



MANSFIELD SHIRE

COUNCIL MEETING

TUESDAY, 18 MAY 2021

MINUTES

MANSFIELD SHIRE COUNCIL
Livestreamed to members of the public via the
[Mansfield Shire Council website](#)
5.00pm

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1. OPENING OF THE MEETING

Mayor Mark Holcombe opened the meeting at 5.06pm

2. PRESENT

- Cr Mark Holcombe
- Cr Steve Rabie
- Cr James Tehan
- Cr Rohan Webb

In attendance:

- | | |
|---|---------------------|
| • Chief Executive Officer: | Kaylene Conrick |
| • General Manager Infrastructure & Planning: | Kirsten Alexander |
| • Interim General Manager Community & Corporate Services: | Mandy Kynnersley |
| • Manager Planning & Environment: | Melissa Crane |
| • Manager Operations & Capital Works: | Kristian Burchat |
| • Senior Coordinator Community Health & Wellbeing: | Jenny Lovick |
| • Senior Coordinator Field Services: | Ari Croxford-Demasi |
| • Project Officer: | James Gray |
| • Coordinator Governance & Risk: | Michelle Kain |

3. APOLOGIES

Cr Paul Sladdin

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 James Tehan 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

Nil.

7. CONFIRMATION OF MINUTES

Councillors Webb/Rabie:

THAT the Minutes of the Mansfield Shire Council meetings held on 20 April 2021 be confirmed as an accurate record.

carried

8. REPRESENTATIONS

8.1 Certificate of Appreciation from North East Multicultural Association

North East Multicultural Association President, Susan Ingleton, on behalf of North East Multicultural Association (NEMA) awarded Council with a Certificate of Appreciation for "*participation toward the success of Harmony Day Mansfield*".

8.2 Deputations in respect of the item 13.2.3 - Application for Planning Permit No. P121/20 – Use and development of the land for a dwelling (and associated shed and access way) in the Farming Zone on a lot less than 40 ha. Construction of a building in Significant Landscape Overlay Schedule 1.

Those requesting to speak were heard at item 13.2.3.



9. NOTICES OF MOTION

9.1 Notice of Motion 2021/001 from Cr Steve Rabie – Year Round Aquatic Facility for Mansfield (YAFM)

Cr Steve Rabie withdrew his Notice of Motion at the meeting.

10. MAYOR'S REPORT

Councillors Tehan/Rabie:

THAT Council receive the Mayor's report for the period 21 April 2021 to 11 May 2021.

carried

11. REPORTS FROM COUNCIL APPOINTED REPRESENTATIVES

Councillors Webb/Rabie:

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

carried



12. PUBLIC QUESTION TIME

Question from: Mr David Bennett

Why is the Mansfield Resource and Recovery Centre still not accepting cash payment? Every other business is fine accepting cash and there are no guidelines restricting cash payment.

Council Response

The Resource Recovery facility has been operating more smoothly since becoming cashless, and staff are finding transactions easier to track and manage, especially for recordkeeping purposes. In addition to this, banking of cash on a daily basis posed a problem for staff having to physically get the cash to the bank. The option of having cash on the premises overnight poses a security risk for burglary and armed robbery.

As a result of the COVID-19 pandemic, the community is moving towards a cashless society as a whole. Council is trying to remain cashless across the organisation wherever possible. Other Resource Recovery Centres in the surrounding areas (for example Benalla) are also card-only.

Signage at our Resource Recovery Centre needs an update to reflect the payment terms and this is currently being priced-up.

13. OFFICER REPORTS

13.1 CHIEF EXECUTIVE OFFICER'S REPORT

Councillors Webb/Rabie:

THAT Council receive and note the Chief Executive Officer's report for the period 21 April 2021 to 10 May 2021.

carried



13.2 INFRASTRUCTURE AND PLANNING DIRECTORATE

13.2.1 C45 Stockmans Rise Rezoning Application

Councillors Webb/Tehan:

THAT COUNCIL:

1. Request under Section 8A (2) and (3) of the *Planning and Environment Act 1987* that the Minister for Planning authorise Mansfield Shire Council to prepare Amendment C45 to the Mansfield Planning Scheme.
2. Notify the Minister for Planning that when it exhibits Amendment C45, Mansfield Shire Council intends to give full notification of the amendment under Section 19 of the *Planning and Environment Act 1987* for a minimum statutory exhibition period of one month.
3. When authorised by the Minister for Planning, exhibit Amendment C45 to the Mansfield Planning Scheme under Section 19 of the *Planning and Environment Act 1987*.

carried

13.2.2 Application for a fee waiver on permit P009/21 – Use and development of land for a retirement village (Beolite Village)

Councillors Tehan/Rabie:

THAT COUNCIL agree to waive the fees for planning application P009/21, in accordance with Section 20 (d) of the *Planning and Environment Act 1987*.

carried

13.2.3 Application for Planning Permit No. P121/20 – Use and development of the land for a dwelling (and associated shed and access way) in the Farming Zone on a lot less than 40 ha. Construction of a building in Significant Landscape Overlay Schedule 1.

It is recorded that the following people made a representation for three minutes each in relation to this item:

1. Chuck Wark
2. Robert Graves



13.2 INFRASTRUCTURE AND PLANNING DIRECTORATE cont...

13.2.3 Application for Planning Permit No. P121/20 – Use and development of the land for a dwelling (and associated shed and access way) in the Farming Zone on a lot less than 40 ha. Construction of a building in Significant Landscape Overlay Schedule 1 cont...

