service	<p>The Visitor Information Centre future should be reviewed and these costs eliminated.</p>	<p>Elimination of Visitor Information Centre costs (\$120k) will require cancellation of the service in its current form. Consideration should be given to this in conjunction with the broader feedback in relation to the Station Precinct Master Plan project.</p>



### 10.3.1 Rate Variation Proposal and Draft Rating Strategy cont.

Theme	Summary of submission/s	Officer comments
<b>Road maintenance</b>	A strategic approach to road maintenance would yield savings.	Road maintenance strategies will be further improved through the use of the new Assetic bureau service and system. Assetic are currently performing condition assessments of all Council roads. This data will feed a modelling system to create a long term strategic road maintenance plan.
<b>New staff</b>	Two new director positions should not be implemented.	The appointment of two new director positions was approved by Council in year two (2019-20) of the Strategic Plan 2018-2022. The draft 2019-20 budget includes \$396k for two director positions commencing in 2019-20.
<b>Rate variation</b>	Is this really a one off variation?	A rate variation, if approved, would be a one off variation to the rate cap for the 2019-20 financial year only. Future rate increases will be based on the applicable rate cap at the time, against the rate income pool at the time. The rate income pool will increase in the case of a variation, which will mean future rate increases will be based on a higher pool. However, there will be a decrease in waste charges to offset.
<b>Supportive</b>	Fair and transparent.  This appears to be the only sensible move to make.	



### 10.3.1 Rate Variation Proposal and Draft Rating Strategy cont.

Theme	Summary of submission/s	Officer comments
Engagement process	<p>Poor timing and process</p> <p>Senior staff have vested interests.</p> <p>Senior staff, by secrecy, aim to avoid ratepayer concern and may well have avoided full briefing of Council.</p>	<p>The survey was released on 30 November specifically to allow plenty of time prior to Christmas. The survey also remained open over the traditional Christmas holiday period from 25 December to 14 January. The aim was to allow everyone the best opportunity (during normal “work period” and also during “holiday” period) to access the survey. Further, the survey was online and therefore accessible anywhere to those with convenient access to smartphone or tablet technology.</p> <p>Senior staff act with integrity and in a professional capacity at all times, in accordance with the ethical requirements of their profession, and present factual information to Councillors. Decisions are made by Councillors and not by Senior Staff. All conflicts of interest are declared in accordance with the Local Government Act 1989.</p> <p>There has been no secrecy – all the information supporting the proposal was made publically available on the website, and in hard copy on request. This was advertised in the local paper (Mansfield Courier) and on Councils facebook page and website. Councillors were also available at 4 “drop-in sessions” to answer any questions in a one on one environment with members of the community.</p> <p>Councillors have been fully briefed on the issue and the impacts, and endorsed the Draft Rating Strategy for public consultation at the November 2018 Ordinary Council Meeting.</p>



### **10.3.1 Rate Variation Proposal and Draft Rating Strategy cont.**

#### **Attachments**

- A. Submissions to the Rate Variation Proposal and Draft Rating Strategy 2019-20.
- B. Draft Rating Strategy 2019-20

**The Mayor advised of a late submission, received from Howard Evans, which has been included with the current submissions.**

**Councillors Attley/Olver:**

**That:**

- 1. Council consider the submissions to the Rate Variation Proposal and Draft Rating Strategy 2019-20.**
- 2. Council endorse the Draft Rating Strategy 2019-20 with the amendment that the municipal charge be retained at the maximum allowed of 20%.**



## 10.2 EXECUTIVE SERVICES CONT.

### 10.3.2 Motion to the National General Assembly of the Australian Local Government Association

**File Number:** E370  
**Responsible Officer:** Chief Executive Officer, Alex Green

#### Disclosure of Conflicts of Interest

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

#### Introduction

There is a long standing Mansfield community view that food premises in commercial areas should support community outcomes by selling food that is considered to be 'unhealthy'. This report makes a recommendation to the Local Government Association to consider options to enable consideration and control of commercial premises under planning schemes to achieve healthy outcomes.

#### Background

The Local Government Association has invited local governments to submit motions for consideration at the National General Assembly of Local Government in June 2019. This report outlines and makes a recommendation for a potential motion for consideration at the assembly.

#### Statutory Requirements

Definitions and general zone provisions under the Mansfield Planning Scheme are set at state level under the Victorian Planning Provisions (VPPs). As Council does not have the legal ability to change these definitions and provisions at local level, any potential change to the VPPs must be made at state level for consideration by the Minister for Planning.

