



# **MANSFIELD SHIRE COUNCIL MEETING**

## **19 MAY 2020**

MANSFIELD SHIRE

# **MINUTES**

MANSFIELD SHIRE COUNCIL  
VIRTUAL MEETING via Zoom  
5.00PM

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# MINUTES

MANSFIELD SHIRE COUNCIL  
VIRTUAL MEETING via Zoom  
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## 1. OPENING OF THE MEETING

The Mayor, Cr Marg Attley OAM, opened the meeting at 5.02pm.

## 2. PRESENT

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

### In attendance:

Chief Executive Officer:  
Development Services Manager:  
Community Services Manager:  
Finance Manager:  
Corporate & Organisational Development Manager:  
Interim Infrastructure Manager:  
Governance & Risk Coordinator:

Kaylene Conrick  
Ben McKay  
Melanie Hotton  
Mandy Kynnersley  
Sharon Scott  
Andre Kompler  
Michelle Kain

## 3. APOLOGIES

Nil.

## 4. STATEMENT OF COMMITMENT

Cr Attley read the statement and each Councillor confirmed 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**

Cr 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**

Ms Conrick, Chief Executive Officer declared a conflict of interest in respect of item 12.5.1 on the basis that the item directly related to her role as the Chief Executive Officer.

**7. CONFIRMATION OF MINUTES**

**Councillors Volkering/Olver:**

THAT the Minutes of the Mansfield Shire Council Meeting, held on 21 April 2020, be confirmed as an accurate record.

**CARRIED**

**8. REPRESENTATIONS**

Deputations in relation to item 12.2.1 – Request to waive planning fees for planning permit were received by Council:

Ms Simone Reeve, Director and Ms Judy Dixon Strategic Project Officer Mansfield Autism Statewide Services (MASS)

**9. NOTICES OF MOTION**

Nil.

**10. MAYOR’S REPORT**

**Councillors Westendorp/Volkering:**

THAT Council receive the Mayor’s report for the period 21 April 2020 to 13 May 2020.

**CARRIED**



## 11. REPORTS FROM COUNCIL APPOINTED REPRESENTATIVES

### Councillors Sladdin/Volkering:

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

**CARRIED**

## 12. OFFICER REPORTS

### 12.1 DEPARTMENTAL REPORTS

#### Councillors Westendorp/Volkering:

THAT Council receive and note the Departmental reports for the period 21 April 2020 to 13 May 2020.

**CARRIED**

### 12.2 DEVELOPMENT SERVICES

#### 12.2.1 Request to waive statutory planning fees for planning permit

*It is recorded that Ms Simone Reeve and Ms Judy Dixon made a representation in relation to this item.*

#### Councillors Olver/Sladdin:

THAT Council approve the request to waive the planning permit application fee of \$26,976.40 for Mansfield Autism Statewide Services planning application No. P026/2020.

**CARRIED**

### 12.3 COMMUNITY SERVICES

#### 12.3.1 Botanic Park Playground Design

#### Councillors Westendorp/Olver:

THAT Council:

1. Endorse the Final Concept Design for the Mansfield Botanic Park Playground;
2. Authorise further funding applications to be submitted on behalf of Council in relation to the delivery of this project.
3. Commence procurement once sufficient funding has been secured.

**CARRIED**



## 12.3 COMMUNITY SERVICES

### 12.3.2 Establishment of an Advisory Committee – Business and Community Recovery Advisory Committee

#### Councillors Sladdin/Westendorp:

THAT Council;

1. endorse the establishment the Mansfield Shire Council Business and Community Recovery Advisory Committee;
2. endorse the Draft Terms of Reference for the Mansfield Shire Council Business and Community Recovery Advisory Committee with the following amendments:
  - increase the voting membership to 11 Members;
  - expand the membership to include one representative from the Agricultural Sector, preferably a Peak Body representative; and
  - ensure that the composition of the membership represents the broader make-up of the Mansfield Shire;
3. appoint the Mayor as Chair of the Mansfield Shire Council Business and Community Recovery Advisory Committee; and
4. appoint Councillor Sladdin as the second Council representative; and
5. seek nominations to the Mansfield Shire Council Business and Community Recovery Advisory Committee; and
6. authorise the Chief Executive Officer to appoint members to the Mansfield Shire Council Business and Community Advisory Committee in order to facilitate timely establishment of the Committee

**CARRIED**



## 12.3 COMMUNITY SERVICES

### 12.3.3 Notice of Transfer of part Harbour Line Drive, Goughs Bay

#### Councillors Westendorp/Volkering:

THAT Council:

1. Determines that the portion of Harbour Line Drive, Goughs Bay identified on the plan in Attachment A to this Report is not reasonably required for general public use.
2. Directs that the portion of Harbour Line Drive, Goughs Bay identified on the plan in Attachment A to this Report is removed from Council's Road Register.
3. Notes that no submissions were received in response to the public Notice of Intention to Discontinue and Transfer part of Harbour Line Drive published on 13 February 2019 in accordance with Section 223 of the *Local Government Act 1989*.
4. Pursuant to Clause 3 of Schedule 10 to the *Local Government Act 1989*, discontinues the portion of Harbour Line Drive, Goughs Bay identified on the plan in Attachment A to this Report.
5. Sells the land comprising the portion of Harbour Line Drive, Goughs Bay identified on the plan in Attachment A to this Report to the owners of the land at 19 Harbour Line Drive, Goughs Bay for \$10,000 and the cost to Council of effecting the sale.
6. Authorises the Chief Executive Officer to:
  - (a) publish notice of the discontinuance in the *Victoria Government Gazette*; and
  - (b) prepare and execute such documents as are necessary to give effect to the discontinuance and sale in accordance with this Resolution.

