



MANSFIELD SHIRE

COUNCIL MEETING TUESDAY, 19 JANUARY 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 5.04pm.

2. PRESENT

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

In attendance:

- | | |
|---|-------------------|
| • Chief Executive Officer: | Kaylene Conrick |
| • General Manager Infrastructure & Planning: | Kirsten Alexander |
| • General Manager Community & Corporate Services: | Chris Snook |
| • Manager Business and Performance: | Mandy Kynnersley |
| • Manager Operations and Capital Works: | Kristian Burchat |
| • Acting Manager Planning and Environment: | Peter Hawkins |
| • Coordinator Asset Management: | John Hodson |
| • Coordinator Capital Works: | James Phillips |
| • Statutory Planner: | Sehaj Bath |
| • Governance Administration Officer: | Mandy Snell |

3. APOLOGIES

Nil

4. STATEMENT OF COMMITMENT

Mayor Holcombe read Council's 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 James Tehan, recited 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

Cr Webb declared a Conflict of Interest for Item 19.1 Confidential Contract Award – 2020-2021 Resheet Program.

7. CONFIRMATION OF MINUTES

Crs Webb/Sladdin:

THAT the Minutes of the Mansfield Shire Council meeting held on 15 December 2020 be confirmed as an accurate record.

Carried

8. REPRESENTATIONS

8.1 Certificate of Commendation from Forest Fire Management Victoria

Chief Executive Officer, Ms Conrick, accepted the awarded framed Certificate of Commendation *"for outstanding service, collaboration and commitment in support of FFMV and the community during the 2019-20 bushfire season in north east Victoria"*, in the absence of Deputy Chief Fire Officer, Hume, Aaron Kennedy, on behalf of Forest Fire Management Victoria (FFMV).

CFO Kennedy acknowledged the significant contribution that Council staff had made to support FFMV and the Victorian community during the 2019/20 bushfire season.

8.2 Deputation by Mr Michael Steenhuis, applicant for item 13.2.1 - Application for Planning Permit No. P096/20 Development of Land for Seven Dwellings at 12 Hunter Street, Mansfield

Mr Steenhuis addressed the Council in support of the above item on Agenda.

8.3 Deputation by Ms Jo-anne Cooper objector for item 13.2.1 - Application for Planning Permit No. P096/20 Development of Land for Seven Dwellings at 12 Hunter Street, Mansfield

Ms Cooper addressed the Council as an objector to the above item on Agenda.

9. NOTICES OF MOTION

Nil



10. MAYOR'S REPORT

Crs Webb/Sladdin:

THAT COUNCIL receive the Mayor's report for the period 16 December 2020 to 13 January 2021.

Carried

11. REPORTS FROM COUNCIL APPOINTED REPRESENTATIVES

Crs Tehan/Rabie:

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

Carried

12. PUBLIC QUESTION TIME

Nil

13. OFFICER REPORTS

13.1 CHIEF EXECUTIVE OFFICER'S REPORT

Crs Webb/Sladdin:

THAT COUNCIL receive and note the Chief Executive Officer's report for the period 15 December 2020 to 13 January 2021.

Carried



13.2 INFRASTRUCTURE AND PLANNING DIRECTORATE

13.2.1 Application for Planning Permit No. P096/20 - Development of Land for Seven Dwellings at 12 Hunter Street, Mansfield

Crs Sladdin/Rabie:

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 Decision to Grant a Planning Permit for the Development of land for seven dwellings in respect of the land described as Lot 3 PS092326 and addressed as 12 Hunter Street, Mansfield in accordance with the endorsed plans, subject to the following conditions:

Approved Plans

1. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

Easements

2. All existing and proposed easements and sites for existing and required utility services and roads must be set aside in favour of the relevant authority for which the easement or site is to be created.