#### Council Plan

This initiative is supported by and implements the Mansfield Shire Council *Council Plan 2017-2021*, being generally compatible with all five strategic directions.

#### Financial

There are no financial implications for Council associated with this request and motion.

#### Social

The proposed restriction on some commercial operations would support social and community outcomes and health.

### **10.3.2 Motion to the National General Assembly of the Australian Local Government Association cont.**

#### **Environmental**

There are no environmental considerations in relation to this matter.

#### **Economic**

It is considered that there would be no economic benefits associated with any proposed restriction on some commercial operations.

#### **Risk Management**

There are no potential risks associated with the proposed restriction on some commercial operations.

#### **Community Engagement**

The community has not been directly engaged in relation to this exact proposed motion. Council is however representing a long standing community view to place more scrutiny and restriction on commercial food premises that may be considered to sell unhealthy food.

#### **Officer's Comments**

At present councils do not have sufficient power to prevent the introduction into their communities of commercial operations that they believe are detrimental to the health and well-being of their residents.

Established commercial centres are generally zoned Commercial 1, for example the Mansfield township commercial area. Under the Commercial 1 Zone, 'take away food premises' and 'convenience restaurant' fall under the definition of 'food and drink premises' which falls under the overall definition of 'retail premises'. Under the Commercial 1 Zone, the uses of both 'retail premises' and 'shop' do not require a planning permit. A permit is required however for buildings and works associated with these uses.

Given that 'food and drink premises' is an 'as of right' use in the Commercial 1 Zone, i.e. the use does not require a planning permit, Council does not have an ability to consider and implement healthy food and community supporting outcomes for these proposals. An inability to consider the use through a planning permit process can result in the sale of unhealthy food, despite local community opposition to these type of sales.

In 2014, Yarra Ranges Shire in Victoria sought to prevent the opening of a McDonalds restaurant in Tecoma in response to community objections. The Victorian Civil Appeals Tribunal overturned the Yarra Ranges Shire refusal on the basis that the law permitted such an operation in the relevant zone.

### 10.3.2 Motion to the National General Assembly of the Australian Local Government Association cont.

A solution to this issue could be to require a planning permit for the use of ‘food and drink premises’, allowing councils to determine proposals on their merits in the best interests of their communities. A planning permit process would allow consideration of proposals against the planning scheme and other indicators such as an adopted Health and well-being plan, any other adopted relevant plans or policies and any community impact statement prepared to support the proposal.

To provide an ability to consider these proposals, it is considered appropriate to approach the Australian Local Government Association to make a submission to the Victorian Minister for Planning to initiate changes to the Victorian Planning Provisions dealing with ‘food and drink premises’.

#### Attachments

1. Motion

Councillors Volkering/Westendorp:

That Council:

1. Submit the following motion to the National General Assembly of the Australian Local Government Association for consideration:

*A submission be made to the Minister for Planning, Victoria to consider amending the Victorian Planning Provisions to amend the definition and provisions for ‘food and drink premises’ to enable councils to fully consider proposals on their merits to provide positive health and community well-being outcomes.*

2. Forward a copy of this report to the National General Assembly of the Australian Local Government Association as background information for this request.

**The Motion was defeated**



## 10.3 EXECUTIVE SERVICES CONT.

### 10.3.3 Mansfield Shire Council Occupational Health and Safety Policy

**File Number:** E233  
**Responsible Officer:** Corporate and Organisational Development Manager,  
Sharon Scott

#### Disclosure of Conflicts of Interest

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

#### Introduction

The purpose of this policy is to provide proactive management for the health and safety of all employees of Mansfield Shire Council.

#### Background

The Occupational Health and Safety Act 2004 requires employers and all other workplace parties to consult and co-operate in the management of workplace risks, in order to protect the health and safety of workers.

This policy came into effect in 2005 and has not been reviewed since this time. The policy has been updated and will ensure the correct OHS framework for the organisation.

A significant change since 2005 is the inclusion of Councillors under Council's OHS policy. This change has meant that it is now a Council policy, requiring Council consideration. Previously it was an operational policy requiring CEO approval only.

#### Statutory Requirements

In accordance with *Occupational Health and Safety Act 2004*, Council is required to have and Occupational Health and Safety Policy.

#### Council Plan

*Strategic Objective 5.5 - We have a strong framework in place to mitigate risk.*

#### Financial

There is no significant financial impact in relation to this policy.

#### Environmental

There are no direct environment impacts in relation to this policy.



