



MANSFIELD SHIRE

*High Country, Lakes and Rivers*

# COUNCIL MEETING

**TUESDAY, 20 OCTOBER 2020**

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

**Commencing at 5.00pm**

## **Our aspiration for our Shire and its community**

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

### **Councillors:**

Tolmie Ward:  
Mansfield Ward:  
Bonnie Doon Ward:  
Mansfield Ward:  
Jamieson Ward:

Cr Marg Attley (Mayor)  
Cr Peter Olver (Deputy Mayor)  
Cr Paul Sladdin  
Cr Paul Volkering  
Cr Harry Westendorp

### **Officers:**

Chief Executive Officer: *Kaylene Conrick*  
General Manager Infrastructure and Planning *Kirsten Alexander*  
General Manager Community and Corporate Services (Interim) *Jenny McMahon*



# **MANSFIELD SHIRE COUNCIL**

## **Order of Business**

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### **1. OPENING OF THE MEETING**

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

### **2. PRESENT**

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

### **3. APOLOGIES**

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

### **4. STATEMENT OF COMMITMENT**

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

### **5. ACKNOWLEDGEMENT OF COUNTRY**

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

### **6. DISCLOSURE OF CONFLICTS OF INTEREST**

In accordance with the *Local Government Act 1989*, a Councillor must declare any Conflict of Interest or Personal Interests pursuant to Sections 77A, 77B, 78, 79 and 79B of the Act in any items on this Agenda. (Note that Section 79(2)(a)(i) of the Act requires Councillors to disclose the nature of a Conflict of Interest or a Personal Interest immediately before the relevant consideration or discussion). Section 79B also requires that the Councillor declaring a Personal Interest must seek consent from Council to be exempt from voting on the item.

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

### **7. CONFIRMATION OF MINUTES**

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

### **8. REPRESENTATIONS**

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

### **9. NOTICES OF MOTION**

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

### **10. MAYOR'S REPORT**

The Mayor provides a report on his/her activities.

### **11. REPORTS FROM COUNCIL APPOINTED REPRESENTATIVES**

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

### **12. PUBLIC QUESTION TIME**

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



### **13. OFFICER REPORTS**

**13.1** Departmental Reports will be presented to the Council from each Department as appropriate.  
A Council position is adopted on the matters considered.

### **14. ASSEMBLY OF COUNCILLORS**

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

### **15. COUNCIL RESOLUTIONS REPORT**

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

### **16. ADVISORY AND SPECIAL COMMITTEE REPORTS**

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

### **17. AUTHORISATION OF SEALING OF DOCUMENTS**

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

### **18. CLOSURE OF MEETING TO MEMBERS OF THE PUBLIC**

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

### **19. PRESENTATION OF CONFIDENTIAL REPORTS**

### **20. REOPEN MEETING TO MEMBERS OF THE PUBLIC**

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

### **21. CLOSE OF MEETING**

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

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MANSFIELD SHIRE

# **COUNCIL MEETING**

## **TUESDAY, 20 OCTOBER 2020**

# **AGENDA**

MANSFIELD SHIRE COUNCIL  
Via Zoom and livestreamed via the  
[Mansfield Shire Council website](#)  
5.00pm

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MANSFIELD SHIRE

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## **TUESDAY, 20 OCTOBER 2020**

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MANSFIELD SHIRE COUNCIL  
Via Zoom and livestreamed on the  
[Mansfield Shire Council website](#)  
5.00PM

## **1. OPENING OF THE MEETING**

## **2. PRESENT**

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

- Councillor Olver
- Councillor Sladdin
- Councillor Volkering
- Councillor Westendorp

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

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

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

## **3. APOLOGIES**

The Chair will call on the CEO for any apologies.

## **4. STATEMENT OF COMMITMENT**

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

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



**5. ACKNOWLEDGEMENT OF COUNTRY**

Deputy Mayor, Cr Peter Olver, will recite Council's Acknowledgement of Country:

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

**6. DISCLOSURE OF CONFLICTS OF INTEREST**

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

- Councillor Olver
- Councillor Sladdin
- Councillor Volkering
- Councillor Westendorp

**7. CONFIRMATION OF MINUTES**

**Recommendation:**

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

- **15 September 2020**
- **22 September 2020**

**be confirmed as an accurate record:**

**8. REPRESENTATIONS**

Nil.

