



MANSFIELD SHIRE

COUNCIL MEETING

TUESDAY, 20 July 2021

MINUTES

MANSFIELD SHIRE COUNCIL
Livestreamed to members of the public via the
[Mansfield Shire Council website](https://www.mansfieldshire.vic.gov.au/)
5.00pm

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1. OPENING OF THE MEETING

Mayor Mark Holcombe opened the meeting at 5.01pm.

2. PRESENT

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

In attendance:

- | | |
|----------------------------------------------------------|---------------------|
| • Acting Chief Executive Officer: | Kirsten Alexander |
| • Acting General Manager Community & Corporate Services: | Kurt Heidecker |
| • Acting General Manager Infrastructure & Planning: | Melissa Crane |
| • Manager Operations & Capital Works | Kristian Burchat |
| • Senior Coordinator Field Services | Ari Croxford-Demasi |
| • Senior Coordinator Community Health: | Kevin Murphy |
| • Senior Coordinator Community & Economic Development: | Saskia Van Bever |
| • Coordinator Governance & Risk: | Michelle Kain |

3. APOLOGIES

Nil.

4. STATEMENT OF COMMITMENT

The Chair 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 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

Nil

7. CONFIRMATION OF MINUTES

Councillors Webb/Rabie:

THAT the Minutes of the Mansfield Shire Council meetings held on 22 June 2021 be confirmed as an accurate record.

carried

8. REPRESENTATIONS

Nil

9. NOTICES OF MOTION

Nil.

10. MAYOR'S REPORT

Councillors Rabie/Tehan:

THAT Council receive the Mayor's report for the period 22 June 2021 to 13 July 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: Ms Moira Deeming

"Under Victorian law, is it legal for Local Government Councils to provide sex based/targeted services and facilities separately to gender identity based/targeted services and facilities? If not, why not? For example, can we legally put signs on a set of public toilets declaring that one is for biological males (including males with an intersex condition), one is for biological females (including biological females with an intersex condition) and one is for people with transgender identities (of any biological sex)? If not, why not?"

Council Response

The Building Code Australia (BCA) contains requirements for Braille and tactile signage in commercial class buildings, which is what public toilets are classed as. Currently, the BCA only considers and regulates Male, Female & Unisex sanitary facilities. Separate sanitary facilities are required by the BCA for males and females, a unisex facility may be provided instead of separate facilities for each sex in some instances.

13. OFFICER REPORTS

13.1 CHIEF EXECUTIVE OFFICER'S REPORT

Councillors Tehan/Webb:

THAT Council receive and note the Chief Executive Officer's report for the period 22 June 2021 to 13 July 2021.

carried



13.2 INFRASTRUCTURE AND PLANNING DIRECTORATE

13.2.1 Road Access to 61A McCormacks Road, Merrijig

Councillors Rabie/Tehan:

THAT Council:

1. Upon the satisfactory written request of the property owner, formally request the cancellation of a portion of grazing Licence 2008957 from the Department of Environment, Land, Water and Planning.
2. Notes that a Works in Road Reserve permit will be required for the property owner to construct the access to a standard agreed to by Council officers.
3. Enters into a Section 173 Agreement with the property owner under the *Planning and Environment Act 1987* to require any ongoing maintenance of the new access road to be at no cost to Council and remain the responsibility of the owner of Crown Allotment 61A, with this agreement to be prepared by Council's solicitors at no cost to council.

carried

13.2.2 Local Roads and Community Infrastructure Program Phase 3 Project Nomination – Heritage Visitor Facility

Councillors Tehan/Rabie:

THAT COUNCIL:

1. Notes the information provided in relation to the works completed and proposed under Phase 1 and Phase 2 of the Local Roads and Community Infrastructure Program.
2. Supports the nomination of the Heritage Visitor Facility project for funding from Phase 3 of the Local Roads and Community Infrastructure Program, with the full funding allocation of \$1,183,186 allocated to the project.

carried

13.2.3 Grant Application for Lords Reserve Community Hub

Councillors Sladdin/Tehan:

THAT COUNCIL:

1. Endorses the submission of a grant application for the Lords Reserve Community Hub to the Victorian Government's *Regional Infrastructure Fund - Round 2*, prior to the application closing date of 10 August 2021.
2. Approves the allocation of a financial co-contribution of \$510,000 and an in-kind contribution of \$170,000 to the project.

carried



13.2 INFRASTRUCTURE AND PLANNING DIRECTORATE CONT.

13.2.4 Amendment C50, Development Plan Overlay Review, Authorisation of Amendment

Councillors Rabie/Webb:

THAT COUNCIL:

