



**Mansfield Shire**

# **MINUTES**

## **Council Meeting**

**Tuesday 27 June 2023**

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**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.**

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## 1. Opening of the meeting

Mayor James Tehan opened the meeting at 5.04 pm.

## 2. Present

- Councillor Holcombe
- Councillor Rabie
- Councillor Sladdin
- Councillor Tehan
- Councillor Webb

In Attendance:

Chief Executive Officer:

Kirsten Alexander

General Manager Infrastructure & Planning:

Melissa Crane

General Manager Business & Economic Development:

Julie Williams

EA Mayor & CEO:

Chelsea Young

Strategic Planning Officer:

Oscar Yencken

Manager Business & Performance:

Tony Cooper

## 3. Apologies

Nil

## 4. Statement of commitment

Mayor James Tehan 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

Councillor Steve Rabie 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

**Councillor Mark Holcombe/Councillor Paul Sladdin:**

THAT the Minutes of the Mansfield Shire Council meeting held on 16 May 2023 & 6 June 2023 be confirmed as an accurate record.

**CARRIED**

## 8. Representations

Nil

## 9. Notices of motion

Nil

## 10. Mayor's report

**Councillor Rohan Webb/Councillor Mark Holcombe:**

THAT COUNCIL receive the Mayor's report for the period 17 May 2023 to 21 June 2023.

**CARRIED**

## 11. Reports from council appointed representatives

**Councillor Steve Rabie/Councillor Mark Holcombe:**

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

**CARRIED**

## 12. Public question time

### **Question 1**

Ed Adamson

"What progress has been made to preserve large old trees in Mansfield Shire wherever lots of 4,000 square metres (4,000m<sup>2</sup>) or less have been created in 2022 or earlier? Note: We know that at least one subdivision recently approved requires ALL trees to be kept, so we recognize council is being responsive to this issue. Now we must have protections for trees on earlier subdivisions."

Answer: Council is pleased to confirm that wherever possible we seek to preserve old trees, in accordance with the requirements of the Planning & Environment Act and Council appreciates your acknowledgement of what has been achieved to date in increasing the numbers of trees retained in recent subdivisions. Council is also undertaking a project for voluntary protection of large and significant trees on private land across the shire in the 2023-24 financial year. Council officers are currently investigating mechanisms to provide the greatest protection to these trees as they are an important feature of the Mansfield Shire landscape. We have already had interest from the community in being involved in this project and will be sending out letters in the next financial year and inviting members of our community to participate. As a valued member of our community, your input to the project would be appreciated.

### **Question 2**

Carolyn Suggate

"Given the progress from Mount Alexander Shire this week on the allowance of tiny homes on land with existing dwellings why can Mansfield Council not also consider this as a legitimate local worker accommodation option for this region."

Answer: We note that the proposal for tiny homes in Mount Alexander Shire as reported this week does not seek to provide a permanent housing solution and will only be allowed on "certain properties". While this may appear to offer a temporary solution to affordable housing, our local circumstances and the challenges of our region need to be considered. Mansfield Shire is located in a potable water supply catchment area. Any additional dwellings, particularly those not connected to a sewer system, need to be assessed with respect to the risk to water

quality from wastewater disposal. The high or extreme bushfire risk areas in our shire also need consideration. Any increase in population density, particularly in vulnerable areas, requires careful planning and management to ensure the safety of all residents. Council has listened to the concerns from residents about local population growth and infrastructure capacity, and for this reason is keen to ensure that new proposals for local worker accommodation are properly planned and sited to avoid exacerbating these issues. We note that the Planning Scheme does not preclude the consideration of tiny homes, and any property owners considering this option are encouraged to contact Council's planning team. Council will be undertaking a local law review next financial year to consider these and other issues and to ensure that any changes we make are in the best interest of all our residents. We will be actively encouraging community feedback and input on the changes required to suit our local circumstances.

### **Question 3**

Michelle Richards

Answer: A question has been received from Michelle Richards regarding a budget variance in relation to legal fees, as detailed in the Finance Report included in the Audit and Risk Committee Agenda. In accordance with clause 52.9.10 of Council's Governance Rules, I have determined that the question be disallowed as it relates to legal advice.