Landscaping

3. Before the occupation of the development starts or by such later date as approved by the responsible authority in writing, the landscaping of the property must be carried out and completed in accordance with the Landscape Concept Plan (dated 02 October 2020; project # 3189, Revision B) drawn by Justin Hutchinson Pty Ltd and to the satisfaction of the Responsible Authority.

External building materials

4. The external materials of the building(s) including the roof must be constructed of materials of muted colours to protect the aesthetic amenity of the area. No materials having a highly reflective surface must be used. For the purpose of this clause "highly reflective" includes unpainted or untreated aluminium, zinc or similar materials.

Lighting

5. The internal access road area must be provided with suitable outdoor lighting that provides adequate illumination to the access without affecting the amenity of the residents.

Engineering Conditions

Property Access Requirements

- 6. The additional new crossing for access to dwellings 2, 3, 4, 5, 6 and 7 from Hunter Street is to be provided in accordance with Standard Drawing SD235 (Retrofit Residential Vehicle Crossing Detail dated 26/02/2020).**
- 7. Access for Dwelling 1 from Hunter Street is to be via the existing crossing.**
- 8. A 'Works Within Road Reserve Permit Application' is to be submitted and approved by Council prior to the commencement of any works.**
- 9. The internal access to Dwellings 2, 3, 4, 5, 6 and 7 is to be reinforced concrete pavement with a minimum thickness of 125mm to AS3500 standards.**

Drainage

- 10. Drainage plans and computations designed by a suitably qualified engineer are to be provided for adequate and functional on-site storm water detention, preferably utilising underground storage pipes and/or suitably sized water tanks plumbed to toilets and laundry for example. These are to be approved by Council prior to any works.**
- 11. All stormwater is to be contained to the pre-development runoff equivalent and then may be discharged to the legal point of discharge. Submitted drainage plans and computations should show the management of the 5yr and 100yr AEP flow pathways.**
- 12. Drainage plans designed by a suitably qualified engineer should be provided for stormwater treatment using an approved Water Sensitive Urban Design (WSUD) solution. These are to be approved by Council prior to any works.**
- 13. Application must be made to Council to obtain a Legal Point of Stormwater Discharge, prior to commencement of any buildings or civil works.**
- 14. Interrupted overland flow from this development must not be allowed to impact on the adjacent lots.**
- 15. Any damage to Council assets such as street trees, roads and stormwater infrastructure, must be repaired at the cost of the developer to the satisfaction of the Responsible Authority**
- 16. All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).**

Waste Conditions

- 17. Submitted Waste Management Plan (version 1, dated 24/09/2020 and prepared by Frater) is to be amended as follows and submitted for endorsement to the satisfaction of the responsible authority before the building permit is issued:**

- a. Bin types to be corrected to black bodied red lid bins for waste and black bodied yellow lid bins for recycling
 - b. Provision to be made for choice of waste bin size at the discretion of the rates payer in accordance with Council charges. The sizes available are 80L, 120L and 240L
 - c. Reference to waste collection hours to be amended reflecting that the collection will occur between 6:00 am and 4:00 pm as per Council's contract with Cleanaway and EPA requirements. It is also to be included that the service frequencies are subject to change.
 - d. Inclusion of reference to disposal procedures for all waste, including e-waste, to comply with Council's Waste Collection Conditions of Service.
 - e. Removal of all 'other recycling options' which are not available locally.
18. The Waste Management Plan is to be enacted by the body corporate for the development to the satisfaction of the responsible authority.

Goulburn Valley Water Conditions

19. Payment of new customer contribution charges for water supply to the development, such amount being determined by the Corporation at the time of payment;
20. Provision of separate water supply meters to each tenement within the development, located at the property boundary and to the satisfaction of Goulburn Valley Region Water Corporation;
21. Payment of new customer contributions charges for sewerage services to the development, such amount being determined by the Corporation at the time of payment;
22. Connection of all sanitary fixtures within the development to reticulated sewerage, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation.
 - All works required are to be carried out in accordance with AS 3500.2 - 'Sanitary plumbing and drainage', and to the satisfaction of the Corporation's Property Services Section;

Expiry of Permit

23. This permit will expire if one of the following circumstances applies:
 - The development is not started within two years of the date of issue of this permit.
 - The development is not completed within four years of the date of issue of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within six months afterwards.