**9. NOTICES OF MOTION**

Nil.

**10. MAYOR'S REPORT**

Mayor Cr Marg Attley OAM will present the monthly Mayor's report from 16 September to 12 October 2020 to the Council as follows:

*It is with sadness and strong and lasting memories that I present my final report as Mayor as this term of Council comes to an end. I have decided to not recontest this election after 15 years on Council.*



## 10. MAYOR'S REPORT CONT.

*I was honoured to receive awards at the Annual Municipal Association of Victoria (MAV) Awards this month. One for 15 years' service and the other for Mayor Emeritus (3 years Mayoral service) which brings with it the development of networks across the sector and the ability to work with other Councillors on challenges and issues.*

*This year I was appointed to the Local Government Mayoral Advisory Panel by the Minister for Local Government - an extremely important role during this challenging year.*

*It has been important to work closely with and for our communities during this time. The final meeting of the Mansfield Business and Community Recovery Committee, before the end of this Council term, was held just prior to the commencement of the Election (Caretaker) Period. The Mansfield Recovery Plan and its actions were acknowledged. The implementation will continue.*

*Up until the commencement of the Election (Caretaker) Period, I have continued to respond to media requests on radio and television and have presented on our Community Radio and my weekly Mayoral message. None of this is permitted in this last month.*

*I must acknowledge and congratulate our CEO, Kaylene Conrick, and our staff for the manner in which they have lead the community, firstly through the impact of the fires earlier this year, and then through COVID-19. It has and continues to be a challenging time for everyone.*

*I have been privileged to work with hard working and dedicated staff and our team of Councillors. The Councillors have given so much of their time and commitment to our communities and their decision making. My sincere thanks to you all.*

*I am honoured and most appreciative of all the opportunities bestowed on me during my 15 years as a Councillor of Mansfield Shire Council. Being able to represent the ratepayers and residents, advocating on issues to other levels of Government and organisations and liaising across the Victorian local government sector has been important to me.*

*I thank everyone for the support and wish CEO, Kaylene Conrick, and staff all the best as they continue to work towards the betterment of Mansfield Shire.*

*All the best to my Council colleagues, whether it be in the election or in retirement. We have worked well as a team, respecting each other's views to make the best decisions possible for communities.*

*I wish all candidates the best, and hope that those who are elected are ready to consider and make tough decisions and move forward to continue to support our communities.*

**Cr Marg Attley OAM**  
**Mayor**



**10. MAYOR'S REPORT CONT.****Recommendation:**

**THAT Council receive the Mayor's report for the period 16 September to 12 October 2020.**

**11. REPORTS FROM COUNCIL APPOINTED REPRESENTATIVES**

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

<b>COMMITTEE</b>	<b>Responsible Councillor(s)</b>
Australia Day Awards Committee	Mayor and Cr Paul Sladdin and Cr Paul Volkering
Business and Community Recovery Advisory Committee	Mayor and Cr Paul Sladdin
Goulburn Broken Greenhouse Alliance	Cr Marg Attley
Hume Regional Local Government Network (HRLGN)	Cr Marg Attley
Integrated Fire Management Planning Committee.	Cr Paul Volkering and Cr Marg Attley
Lake Eildon Land and On-Water Management Plan Implementation Committee	Cr Paul Sladdin
Mansfield Shire Audit and Risk Advisory Committee	Mayor and Cr Harry Westendorp
Mansfield Shire Environment Advisory Committee	Cr Marg Attley
Mansfield Sport and Recreation Advisory Committee	Cr Paul Sladdin
Municipal Association of Victoria (MAV)	Cr Marg Attley
Municipal Emergency Management Planning Committee (MEMPC)	Cr Paul Volkering and Cr Marg Attley
Municipal Fire Management Planning Committee (FMPC)	Cr Paul Volkering and Cr Marg Attley
North East Local Government Waste Forum	Cr Peter Olver
North East Tracks Local Learning and Employment Network	Cr Harry Westendorp
Rural Councils Victoria	Cr Harry Westendorp

**Recommendation:**

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

**12. PUBLIC QUESTION TIME**

Council welcomes questions from the community. A question must be submitted by midday on the Monday prior to the Council meeting. The ['ask a question' form](#) is available from Council's website.