Councillors Rabie/Webb:

THAT COUNCIL, having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* and under the provisions of the Mansfield Planning Scheme, issue a Notice of Refusal to Grant Planning Permit for P121/20, for the use and development of the land for a dwelling (and associated shed and access way) in the Farming Zone on a lot less than 40 ha and construction of a building in Significant Landscape Overlay Schedule 1 at 376 Mt Battery Road Mansfield (Lot 3 on Title Plan 654263E, Certificate of Title Volume 10214 Folio 702), on the following grounds:

1. The proposal is not in accordance with Clause 14.01-1S, Protection of Agricultural Land, as the proposal will result in the permanent removal of agricultural land for primary production purposes and will detract from the long – term capacity of productive agricultural land to continue production.
2. The proposal is not in accordance with Clause 21.03-2, Managing rural land, of the Mansfield Planning Scheme as the proposal:
 - a. Fails to protect farming and other agricultural practices from the encroachment of urban growth;
 - b. Fails to retain productive land for agricultural purposes.
3. The proposal is not in accordance with Clause 35.07, Farming Zone as it will lead to the further fragmentation of agricultural land, will not protect or enhance agriculture and will create a residential use in a farming environment.
4. The proposal is not in accordance with the decision guidelines at Clause 65.01 of the Mansfield Planning Scheme as the proposal does not advance the objectives of planning in Victoria and would not result in an orderly planning outcome.

carried

13.2.4 Report to community on Climate Action Plan Background / Options paper

Councillors Webb/Tehan:

THAT COUNCIL notes that the Climate Action Plan background/options paper will be put into the 'Engage with us' platform to further engage with the community and to be included in Council's Community Visioning Project.

carried



13.2 INFRASTRUCTURE AND PLANNING DIRECTORATE cont...

13.2.5 Amendment C44, Station Precinct, Mansfield

Councillors Webb/Tehan:

THAT COUNCIL:

1. Request under Section 8A (2) and (3) of the *Planning and Environment Act 1987* that the Minister for Planning authorise Mansfield Shire Council to prepare Amendment C44 to the Mansfield Planning Scheme.
2. Notify the Minister for Planning that when it exhibits Amendment C44, Mansfield Shire Council intends to give full notification of the amendment under Section 19 of the *Planning and Environment Act 1987* for a minimum statutory exhibition period of one month.
3. When authorised by the Minister for Planning, exhibit Amendment C44 to the Mansfield Planning Scheme under Section 19 of the *Planning and Environment Act 1987*.

carried



13.3 COMMUNITY AND CORPORATE SERVICES DIRECTORATE

13.3.1 Corporate Identity Update

Councillors Tehan/Webb:

THAT COUNCIL

1. Endorse the updated logo for Mansfield Shire Council
2. Roll out new logo on external documents.
3. Roll out new logo on other collateral on an 'as needs basis'.

carried

13.3.2 Internal Audit Charter

Councillors Webb/Tehan:

THAT COUNCIL endorse the Internal Audit Charter 2021.

carried

13.3.3 Memorandum of Understanding between Mansfield Shire Council and Friends of Venilale

Councillors Tehan/Rabie:

THAT COUNCIL:

1. endorse the Memorandum of Understanding between Mansfield Shire Council and Friends of Venilale for a term of four years; and
2. approve an annual donation of \$3,000 for the term of the agreement.

carried

13.3.4 Mansfield Shire Council Volunteer Policy

Councillors Rabie/Tehan:

THAT Council endorse the Volunteer Policy 2021

carried

13.3.5 Mayor and/or Councillor attendance at the National General Assembly of Local Government

This report was withdrawn by the Chief Executive Officer.



14. ASSEMBLIES OF COUNCILLORS

Councillors Tehan/Webb:

THAT Council receive and note the Assemblies of Councillors report for the period 21 April 2021 to 11 May 2021.

carried

15. COUNCIL RESOLUTIONS REGISTER

Councillors Webb/Rabie:

THAT Council receive and note the Council Resolutions Register as at 20 April 2021

carried

16. ADVISORY AND SPECIAL COMMITTEE REPORTS

Nil

17. AUTHORISATION OF SEALING OF DOCUMENTS

Nil

18. CLOSURE OF MEETING TO MEMBERS OF THE PUBLIC

Councillors Webb/Rabie:

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



19. PRESENTATION OF CONFIDENTIAL REPORTS

19.1 Confidential: Supply and Delivery of Backhoe/Loader

19.2 Confidential: Supply and Delivery of Smooth Drum Roller

19.3 Confidential: Subdivision and sale/lease of land at 141 Lakins Road, Mansfield

19.4 Confidential: Design Contract Award – Heavy Vehicle Alternate Route

General Manager Infrastructure & Planning, Kirsten Alexander, left the meeting at 6.43pm due to a conflict of interest.

Councillors Tehan/Rabie:

THAT COUNCIL:

- 1. Award a contract to JJ Ryan for the lump sum amount of \$177,620.00 ex GST for the HV5 and HV6 design and consultancy for the Heavy Vehicle Alternative Route Project, as specified in the tender documents.**
- 2. Approve a design contingency amount of \$17,762.00 ex GST.**
- 3. Make this resolution (Part 1 and 2) public by including it within the public minutes of the Council meeting.**

carried

CEO Kaylene Conrick, left the meeting at 6.55pm due to a conflict of interest

19.5 Strictly Confidential: CEO Annual Performance Review Report 2020/2021

20. REOPEN MEETING TO MEMBERS OF THE PUBLIC

Councillors Rabie/Webb:

THAT Council reopen the meeting to members of the public.

carried

Ms Alexander and Ms Conrick returned to the meeting.

21. CLOSE OF MEETING

There being no further business the meeting concluded at 7.00pm

CONFIRMED this **twenty second** day of **June 2021**

Mayor