END OF CONDITIONS

Planning Note

The proposed development hereby permitted shall accord with the requirements of the *Building Act 1993*, Building Regulations 2006, the *Public Health and Wellbeing Act 2008* and all other relevant Acts and Regulation.

Carried



13.2 INFRASTRUCTURE AND PLANNING DIRECTORATE CONT

13.2.2 Application for Planning Permit No. P115/20 - Building and Works Associated with Upgrading the Main Office Building and Development of New Arts Building at Mansfield Rudolf Steiner School, 91 Highett Street, Mansfield

Crs Rabie/Sladdin:

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 Planning Permit for Building and Works associated with upgrading the main office building and development of new arts building in respect of the land described as Lot 2 on Plan of Subdivision 811819W and addressed as 91 Highett Street Mansfield - Mansfield Rudolf Steiner School, in accordance with the endorsed plans, subject to the following conditions:

Endorsed Plans

1. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

External Materials

2. The external materials of the buildings(s) including the roof must be constructed in materials of muted colours to enhance the aesthetic amenity of the area. No materials having a highly reflective surface shall be used. For the purposes of this clause 'highly reflective' shall include unpainted aluminium, zinc or similar materials.

Drainage

3. Stormwater is to be managed through the existing system installed previously and approved by the Responsible Authority. The applicant is to demonstrate current onsite stormwater treatment and retention is adequate and functional before disposal to the legal point of discharge nominated by the Council.
4. Submitted drainage plans and computations must be approved by the Responsible Authority prior to the commencement of any upgrade works.
5. Application must be made to Council to obtain a Legal Point of Stormwater Discharge, prior to commencement of any stormwater upgrade works.
6. All stormwater is to be contained to the pre-development runoff equivalent and then may be discharged to the natural watercourse.
7. No concentrated stormwater may drain or be discharged from the land to adjoining properties.



Asset Protection

8. Any damage to Council assets such as roads, footpaths, street trees and stormwater infrastructure, must be repaired at the cost of the developer to the satisfaction of the Responsible Authority.
9. All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).

Permit Expiry

10. The permit will expire if one of the following circumstances applies:
 - a) The development is not started within two (2) years of the date of issue of this permit.
 - b) The development is not completed within four (4) years of the date of issue of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within six (6) months afterwards.

END OF CONDITIONS

Carried



13.2 INFRASTRUCTURE AND PLANNING DIRECTORATE CONT.

13.2.3 Lake Eildon Asset Audit

Crs Sladdin/Tehan:

THAT COUNCIL receive and note the information presented in this report on Lake Eildon Assets.

Carried

13.2.4 Mansfield Station Precinct Project Update

Crs Sladdin/Webb:

THAT COUNCIL:

1. notes the update provides on the key elements of the Station Precinct Master Plan provided in this report;
2. progresses applications for funding the elements of the Station Precinct Master Plan as opportunities arise.

Carried

13.3 COMMUNITY AND CORPORATE SERVICES DIRECTORATE

13.3.1 Update - Mansfield Shire Council Instrument of Appointment and Authorisation – Schedule 11A (*Planning & Environment Act 1987*)

Crs Webb/Sladdin:

THAT COUNCIL, in the exercise of the powers conferred by section 188 of the *Planning and Environment Act 1987*, and other legislation referred to in Schedule 11A Instrument of Appointment and Authorisations, resolves:

1. that the officers and roles listed on the attached S11A Instrument of Appointment and Authorisation be endorsed to allow the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in Council's Instruments of Delegation, the powers, duties and functions set out in those instruments, subject to the conditions and limitations specified in that Instrument.
2. authorise the Mayor to sign the S11A Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*) on behalf of the Council. come into force immediately upon signing by the Mayor on behalf .
3. that the S11A Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*) comes into force immediately upon its execution.