1. Adopt the *Mansfield Planning Scheme Development Plan Overlay Review, May 2021* as its strategic position for the application and use of the Development Plan Overlay in Mansfield Shire, resolving to implement the review through Amendment C50 to the Mansfield Planning Scheme.
2. Request under Section 8A (2) and (3) of the *Planning and Environment Act 1987* that the Minister for Planning authorises Mansfield Shire Council to prepare Amendment C50 to the Mansfield Planning Scheme.
3. Notify the Minister for Planning that when it exhibits Amendment C50, 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.
4. When authorised by the Minister for Planning, exhibit Amendment C50 to the Mansfield Planning Scheme under Section 19 of the *Planning and Environment Act 1987*.

carried



13.2 INFRASTRUCTURE AND PLANNING DIRECTORATE CONT.

13.2.5 P009/21 – 13-21 Kidston Parade Mansfield, Development of the land for Retirement Village

Councillors Webb/Tehan:

THAT COUNCIL having considered all the matters required under Section 60 of the *Planning and Environment Act 1987*, decides to grant a permit under the provisions of the Mansfield Planning Scheme in respect of the land known as Lot 1, 2, 3 and 4 on Plan of Subdivision 610748P, 13-21 Kidston Parade Mansfield for development of the land for Retirement Village, in accordance with the endorsed plans and subject to the following conditions:

1. The layout of the site and the size and type of the proposed buildings and works, including the materials of construction, as shown on the endorsed plan shall not be altered or modified without the consent in writing of the Responsible Authority.
2. The development must be in accordance with the endorsed plans forming part of this permit and must not be altered without the prior written consent of the Responsible Authority.
3. 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.

Notification of permit conditions

4. Before works start, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and associated statutory requirements or approvals.

Site Environmental Management Plan

5. Before the commencement of works for any stage, a Site Environmental Management Plan for that stage must be approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be developed in accordance with EPA Victoria Publication 960 Doing it right on subdivisions: Temporary environmental protection measures for subdivision construction sites.

Native Vegetation

6. No native vegetation is to be removed, lopped or damaged without consent from the responsible authority.



13.2.5 P009/21 – 13-21 Kidston Parade Mansfield, Development of the land for Retirement Village – Cont...

Completion of Landscaping

- 7. The landscaping as shown on the endorsed plans must be undertaken on a phase by phase basis. Commencing at phase 1 and ending at phase 11. Landscaping for each phase must be carried out and completed to the satisfaction of the Responsible Authority, 18 months from the commencement of construction of each phase**

Landscaping Maintenance

- 8. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.**

Roads

- 9. The internal roads to be provided with sufficient width to allow parking for individual retirement dwellings to be located on either side of the roads.**
- 10. Line marking, signage, street furniture and services must comply with Australian standards or similar.**

Footpath

- 11. Walking/bicycle paths shall be constructed within the development on a phase by phase basis commencing at phase 1 and ending at phase 11 in accordance with the endorsed plans. All walking/bicycle paths for each phase must be completed prior to occupancy of that particular phase.**
- 12. A concrete footpath must be constructed along Kidston Parade extending from the southern-most extent of Kidston Parade fronted by Beolite Village to the northern most extent of Kidston Parade fronted by Beolite Village, to the satisfaction of the Responsible Authority.**

Drainage

- 13. Interrupted overland flow from this development must not be allowed to impact on the adjacent lots.**
- 14. No effluent or polluted water of any type may be allowed to enter the Council's stormwater drainage system.**
- 15. Before the approval of construction plans for drainage, the applicant must provide a Water Sensitive Urban Design Response (WSUD) to the satisfaction of the Responsible Authority.**
- 16. Before the development hereby permitted starts, engineering plans showing a properly prepared design (with computations) for the internal drainage and method of disposal of stormwater from all roofed and sealed areas, including the use of an on-site detention and treatment system, must be submitted to Council for approval. These internal drainage works must be completed to Council's satisfaction prior to using or occupying any building on the site.**



13.2.5 P009/21 – 13-21 Kidston Parade Mansfield, Development of the land for Retirement Village – Cont...

Sediment Control

17. Before the use and/or development starts, a sediment fence shall be erected to ensure that sediment is contained within the subject site. The sediment fence shall be maintained in good condition until the completion of the construction works on the site.