## **13. Officer reports**

### **13.1. Chief Executive Officer's report**

**Councillor Rohan Webb/Councillor Mark Holcombe:**

THAT COUNCIL receive and note the Chief Executive Officer's report for the period 17 May 2023 to 14 June 2023.

**CARRIED**

### **13.2. Infrastructure and Planning Directorate**

#### **13.2.1. Amendment C57mans Mansfield Planning Scheme Review**

**Councillor Paul Sladdin/Councillor Rohan Webb:**

THAT COUNCIL:

1. Request under Section 8A (2) and (3) of the *Planning and Environment Act 1987* ('the Act') that the Minister for Planning authorise Mansfield Shire Council to prepare Amendment C57mans to the Mansfield Planning Scheme.
2. Notify the Minister for Planning that when it exhibits Amendment C57mans Mansfield Shire Council intends to give full notification of the amendment under Section 19 of the Act for a minimum statutory exhibition period of one month.
3. When authorised by the Minister for Planning, exhibit Amendment C57mans to the Mansfield Planning Scheme under Section 19 of the Act.

**CARRIED**

#### **13.2.2. Goughs Bay Boat Sport Recreation Club Refurbishment - Project Update**

**Councillor Steve Rabie/Councillor Rohan Webb:**

THAT COUNCIL notes the project update and governance structure for the Goughs Bay Boat Sport and Recreation Club Redevelopment project.

**CARRIED**

### **13.2.3. Disposal or Sale of Council Assets Policy**

**Councillor Steve Rabie/Councillor Rohan Webb:**

THAT COUNCIL endorses the Mansfield Shire Council 'Disposal or Sale of Council Assets Policy 2023' to replace the Mansfield Shire Council 'Sale of Council Land and Buildings Policy 2017', and for Mayor Cr James Tehan to sign.

**CARRIED**

## **13.3. Community and Corporate Services Directorate**

### **13.3.1. Revised Revenue & Rating Plan 2021-25**

**Councillor Rohan Webb/Councillor Mark Holcombe:**

THAT COUNCIL adopts the *Revised Revenue and Rating Plan 2021-25*.

**CARRIED**

### **13.3.2. Proposed Budget 2023/24**

**Councillor Mark Holcombe/Councillor Steve Rabie:**

1. Having considered all submissions received on the Proposed Budget 2023-24, adopts the Budget 2023-24 including the Schedule of Fees and Charges for the financial year ending 30 June 2024.
2. Formally declares and sets the following rates and charges for the 2023-24 rating year:

#### **General Rates**

- a. Pursuant to the provisions of Section 161 of the Local Government Act 1989 the following differential rates be declared for the 2023-24 financial year:
  - i. A general rate of 0.1610 cents in the dollar of Capital Improved Value for all rateable residential properties.
  - ii. A general rate of 0.2689 cents in the dollar of Capital Improved Value for all rateable commercial properties.
  - iii. A general rate of 0.2930 cents in the dollar of Capital Improved Value for all rateable vacant land.
  - iv. A general rate of 0.1433 cents in the dollar of Capital Improved Value for all rateable rural residential properties.
  - v. A general rate of 0.1030 cents in the dollar of Capital Improved Value for all rateable farmland properties.
- b. It be recorded that Council believes each differential rate will contribute to the equitable and efficient carrying out of Council functions. Details of the objectives of each differential rate, the types of classes of land which are subject to each differential rate and the uses of each differential rate are set out in the Revised Revenue and Rating Plan 2021-25 and shown at item 4.1.1 of the Budget 2023-24 as attached.
- c. In accordance with the *Cultural and Recreational Lands Act 1963* the cultural and recreational charge, in lieu of rates in respect of the 2023-24 financial year, be applied to all land to which the Act applies.

#### **Municipal Charge**

- d. Pursuant to the provisions of Section 159 of the *Local Government Act 1989* a municipal charge be declared in respect of the 2023-24 financial year.
- e. The municipal charge be declared for the purpose of covering some of the administrative costs to Council.

- f. The municipal charge in the sum of \$340.50 for each rateable land (or part) in respect of which a municipal charge may be levied is declared in respect of the 2023-24 financial year.
- g. It be confirmed that the municipal charge is declared in respect of all rateable land within the municipal district of which a municipal charge may be levied.