### **10.3.3 Mansfield Shire Council Occupational Health and Safety Policy cont.**

#### **Economic**

There is no direct economic impact in relation to this policy.

#### **Community Engagement**

Due to the nature of this Policy and its legislative requirements, there has been no community engagement around the development of this policy.

#### **Officer's Comments**

As an employer, Council is required by law to provide a “safe system of work” together with providing a method of communicating, duplicating and implementing a safe work environment.

This Policy ensures the correct OHS framework for the organisation, and confirms Council's commitment to the provision of a safe and healthy work environment for all employees, volunteers, contractors and Councillors in line with relevant Workplace Health and Safety legislation, compliance codes and appropriate standards.

#### **Attachment**

1. Mansfield Shire Council OH&S Policy

#### **Councillors Attley/Volkering:**

**That Council endorse the Mansfield Shire Council Occupational Health and Safety Policy 2019.**

**Carried**



## 10.3 EXECUTIVE SERVICES CONT.

### 10.3.4 Mansfield Shire Protected Disclosure Policy and Procedure 2019

**File Number:** E513  
**Responsible Officer:** Corporate and Organisational Development Manager,  
Sharon Scott

#### Disclosure of Conflicts of Interest

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

#### Introduction

Members of the community must be able to rely on those in public office to conduct themselves properly and to use any powers they have in the service of the public.

Where there is a suggestion that public officials are, for example, breaching the trust invested in them, misusing information or mismanaging public resources, it is vital that those who observe or suspect such behaviour speak up and report the alleged misconduct.

The *Protected Disclosure Act 2012* (Act) was enacted by Parliament as a legislative framework for receiving such protected disclosures and protecting those who make them.

Council established and endorsed its Protected Disclosure Policy and Procedures on 19 February 2013. The Policy was subsequently reviewed during 2016 and endorsed by the Council at its meeting of 19 April 2016.

The current Policy has been reviewed, and Council endorsement is now sought for the Mansfield Shire Protected Disclosure Policy and Procedure 2019.

#### Background

The Act has changed the way in which corrupt or fraudulent activities are reported and investigated.

In accordance with Section 58 of the Act, Council is required to have available a Protected Disclosure Procedure to support the reporting of disclosures of improper conduct and response to detrimental action taken by Council or its employees, Councillors, officers or members of the general public.

A copy of the Procedure is appended to the Policy (attached), however it can also be read as a stand alone document.

Further information can also be obtained from the Independent Broad-based Anti-Corruption Commission (IBAC) website: [www.ibac.vic.gov.au](http://www.ibac.vic.gov.au)

### **10.3.4 Mansfield Shire Protected Disclosure Policy and Procedure 2019 cont.**

The Mansfield Shire Council Protected Disclosure Policy sets out Council's commitment to the aims and objectives of the Act, the purpose of which is to:

- Encourage and facilitate the disclosure of:
  - Improper conduct by public officers, public bodies and other persons; and
  - Detrimental action taken in reprisal for a person making a disclosure under the Act.
- Provide protection for:
  - Persons who make those disclosures; and
  - Persons who may suffer detrimental action in reprisal for those disclosures.
- Provide for the confidentiality of the content of those disclosures and the identity of the persons who make those disclosures.

The current review has made extensive changes to the Procedure by incorporating more specific and detailed information to assist with making a disclosure, and/or the receipt of a disclosure by the Council.

#### **Statutory Requirements**

In accordance with Section 58 of the Act, Council is required to have available a Protected Disclosure Procedure to support the reporting of disclosures of improper conduct and response to detrimental action taken by Council or its employees, Councillors, officers or members of the general public.

#### **Council Plan**

Council's reviewed Protected Disclosure Policy and Procedure falls in line with the 2017-21 Council Plan Theme of Responsible Leadership.

#### **Financial**

There are no financial implications associated with the Policy and Procedure.

#### **Social**

The Act is a legislative framework for receiving protected disclosures and protecting those who make them. It encourages people to come forward and make complaints by offering legal protection under the Act.

The protection of persons making genuine protected disclosures about improper conduct or detrimental action is essential for the effective implementation of the Act. Council will not tolerate any victimisation of a complainant or the subject of the protected disclosure.

In addition, the Act extends the need for welfare management to people who have co-operated or intend to co-operate with an investigation of a protected disclosure complaint. Persons who are the subject of allegations will also have their welfare looked after.