Goulburn Valley Water

18. Prior to the commencement of use, the permit holder must arrange the following:

- a. Payment of new customer contribution charges for water supply to the development, such amount being determined by the Corporation at the time of payment;**
- b. Provision of a second reticulated water supply and associated construction works at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation;**
- c. Payment of new customer contributions charges for sewerage services to the development, such amount being determined by the Corporation at the time of payment;**
- d. 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.**
- e. 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;**
- f. Payment of any outstanding contributions towards existing sewerage scheme, such amount being determined by the Corporation at the time of payment;**
- g. The operator under this permit shall be obliged to enter into an Agreement with Goulburn Valley Region Water Corporation relating to the design and construction of the water works required. The form of such Agreement shall be to the satisfaction of Goulburn Valley Water. A copy of the format of the Agreement will be provided on request;**

Country Fire Authority

19. Prior to the commencement of use the following requirements must be met to the satisfaction of the CFA:

- a. Above or below ground operable hydrants must be provided. The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of building envelopes, the rear of the lots) must be 120 metres and the hydrants must be no more than 200 metres apart. These distances must be measured around lot boundaries**
- b. The hydrants must be identified with marker posts and road reflectors as applicable to the satisfaction of the Country Fire Authority.**
- c. Roads must be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable road width.**

13.2.5 P009/21 – 13-21 Kidston Parade Mansfield, Development of the land for Retirement Village – Cont...

- i. The average grade must be no more than 1 in 7 (14.4%) (8.1 degrees) with a maximum of no more than 1 in 5 (20%) (11.3 degrees) for no more than 50 meters. Dips must have no more than a 1 in 8 (12%) (7.1 degree) entry and exit angle.
- ii. Curves must have a minimum inner radius of 10 metres.
- iii. Have a minimum trafficable width of 3.5 metres and be clear of encroachments for at least 0.5 metres on each side and 4 metres above the access way.
- iv. Roads more than 60m in length from the nearest intersection must have a turning circle with a minimum radius of 8m (including roll-over kerbs if they are provided) T or Y heads of dimensions specified by the CFA may be used as alternatives.

Ausnet Electricity Pty Ltd

20. The applicant must –

- a) Enter in an agreement with Ausnet Electricity Services Pty Ltd for supply of electricity to each lot on the endorsed plan.
- b) Enter into an agreement with Ausnet Electricity Services Pty Ltd for the rearrangement of the existing electricity supply system.
- c) Enter into an agreement with Ausnet Electricity Services Pty Ltd for rearrangement of the points of supply to any existing installations affected by any private electric power line which would cross a boundary created by the subdivision, or by such means as may be agreed by Ausnet Electricity Services Pty Ltd.
- d) Provide easements satisfactory Ausnet Electricity Service Pty Ltd for the purpose of “Power Line” in the favour of “Ausnet Electricity Services Pty Ltd” pursuant to Section 88 of the Electricity Industry Act 2000, where easements have not been otherwise provided, for all existing Ausnet Electricity Services Pty Ltd electric power lines and for any new power lines required to service the lots on the endorsed plan and/or abutting land.
- e) Obtain for the use of Ausnet Electricity Services Pty Ltd any other easement required to service the lots.
- f) Adjust the position of any existing Ausnet Electricity Services Pty Ltd easement to accord with the position of the electricity line(s) as determined by survey.
- g) Set aside on the plan of subdivision Reserves for the use of Ausnet Electricity Services Pty Ltd for electric substations.
- h) Provide survey plans for any electric substations required by Ausnet Electricity Services Pty Ltd and for associated power lines and cables and executes leases for a period of 30 years, at a nominal rental with a right to extend the lease for a further 30 years. Ausnet Electricity Services Pty Ltd requires that such leases are to be noted on the title by way of a caveat or a notification under Section 88 (2) of the Transfer of Land Act prior to the registration of the plan of subdivision.
- i) Provide to Ausnet Electricity Services Pty Ltd a copy of the plan of subdivision submitted for certification that shows any amendments that have been required.



13.2.5 P009/21 – 13-21 Kidston Parade Mansfield, Development of the land for Retirement Village – Cont...

- j) Agree to provide alternative electricity supply to lot owners and/or each lot until such time as permanent supply is available to the development by Ausnet Electricity Services Pty Ltd. Individual generators must be provided at each supply point. The generator for temporary supply must be installed in such a manner as to comply with the Electricity Safety Act 1998.
- k) Ensure that all necessary auditing is completed to the satisfaction of Ausnet Electricity Services Pty Ltd to allow the new network assets to be safely connected to the distribution network.

Permit Expiry

21. This permit will expire if one of the following circumstances applies:

- a) The development is not started within two years of the date of issue of this permit.
- b) The development is not completed within fifteen 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 in accordance with the [Planning and Environment Act 1987](#).