The Mayor will read out the question and answer at the meeting.

## 13. OFFICER REPORTS

### 13.1 DEPARTMENTAL REPORTS

#### 13.1.1 Mansfield Shire Council 2019-20 Annual Report

**File Number:** E6909  
**Responsible Officer:** Interim General Manager Community and Corporate Services, Jenny McMahon

#### 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* (the Act).

#### Introduction

Council is presented with the Mansfield Shire Council Annual Report for the year 1 July 2019 to 30 June 2020 in accordance with section 134(1) of the Act.

#### Background

Section 131 of the Act requires Council to prepare an Annual Report containing:

- a) a report of its operations during the financial year;
- b) an audited performance statement;
- c) audited financial statements;
- d) a copy of the auditor's report on the performance statement, prepared under section 132;
- e) a copy of the auditor's report on the financial statements under Part 3 of the *Audit Act 1994*
- f) any other matter required by the regulations.

The Annual Report provides readers with an overview of Mansfield Shire as a municipality and as an organisation, and Council's performance against the Council Plan 2017-21.

#### Statutory Requirements

Section 131 of the Act requires Council to prepare an Annual Report and specifies the content.

Section 133 of the Act states that Council must submit the Annual Report to the Minister for Local Government by 30 September. Our Annual Report was submitted to the Minister on 25 September 2020.

Section 134 of the Act states that Council must consider the Annual Report at a meeting of the Council held as soon as practicable after the Council has sent the Annual Report to the Minister and in a meeting open to the public while the Annual Report is discussed.



### **13.1.1 Mansfield Shire Council 2019-20 Annual Report cont.**

#### **Council Plan**

The Annual Report 2019-20 documents progress on the delivery of the actions identified to be undertaken during year two of the Mansfield Shire Council Plan 2017-21.

It presents public accountability for the actions identified by Council at the commencement of the 2019-2020 financial year. All of the major initiatives have been completed or significantly progressed. This is a significant achievement in a time of bushfires and a pandemic. Of particular note is the:

- completion of Youth Strategy & Action Plan and the Environment Strategy; two plans that set Council up for the future;
- commencement of the footpath construction along Mt Buller Road;
- completion of the Withers Lane reconstruction project; and
- commencement of the construction on the new Dual Court Stadium.

#### **Financial**

This year a graphic designer was engaged to design and publish the Annual Report (previous reports have been designed in-house). All content was provided by Council staff, co-ordinated by the Governance team.

The cost to Council for the production is \$10,697 which includes printing of ten hard copies, access to and use of imagery utilised in the report, and the publication of a flip-book.

#### **Social**

N/A

#### **Environmental**

In an effort to reduce the impact on the environment, limited copies of the Annual Report will be printed. Readers will be encouraged to view the Annual Report online from Council's website.

#### **Economic**

N/A

#### **Risk Management**

N/A



### 13.1.1 Mansfield Shire Council 2019-20 Annual Report cont.

#### Community Engagement

No community engagement is required in the preparation of the Annual Report. The community has been notified of the completion of the Annual Report via a post on Council's Facebook page and a public notice in the Herald Sun on 9 October 2020.

An electronic version of the Annual Report is now available to members of the public via Council's website. A hard copy of the Annual Report will also be available for inspection at the municipal office.

#### Officer's Comments

In addition to meeting all statutory requirements, the Mansfield Shire Council Annual Report 2019-20 has been prepared using the Local Government Victoria better practice guides and model reports. It conforms to the requirements of the Act and regulations, and provides an account of Council's performance over the financial year 2019-20.