Carried

13.3.2 Rates Financial Assistance Program

Crs Webb/Rabie:

THAT COUNCIL:

1. recommence charging interest on overdue rates from 1 January 2021, in accordance with Council's Rates and Charges Financial Hardship Policy and Debt Recovery Procedures
2. recommence ordinary debt recovery procedures from 1 January 2021, in accordance with Council's Rates and Charges Financial Hardship Policy and Debt Recovery Procedures
3. delegate to the CEO to determine and implement any future temporary change in rate collection management required to respond to a third or subsequent wave of the COVID19 pandemic in Victoria that may impact financial hardship among ratepayers of the Mansfield Shire.
4. in relation to Item 3, receive a report as soon as practicable after the decision has been made to inform Council of the actions taken by the CEO.

Carried



14. ASSEMBLIES OF COUNCILLORS

Crs Tehan/Rabie:

THAT COUNCIL receive and note the Assembly of Councillors report for the period 8 – 22 December 2020.

Carried

15. COUNCIL RESOLUTIONS REGISTER

Crs Webb/Sladdin:

THAT COUNCIL receive and note the Council Resolutions Register as at 14 January 2021.

Carried

16. ADVISORY AND SPECIAL COMMITTEE REPORTS

16.1 Mansfield Shire Audit and Risk Advisory Committee: Minutes of Meeting

Crs Rabie/Webb:

THAT COUNCIL receive the Minutes of the Mansfield Shire Audit and Risk Committee meeting held on 7 December 2020.

Carried

16.2 Mansfield Shire Audit and Risk Committee – Chair’s Report to Council

Crs Webb/Rabie:

THAT Council receive and note the Mansfield Shire Audit and Risk Committee Chair’s report as at 31 August 2020.

Carried

17. AUTHORISATION OF SEALING OF DOCUMENTS

Nil

18. CLOSURE OF MEETING TO MEMBERS OF THE PUBLIC

Crs Rabie/Webb:

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

Cr Webb declared a Conflict of Interest and left the Meeting for the duration of this item.

19.1 **Confidential:** Contract Award - 2020-21 Resheet Program

Crs Sladdin/Tehan:

THAT COUNCIL:

1. award a contract to Alpine Civil for the lump sum amount of \$1,683,012.00 ex GST for the 2020-21 resheeting and reconstruction works of unsealed roads, in accordance with the tender documents and agreed scope of works.
2. approve a construction contingency amount of \$1,683,012.00 ex GST.
3. approve the additional project scope on the roads as outlined in the report, and confirmed by site inspection, to a maximum value of \$123,278.00 ex GST, as a result of the successful AgriLinks Grant Funding application.
4. Utilise the savings received from the View Street construction works to cover extra expenditure.

Carried

Cr Webb re-joined the meeting.

19.2 **Confidential:** Contract Award - Botanic Park Playground

Crs Webb/Sladdin:

THAT COUNCIL:

1. award a contract to AR Landscaping for the lump sum amount of \$501,653 ex GST for the construction of the Botanic Park Playground as specified in the tender documents.
2. approve a design contingency amount of \$27,590 ex GST.
3. approve a construction contingency amount of \$50,165 ex GST.
4. approve a revised budget of \$585,408, to enable completion of the playground based on the amended scope of works, and include a budget allocation of \$6,000 for the water station.

Carried



20. REOPEN MEETING TO MEMBERS OF THE PUBLIC

Crs Sladdin/Tehan:

THAT COUNCIL reopen the meeting to members of the public.

Carried

21. CLOSE OF MEETING

There being no further business the meeting concluded at 7.47pm

CONFIRMED this **sixteenth** day of **February 2021**

Mayor