Notes:

- CFA's requirements for identification of hydrants are specified in 'Identification of Street Hydrants for Firefighting Purposes' available under publications on the CFA web site (www.cfa.vic.gov.au)

carried

13.2.6 Mansfield Resource Recovery Centre Master Plan

Councillors Rabie/Sladdin:

THAT COUNCIL:

Proceed to complete the preparation of a Master Plan based on the existing Resource Recovery Centre site at 163 Monkey Gully Road, Mansfield.

carried



13.2 INFRASTRUCTURE AND PLANNING DIRECTORATE CONT.

13.2.7 Destination Charging Across Victoria Program (DCAV) Electric Vehicle Fast-Charging Stations

Councillors Webb/Sladdin:

THAT COUNCIL:

1. Endorses the submission of a grant application for an Electric Vehicle Charging Station to be installed in Mansfield through the *Destination Charging Across Victoria* Program, prior to the application closing date of 23 July 2021.
2. Approves the allocation of a financial co-contribution of \$36,000 to the project.

defeated

DIVISION CALLED

Those in favour: Cr Webb
Cr Sladdin

Those against: Cr Rabie
Cr Tehan
Cr Holcombe

13.2.8 Response to Petition: Request for Public Toilets in Merrijig

Councillors Tehan/Rabie:

THAT COUNCIL:

1. Notes the information provided in relation to the construction of a public toilet facility in Merrijig.
2. Refers the project for consideration in the 2022/23 budget development process.

carried

13.2.9 Street Tree Policy

Councillors Rabie/Webb:

THAT COUNCIL endorse the updated Street Tree Policy.

carried



13.3 COMMUNITY AND CORPORATE SERVICES DIRECTORATE

13.3.1 2021 Local Government Community Satisfaction Survey

Councillors Tehan/Rabie:

THAT COUNCIL receive the 2021 Local Government Community Satisfaction Survey report for Mansfield Shire Council, and make it publically available via Council's website.

carried

13.3.2 Council Plan Performance Reporting Q4 20-21

Councillors Webb/Sladdin:

THAT COUNCIL receive and note the Council Plan Performance Report as at 30 June 2021.

carried

13.3.3 Update of Mansfield Shire Council Instruments of Delegation and Appointment and Authorisation

Councillors Webb/Tehan:

THAT COUNCIL:

1. endorse the S18 Instrument of Sub-Delegation to Members of Council Staff dated 20 July 2021;
2. endorse the S5 Instrument of Delegation from Council to Chief Executive Officer dated 20 July 2021;
3. revoke the previous S5 Instrument of Delegation from Council to Chief Executive Officer dated 22 June 2021;
4. endorse the Schedule 6 – Instrument of Delegation – Council to Chief Executive Officer and Members of Council Staff with regard to Alpine Resort Areas;
 1. endorse the Instrument of Appointment and Authorisation – Alpine Resorts
 2. note that the Instruments come into force immediately upon endorsement by the Council.
8. authorise the Chief Executive Officer to enter into an agreement on behalf of Council with the Mt Buller and Mt Stirling Alpine Resort Management Board

carried



13.3 COMMUNITY AND CORPORATE SERVICES DIRECTORATE CONT.

13.3.4 Exceptional Assistance and Immediate Support Funding – options

Councillors Webb/Sladdin:

THAT COUNCIL

1. Endorse the Business and Community Recovery and Resilience Advisory Committee's (BCRAC) recommendation to fund the three proposed projects (subject to funding body approval)
 - Harvest Moon event by Delatite Winery - \$50,000
 - Upgrades to Jamieson Memorial Hall (evacuation centre) - \$10,000
 - Upgrades to Bonnie Doon Recreation Reserve (evacuation centre) - \$40,000
2. Write to the funding body seeking approval for the reallocation of funding as outlined in this report

carried

13.3.5 Mansfield Swimming Pool – End of Season Report

Councillors Rabie/Tehan:

THAT COUNCIL notes the 2020-2021 season end report for the Mansfield Swimming Pool.

carried

14. ASSEMBLIES OF COUNCILLORS

Councillors Webb/Rabie:

THAT COUNCIL receive and note the Assembly of Councillors report for the period 24 June to 6 July 2021, noting the amendments discussed.

carried

15. COUNCIL RESOLUTIONS REGISTER

Councillors Webb/Sladdin:

THAT Council receive and note the Council Resolutions Register as at 13 July 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 Rabie/Webb:

THAT COUNCIL close the meeting 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 follows:

1. to consider the Aged Care Services Review Update, which is considered *Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released (section 3(1)(a))*; and
2. to consider the CEO Remuneration Review, which is considered *personal information, being information that if released would result in the unreasonable disclosure of information about any person or their personal affairs (section 3(1)(f))*

carried

19. PRESENTATION OF CONFIDENTIAL REPORTS

19.1.1 **Confidential:** Aged Care Services Review Update

19.1.2 **Strictly Confidential:** CEO Remuneration Review

20. REOPEN MEETING TO MEMBERS OF THE PUBLIC

Councillors Rabie/Webb:

THAT Council reopen the meeting to members of the public.

carried



21. CLOSE OF MEETING

There being no further business the meeting concluded at 7.11pm

CONFIRMED this **seventeenth** day of **August 2021**

Mayor