**Annual Service Charge**

- h. Pursuant to the provisions of Section 162 of the *Local Government Act 1989* an annual service charge relating to waste management be declared for the 2023-24 financial year for each rateable property as follows:
    - i. Kerbside rubbish collection 80 litre bin \$187.33
    - ii. Kerbside rubbish collection 120 litre bin \$281.00
    - iii. Kerbside rubbish collection 240 litre bin \$561.99
    - iv. Kerbside recycling collection 240 litre bin \$169.05
    - v. Kerbside recycling collection 240 litre additional bin \$169.05
    - vi. Community Waste \$91.42
    - vii. Pursuant to the provisions of Section 221 of the *Local Government Act 1989* an annual service charge relating to waste management be declared for the 2023-24 financial year for each non-rateable property the same as for a rateable property.  
The charges are:
      - viii. Kerbside rubbish collection 80 litre bin \$187.33
      - ix. Kerbside rubbish collection 120 litre bin \$281.00
      - x. Kerbside rubbish collection 240 litre bin \$561.99
      - xi. Kerbside recycling collection 240 litre bin \$169.05
      - xii. Kerbside recycling collection 240 litre additional bin \$169.05
3. **Rate Payments**
- a. Rates are due and payable in four (4) instalments, due by:
    - xiii. First Instalment: 30 September
    - xiv. Second instalment: 30 November
    - xv. Third instalment: 28 February
    - xvi. Fourth instalment: 31 May
4. Writes to all submitters thanking them for their participation in the budget development process and advising them in writing of the reasons for Council's decision.

**CARRIED**

### **13.3.3. Review of Mansfield Council Instrument of Delegation - S5 & S6**

#### **Councillor Rohan Webb/Councillor Steve Rabie:**

1. Revokes the existing Schedule 5 - Instrument of Delegation from Council to Chief Executive Officer previously endorsed by Council on 30 March 2020.
2. Endorses the Schedule 5 – Instrument of Delegation from Council to Chief Executive Officer dated 27 June 2023.
3. Revokes the existing Schedule 6 - Instrument of Delegation from Council to Members of Council Staff previously endorsed by Council on 21 March 2023.
4. Endorses the Schedule 6 – Instrument of Delegation from Council to Members of Council Staff dated 27 June 2023.
5. Approves Mayor Cr James Tehan to sign and Deputy Mayor Cr Steve Rabie to witness the signing of Schedule S5 Instrument of Delegation to Chief Executive Officer, and Schedule S6 Instrument of Delegation - Members of Staff.

**CARRIED**

## **14. Council Meeting Resolution Actions Status Register**

#### **Councillor Rohan Webb/Councillor Mark Holcombe:**

THAT COUNCIL receive and note the Mansfield Shire Council Meeting Resolution Actions Status Register as at 19 June 2023.

**CARRIED**

## **15. Advisory and Special Committee reports**

### **15.1. Audit & Risk Committee Meeting Agenda & Minutes**

#### **Councillor Steve Rabie/Councillor Mark Holcombe:**

THAT COUNCIL receive the Agenda & Minutes of the Mansfield Shire Audit and Risk Committee meeting held 29 May 2023.

**CARRIED**

## **16. Authorisation of sealing of documents**

Nil

## **17. Closure of meeting to members of the public**

#### **Councillor Rohan Webb/Councillor Mark Holcombe:**

THAT COUNCIL close the meeting to members of the public under Section 66(2)(a) of the Local Government Act 2020 to consider Confidential Reports in accordance with section 66(2) of the Local Government Act 2020 for reasons defined in section 18 below.

**CARRIED**

The Council Meeting Agenda 27 June 2023 was closed to the public at 5.59 pm.



## 18. Confidential Reports

### 18.1. Bank Contract Re-tender

#### Confidential

This report contains confidential information pursuant to the provisions of Section 66(2) of the Local Government Act 2020 under Section 3(g) - private commercial information, being information provided by a business, commercial or financial undertaking that:(i) relates to trade secrets; or (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage

## 19. Reopen meeting to members of the public

### Councillor Rohan Webb/Councillor Steve Rabie:

THAT COUNCIL reopen the meeting to the public and resume transmission and this resolution be made public.

**CARRIED**

Council re-opened the meeting at 6.15pm.

## 20. Close of meeting

The Council Meeting Agenda 27 June 2023 was closed at 6.16 pm.

CONFIRMED this **eighteenth** day of **July 2023**

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**Mayor**