



COUNCIL MEETING TUESDAY, 18 AUGUST 2020

MINUTES

MANSFIELD SHIRE COUNCIL
Via Zoom and livestreamed on the
Mansfield Shire Council website
5.00pm

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5.00PM

1. OPENING OF THE MEETING

The Mayor, Cr Marg Attley OAM, opened the meeting at 5.00pm.

2. PRESENT

Marg Attley, *Tolmie Ward*
Peter Olver, *Mansfield Ward*
Paul Volkering, *Mansfield Ward*
Harry Westendorp, *Jamieson Ward*
Paul Sladdin, *Bonnie Doon Ward*

In attendance:

Chief Executive Officer:

General Manager Infrastructure and Planning:

Finance Manager:

Governance & Risk Coordinator:

Kaylene Conrick

Kirsten Alexander

Mandy Kynnersley

Michelle Kain

3. APOLOGIES

Nil.

4. STATEMENT OF COMMITMENT

Cr Attley read the statement and called 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, Cr Peter Olver:

"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

Mayor Attley declared a conflict of interest in respect of item 13.4.1.

7. CONFIRMATION OF MINUTES

Councillors Westendorp/Sladdin:

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

- 21 July 2020
- 4 August 2020

be confirmed as an accurate record.

CARRIED

8. REPRESENTATIONS

Sir Andrew Grimwade and Mr Geoffrey Doyle have requested to speak to item 13.4.1

9. NOTICES OF MOTION

Nil.

10. MAYOR'S REPORT

Councillors Olver/Sladdin:

THAT Council receive the Mayor's report for the period 16 July 2020 to 10 August 2020.

CARRIED

11. REPORTS FROM COUNCIL APPOINTED REPRESENTATIVES

Councillors Volkering/Westendorp:

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

CARRIED



12. PUBLIC QUESTION TIME

Question

Name: David Smithwick

What is council doing to ensure certain ongoing tenure for the Men's Shed in Errol St given that grant monies allocated cannot be spent nor can other grants be applied for?

Council Response

Council has a lease agreement with MACE for the land on which the Men's Shed operates. The Men's Shed has operated since its inception under the auspice of MACE. It is Council's understanding that this auspice arrangement, articulated in an Auspice Agreement and an MOU signed in February 2003 between MACE and the Men's Shed was established to enable the Community Shed Program to happen, as the Men's Shed was not an incorporated association at the time. Council also understands that the relationship between MACE and the Men's Shed has deteriorated and that the Men's Shed seeks to separate from MACE. However, there continues to be a disagreement on the ownership of the assets and on the spirit and intent of the original agreements.

Council has been working with both parties without success.

Council's advice to the Men's Shed is to finalise a licence agreement with MACE and secure tenure to enable the receipt of grant funding and to continue to provide excellent community programs. Council has also written to MACE expressing its disappointment that this matter has not been resolved.

Council has no intention to intervene any further. The lease for the land remains valid and continues to exist with MACE.

13. OFFICER REPORTS

13.1 DEPARTMENTAL REPORTS

Councillors Volkering/Olver:

THAT Council receive and note the Departmental reports for the period 18 June to 15 July 2020.

CARRIED



13.2 PLANNING AND ENVIRONMENT

13.2.1 Mansfield Township Approaches Planning Controls and Guidelines Study – Report to Commence Planning Scheme Amendment and Seek Authorisation from the Minister of Planning

Councillors Sladdin/Volkering:

THAT Council:

1. confirm resolution 4 of item 10.4.1 of the Ordinary meeting of Council held on 26 June 2018, stating:
Use the Mansfield Township Approaches Planning Controls and Guidelines Study (June 2018) to inform the preparation of an amendment to review Schedule 1 to the Design and Development Overlay – Alpine Approaches and Township Gateways.
2. endorse the draft Mansfield Planning Scheme ordinance associated with the Mansfield Township Approaches as the basis to prepare an Application for Authorisation from the Minister of Planning.
3. write to the Minister of Planning requesting authorisation to amend the Mansfield Planning Scheme under Section 8A(2) of the *Planning and Environment Act 1987*.
4. upon receipt of authorisation, make any changes necessary to comply with conditions of authorisation.
5. upon satisfaction of any conditions of authorisation, exhibit proposed amendment pursuant to Section 19 of the *Planning and Environment Act 1987*.

CARRIED

13.2 PLANNING AND ENVIRONMENT CONT.

13.2.2 Amendment to Highton Manor Development Plan

Councillors Olver/Volkering:

THAT Council defer consideration of the Amendment to Highton Manor Development Plan:

1. to allow advertising of the proposed amendment to the wider community for Council to consider their feedback;
2. to provide Council with further information that presents an overview of the reasons why the design guidelines need to be removed and any potential impact their removal have.

CARRIED



13.2 PLANNING AND ENVIRONMENT CONT.

13.2.3 Mansfield Shire Council Waste Management Strategy

Councillors Olver/Westendorp:

THAT Council adopt the Mansfield Shire Council Waste Management Strategy 2020-2025.