### **10.3.4 Mansfield Shire Protected Disclosure Policy and Procedure 2019 cont.**

Mansfield Shire Council will ensure disclosers and those co-operating are protected from direct and indirect detrimental action being taken against them in reprisal for the protected disclosure. The Council will ensure its workplace culture supports disclosers and those co-operating. Such support will extend to the relevant persons regardless of whether they are internal to the organisation (eg, employees, Councillors, other officers) or external members of the public.

#### **Environmental**

There are no environmental implications associated with the Policy and Procedure.

#### **Economic**

There are no economic implications associated with the Policy and Procedure.

#### **Risk Management**

Council recognises the value of transparency and accountability in its administrative and management practices, and supports the making of disclosures that reveal corrupt conduct, conduct involving a substantial mismanagement of public resources, or conduct involving a substantial risk to public health and safety of the environment.

Council will take all reasonable steps to protect people who make such disclosures from any detrimental action in reprisal for making the disclosure. It will also afford natural justice to the person who is the subject of the disclosure.

#### **Community Engagement**

Given the nature of this Policy and Procedure, the community has not been consulted to provide input into this document.

Upon endorsement of the Policy, a copy will be made available on Council's website, and the general public will be made aware of the Procedures via local and social media.

#### **Officer's Comments**

The reviewed Protected Disclosure Policy and Procedure will continue to provide Council with the tools to effectively manage fraud and corruption disclosures.

#### **Attachment**

1. Mansfield Shire Council Protected Disclosure Policy 2019

#### **Councillors Sladdin/Olver:**

**That Council endorse the Mansfield Shire Protected Disclosure Policy and Procedure 2019.**

**Carried**

## 11. ASSEMBLIES OF COUNCILLORS

Under section 76AA of the *Local Government Act 1989* an Assembly of Councillors (however titled) 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].

An assembly of Councillors does not include a meeting of the Council, a special committee of the Council, or any club, association, peak body, political party of other organisation.

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 and the issues discussed.

DATE	TYPE OF ASSEMBLY	ISSUES DISCUSSED
12 February 2019	<p><b>Councillors' Briefing Session</b></p> <p><b>Councillors:</b></p> <ul style="list-style-type: none"> <li>• Cr Harry Westendorp</li> <li>• Cr Paul Volkering</li> <li>• Cr Marg Attley</li> </ul> <p><b>Apologies:</b></p> <ul style="list-style-type: none"> <li>• Cr Peter Olver</li> <li>• Cr Paul Sladdin</li> </ul> <p><b>Officers:</b></p> <ul style="list-style-type: none"> <li>• Chief Executive Officer, Alex Green</li> <li>• Community Services Manager, Melanie Hotton</li> <li>• Finance Manager, Mandy Kynnersley</li> <li>• Executive Assistant, Lisa Fricke</li> </ul> <p><b>External Attendees:</b></p> <ul style="list-style-type: none"> <li>• Coral Ross, MAV Presidential Candidate</li> <li>• FoV representatives: J. Aldous, A. Crockett, D. Foster, R. Meadows and L. Elder</li> </ul>	<p><i>Conflicts of Interest:</i> NIL</p> <p><i>Issues Discussed:</i></p> <ul style="list-style-type: none"> <li>• Australia Day</li> <li>• Friends of Venilale</li> <li>• Governance and Risk Co-ordinator commencement</li> <li>• Local Government Performance Reporting Framework – Strategic Framework</li> <li>• Confidential discussion Re: Sale of Lot 2002 Kitchen Street</li> <li>• Pre-School Masterplan</li> <li>• Basketball Stadium Feasibility Study</li> <li>• Ministerial meeting</li> <li>• Parking Issue Malcolm Street near St. Marys</li> <li>• Drainage issue – Apollo Street and High Street</li> <li>• Highton Lane Special Charge Scheme</li> <li>• Acknowledgement of works undertaken Tolmie-Mahikah Road</li> <li>• Nurses dedication seat at Hospital</li> <li>• Merrijig Residents Action Group Re: Rehabilitation of Stone Extraction Site and Change Speed Limit</li> <li>• RCV Summit</li> <li>• Councillor Representation on VLGA Advisory Board</li> <li>• Saleyards Update</li> <li>• MAV Presidential Candidate</li> </ul>
19 February 2019	<p><b>Councillors' Briefing –Budget Session #1</b></p> <p><b>Councillors:</b></p> <ul style="list-style-type: none"> <li>• Cr Harry Westendorp</li> <li>• Cr Paul Sladdin</li> <li>• Cr Marg Attley</li> <li>• Cr Peter Olver</li> <li>• Cr Paul Volkering</li> </ul> <p><b>Officers:</b></p> <ul style="list-style-type: none"> <li>• Chief Executive Officer, Alex Green</li> <li>• Community Services Manager, Melanie Hotton</li> <li>• Finance Manager, Mandy Kynnersley</li> </ul>	<p><i>Conflicts of Interest:</i> NIL</p> <p><i>Issues Discussed:</i></p> <ul style="list-style-type: none"> <li>• Operating Budget</li> <li>• Update on VCAT Hearings – Star Glen Lodge and Grandview Drive</li> <li>• Rifle Butts Road Speed Limit and Signage</li> <li>• View Street Drainage</li> <li>• Highton Lane Special Charge Scheme</li> <li>• Barwite Road Reconstruction</li> <li>• Mansfield Whitfield Road/Dead Horse Lane Reconstruction</li> <li>• Backroads Program Thank You</li> </ul>