#### Attachments

- 1 Mansfield Shire Council 2019-20 Annual Report

<b><u>Recommendation:</u></b>
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<b>THAT Council receive the Mansfield Shire Council 2019-20 Annual Report.</b>
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## 14. ASSEMBLIES OF COUNCILLORS

Under sections 3 and 80A of the *Local Government Act 1989* an Assembly of Councillors (however titled) is defined as:

- a meeting of an advisory committee of the Council, if at least one Councillor is present, or
- 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:
  - a) the subject of a decision of the Council; or
  - b) subject to the exercise of a function; duty or power of a Council that has been delegated to a person or committee.

An assembly of Councillors does not include a meeting of the Council, a special committee of the Council established under s139, a 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
15 September 2020	<p><b>Councillors' Briefing Session – via Zoom</b></p> <p><b>Councillors:</b></p> <ul style="list-style-type: none"> <li>• Cr Marg Attley</li> <li>• Cr Paul Volkering</li> <li>• Cr Peter Olver from 12 noon</li> <li>• Cr Paul Sladdin</li> <li>• Cr Harry Westendorp</li> </ul> <p><b>Apologies:</b></p> <p><b>Officers:</b></p> <ul style="list-style-type: none"> <li>• Chief Executive Officer, Kaylene Conrick</li> <li>• GM Infrastructure and Planning, Kirsten Alexander</li> <li>• IGM Community and Corporates Service, Jenny McMahon</li> <li>• Finance Manager, Mandy Kynnersley</li> <li>• Senior Coordinator Community and Economic Development, Kirsten Lingard</li> <li>• Economic Development Officer – Tourism and Events, Nicole Nye</li> <li>• Governance and Risk Coordinator, Michelle Kain</li> <li>• Governance Admin Assistant, Mandy Snell</li> <li>• Manager, Planning and Environment, Ben McKay</li> <li>• Manager Operations and Capital Works, Kristian Burchat</li> </ul>	<p><b>Conflicts of Interest:</b> NIL</p> <p><b>Issues Discussed:</b></p> <ul style="list-style-type: none"> <li>• Annual Report</li> <li>• Business and Community Recovery Advisory Committee</li> <li>• VCAT Hearings</li> <li>• Town Approaches</li> <li>• Council Agenda Papers</li> <li>• RUOK Day</li> <li>• Rates Error</li> <li>• Outlying Communities Infrastructure Fund</li> <li>• Median Strip Plant Removal</li> <li>• Resource Recovery Centre</li> <li>• Parking Irregularities and Disabled Parking Bays at Public Toilets in Town Centre</li> <li>• Jamieson Hall Upgrade</li> <li>• Budget Suggestion, Damage Sustained to Median Strip Alongside Parallel Parking, East Side Monument</li> <li>• House Relocation to Bonnie Doon Community Centre Precinct</li> <li>• Hancocks Pine Plantation Debris on Roads</li> <li>• Graves Road Causeway Potential Flooding</li> </ul>

### **Recommendation:**

**THAT Council receive and note the Assembly of Councillors report for the period 21 July to 15 September 2020.**



## 15. COUNCIL RESOLUTIONS REGISTER

This report presents to Council a schedule of outstanding actions from Council meetings held from 20 August 2019 to 15 September 2020.

### Attachment

- 1 Council Resolutions Register

**Recommendation:**

**THAT Council receive and note the Council Resolutions Register as at 15 September 2020.**

## 16. ADVISORY AND SPECIAL COMMITTEE REPORTS

The Minutes of the following Mansfield Shire Audit and Risk Committee, held on 31 August 2020, are attached for Council's information.

### Attachment

- 1 Minutes of meeting – Mansfield Shire Audit and Risk Committee

**Recommendation:**

**THAT Council receive the Minutes of the Mansfield Shire Audit and Risk Committee meeting, held on 31 August 2020.**

## 17. AUTHORISATION OF SEALING OF DOCUMENTS

Nil.

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

Nil.

## 19. PRESENTATION OF CONFIDENTIAL REPORTS

Nil.

## 20. CLOSE OF MEETING