**CARRIED**

## 12.4 FINANCE

### 12.4.1 Finance Report: 1 July 2019 to 30 April 2020

#### Councillors Westendorp/Volkering:

THAT Council receive the Year to Date Finance Report for the period 1 July 2019 to 30 April 2020.

**CARRIED**



## 12.4 FINANCE

### 12.4.2 Working For Victoria Fund

#### Councillors Sladdin/Westendorp:

THAT Council authorises the Chief Executive Officer and Council's Finance Manager to sign the grant agreement for the Working For Victoria fund between the Department of Jobs, Precincts and Regions and Mansfield Shire Council.

**CARRIED**

## 12.5 CORPORATE AND ORGANISATIONAL DEVELOPMENT

### 12.5.1 Establishment of a Chief Executive Officer Performance and Remuneration Reference and Advisory Group

6.24pm – Ms Conrick left the meeting.

#### Councillors Olver/Westendorp:

THAT Council:

1. establish a Chief Executive Officer Performance and Remuneration Reference and Advisory Group;
2. appoint all Councillors to the Chief Executive Officer Performance and Remuneration Reference and Advisory Group; and
3. develop the Group's Terms of Reference, for endorsement at the June 2020 Council meeting.

**CARRIED**

6.28pm – Ms Conrick returned to the meeting.

## 13. ASSEMBLIES OF COUNCILLORS

#### Councillors Westendorp/Sladdin:

THAT Council receive and note the Assembly of Councillors report for the period 17 March – 5 May 2020.

**CARRIED**

## 14. ADVISORY AND SPECIAL COMMITTEE REPORTS

Nil reports.



## 15. AUTHORISATION OF SEALING OF DOCUMENTS

### Councillors Volkering/Sladdin:

THAT Council note the documents sealed by Council on 21 April 2020:

- Instrument of Delegation by Council to Members of Staff
- Instrument of Appointment & Authorisation (Planning & Environment Act 1987)

**CARRIED**

## SUSPENSION OF STANDING ORDERS

### Councillors Volkering/Westendorp:

THAT Council suspend standing orders to facilitate public question time.

**CARRIED**

## 16. PUBLIC QUESTION TIME

Dr Pamela Dalglish submitted the following questions:

*QUESTION: 12.2.1 - Request to waive statutory planning fees for planning permit with the understanding that there is NO policy in place, the current climate of poor finances of the council, why was the recommendation of NOT to waiver the fee for the Autistic Society overturned by the Council?*

**Council response:** This matter was before council tonight. The recommendation is that council approve the request to waive the planning application permit fees.

*QUESTION: 12.3.2 Business and Community Recovery Advisory Committee  
It has been noted in the agenda there is a Budget of \$1 mill dollars for spending in 12 months and I assume that the budget allocations are part of the Grant applications submitted by Council without any community input. Generally the successful applicants are to spend money as the application indicates. However at times changes to the budget application may be able to be applied for. If this is correct then with respect to the ToR what is the ability of the Advisory committee to recommend a different budgetary allocation and new initiatives and the council to accept these amendments to improve the outcome for the community?*

**Council response:** The funding has been allocated to the Mansfield Shire Council under specific funding guidelines. The funds allocated to Council were not applied for, rather Council as an identified affected bushfire area, has been allocated these monies. The funds come with broad parameters of which Council is required to work within. There is some ability for Council to identify projects within the guideline requirements.. The timeline for the delivery of the funding is specific to each funding agreements with some over a 12 month period or yet to be confirmed. The concept of a committee comprising community/business representation is to ensure that recovery activities undertaken with funds aimed at community and economic recovery are designed and delivered (within the guidelines) with appropriate community input.

**QUESTION:** 12.3.3 Botanical Garden playground update

*As a member of the Station Precinct Activation Advisory Committee this upgrade has come as a surprise and I am wondering why this was not raised as part of the community engagement? What is the progress update on the Adventure playground in the Station Precinct Activation Master plan.*

**Council response:** Detailed design for the heritage display and storage along with the all abilities adventure play areas will commence shortly in the 2019-20 financial year which will enable Council to determine the likely cost of the projects. It is anticipated that project delivery will be proposed in the 2021-22 budget, based on the costings from the detailed design, however, the project will be shovel ready if external funding sources become available prior.

**RESUMPTION OF STANDING ORDERS**

**Councillors Westendorp/Sladdin:**

THAT Council resume standing orders.

**CARRIED**

**17. CLOSURE OF MEETING TO MEMBERS OF THE PUBLIC**

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

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

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

**Councillors Olver/Westendorp:**

THAT the meeting be closed to members of the public under Section 66(2)(a) of the *Local Government Act 2020* to consider confidential information, as defined by section 3(1) of the *Local Government Act 2020* as:

- (a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.

**CARRIED**



**18. PRESENTATION OF CONFIDENTIAL REPORTS**

**18.1 CONFIDENTIAL: INFRASTRUCTURE**

**18.1.1 Confidential: James Excavation Contract Report**

**19. REOPEN MEETING TO MEMBERS OF THE PUBLIC**

**Councillors Westendorp/Volkering:**

THAT Council reopen the meeting to members of the public.

**CARRIED**

**20. CLOSE OF MEETING**

There being no further business the meeting concluded at 7.00pm.

CONFIRMED this **twenty third** day of **June 2020**

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**Mayor**