**11. ASSEMBLIES OF COUNCILLORS CONT.**

<b>DATE</b>	<b>TYPE OF ASSEMBLY</b>	<b>ISSUES DISCUSSED</b>
26 February 2019	<p><b>Councillors’ Briefing – Budget Session #2</b></p> <p><i>Councillors:</i></p> <ul style="list-style-type: none"> <li>• Cr Harry Westendorp</li> <li>• Cr Paul Sladdin</li> <li>• Cr Marg Attley</li> <li>• Cr Peter Olver</li> <li>• Cr Paul Volkering</li> </ul> <p><i>Apologies:</i></p> <p><i>Officers:</i></p> <ul style="list-style-type: none"> <li>• Chief Executive Officer, Alex Green</li> <li>• Community Services Manager, Melanie Hotton</li> <li>• Finance Manager, Mandy Kynnersley</li> </ul>	<p><i>Conflicts of Interest:</i> NIL</p> <p><i>Issues Discussed:</i></p> <ul style="list-style-type: none"> <li>• Capital Budget</li> <li>• Dual Court Multi-Use Indoor Sports Stadium Feasibility Study</li> </ul>

**Councillors Olver/Sladdin:**

**That the Council note the Assemblies of Councillors from 12 February 2019 to 26 February 2019.**

**Carried**

**12. ADVISORY AND SPECIAL COMMITTEE REPORTS**

**12.1 Mansfield Shire Audit and Risk Advisory Committee: Minutes of Meeting**

The Minutes of the Mansfield Shire Audit and Risk Advisory Committee meeting, held on 18 February 2019, are attached for the Council’s information.

**Attachment**

- 1 Mansfield Shire Audit and Risk Advisory Committee Minutes of Meeting

Cr Volkering acknowledged the Audit and Risk Advisory Committee’s attention to project delivery within the Finance report and to the development of Council’s Workforce Planning Strategy.

**Councillors Sladdin/Olver:**

**That the Council receive the Minutes of the Mansfield Shire Audit and Risk Advisory Committee meeting, held on 18 February 2019.**

**Carried**



### 13. AUTHORISATION OF SEALING OF DOCUMENTS

The following documentation has been signed and sealed by Council:

- Mansfield Shire Council Enterprise Agreement 2019

**Councillors Volkering/Sladdin:**

**That Council note the sealing of the Mansfield Shire Council Enterprise Agreement 2019.**

**Carried**

### SUSPENSION OF STANDING ORDERS

**Councillors Attley/Sladdin:**

**That Council suspend standing orders to facilitate public question time.**

**Carried**

### 14. PUBLIC QUESTION TIME

Ms Leanne Robson and Mr Tony Tehan sought updates on the Station Precinct Masterplan and processes into the future.

### RESUMPTION OF STANDING ORDERS

**Councillors Attley/Olver:**

**That Council resume standing orders.**

**Carried**

### 15. CLOSURE OF MEETING TO MEMBERS OF THE PUBLIC

That pursuant to the provisions of Section 89(2) of the *Local Government Act 1989*, the meeting be closed the public in order to consider:

- (d) contractual matters;
- (i) a resolution to close the meeting to members of the public.

**Councillors Sladdin/Attley:**

**That the meeting be closed to members of the public under Section 89(2) of the *Local Government Act 1989*, specifically the following sub-section:**

- (d) contractual matters;
- (i) a resolution to close the meeting to members of the public.

**Carried**



**Councillors Attley/Olver:**

**That the meeting be reopened to members of the public.**

**Carried**

**16. CLOSE OF MEETING**

There being no further business the meeting concluded at 7.04pm.

CONFIRMED this **sixteenth** day of **April** 2019.

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**Mayor**