CARRIED

13.3 COMMUNITY SERVICES

13.3.1 Council Managed Events

Councillor Olver:

THAT Council:

- 1. due to the current coronavirus pandemic, restrictions on the number of people permitted to gather and the likely prolonged nature of this environment, cancel the following events for spring 2020:
 - Mansfield High Country Festival
 - Lake Eildon Festival**
- 2. contact all key stakeholders about this decision to avoid unnecessary planning and expense.**
- 3. request that the Business and Community Recovery Advisory Committee consider alternative events or recovery events to assist the Mansfield Shire Community to recovery post COVID-19.**
- 4. consider a report from the Business and Community Recovery Advisory Committee on events with appropriate recommendations. This could include the holding of events or activities or not.**

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Councillors Sladdin/Westendorp:

THAT Council:

- 1. due to the current coronavirus pandemic, restrictions on the number of people permitted to gather and the likely prolonged nature of this environment, cancel the Mansfield High Country Festival for spring 2020:**
- 2. continues to plan to hold a modified Lake Eildon Festival within the existing budget and any restrictions that may exist in November 2020;**
- 3. contact all key stakeholders about this decision to avoid unnecessary planning and expense.**

CARRIED

DIVISON CALLED

**For: Councillors Sladdin/Westendorp/Volkering
Against: Councillors Olver/Attley**

13.4 EXECUTIVE SERVICES

13.4.1 Beolite Village Limited Request for Street Sweeping Services

5.36pm – Mayor Attley having declared a conflict of interest asked the Deputy Mayor to take the Chair and left the meeting.

Sir Andrew Grimwade and Mr Geoffrey Doyle made a representation in relation to this item.

Councillors Westendorp/Olver:

THAT Council offer to include a monthly street cleaning for the private roads in Beolite Village, as part of Council's street sweeping program, at full cost recovery.

CARRIED

5.49pm – Mayor Attley returned to the meeting.

13.5 FINANCE

13.5.1 Naming of a Feature: Sporting Precinct

Councillors Sladdin/Volkering:

THAT Council resolve to acknowledge the community contribution to the naming process, but reject the suggested name and go back to the community with a list of alternate names for consideration.

CARRIED



13.5 FINANCE

13.5.2 Mansfield Shire Council Instruments of Delegation and Authorisation

Councillors Sladdin/Volkering:

THAT Council:

1. revoke the existing Schedule 5 – Instrument of Delegation from Council to Chief Executive Officer previously endorsed by Council on 23 June 2020;
2. endorse the Schedule 5 – Instrument of Delegation from Council to Chief Executive Officer dated 18 August 2020;
3. determine that during the continued declared State of Emergency arising from the global pandemic COVID-19 and in circumstances where a Council quorum cannot be formed, the Chief Executive Officer’s delegation under Schedule 5 continues to be expanded to include all matters that would normally be determined by the Council excluding such matters that are specifically prohibited by the *Local Government Act 2020* or any other relevant Act;
4. receive from the Chief Executive Officer a report to the next available meeting on the Council decisions made under the expanded delegation;
5. revoke the existing Schedule 6 – Instrument of Delegation from Council to Members of Staff previously endorsed by Council on 21 April 2020;
6. endorse the Schedule 6 – Instrument of Delegation from Council to Members of Staff dated 18 August 2020;
7. revoke the existing Schedule 11A Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*) dated 23 June 2020;
8. endorse the Schedule 11A Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*) dated 18 August 2020;
9. authorise the Mayor to sign the Instruments of Delegation and Authorisation on behalf of Council.

CARRIED

13.6 OPERATIONS AND CAPITAL WORKS

13.6.1 Kidston Parade - Malcolm Street Footpath Project

Councillors Volkering/Sladdin:

THAT Council submit an application to the Traffic Accident *Local Government Area Grants Program* for \$100,000 toward the Kidston Parade and Malcolm Street Footpath Project.

CARRIED



14. ASSEMBLIES OF COUNCILLORS

Councillors Olver/Westendorp:

THAT Council receive and note the Assembly of Councillors report for the period 21 July to 4 August 2020.

CARRIED

15. COUNCIL RESOLUTIONS REGISTER

Councillors Sladdin/Volkering:

THAT Council receive and note the Council Resolutions Register as at 12 August 2020.

CARRIED

16. ADVISORY AND SPECIAL COMMITTEE REPORTS

Nil.

17. AUTHORISATION OF SEALING OF DOCUMENTS

Nil.

18. CLOSURE OF MEETING TO MEMBERS OF THE PUBLIC

Nil.

19. PRESENTATION OF CONFIDENTIAL REPORTS

Nil.

20. REOPEN MEETING TO MEMBERS OF THE PUBLIC

Nil.

21. CLOSE OF MEETING

There being no further business the meeting concluded at 5.55pm

CONFIRMED this **fifteenth** day of **September 2020**

Mayor