



Mansfield Shire

MINUTES

Council Meeting

Tuesday 18 October 2022

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 5:00 pm.

2. Present

- Councillor Holcombe
- Councillor Rabie
- Councillor Tehan

In Attendance:

Chief Executive Officer:

Acting General Manager Infrastructure & Planning:

General Manager Community & Corporate Services:

EA Mayor & CEO:

Manager Business & Performance

Coordinator Capital Works:

Manager Operations & Capital Works:

Senior Coordinator Community Safety:

Kirsten Alexander

Melissa Crane

Dena Vlekkert

Chelsea Young

Tony Cooper

Donald Kwan

Toby Creighton

Kevin Murphy

3. Apologies

- Councillor Paul Sladdin
- Councillor Rohan Webb

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 Mark Holcombe 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 Steve Rabie/Councillor Mark Holcombe:

THAT the Minutes of the Mansfield Shire Council meeting held on Tuesday 20 September 2022 be confirmed as an accurate record.

CARRIED

8. Representations

Kym Lynch spoke to item 13.2.3 - Planning Scheme Amendment C48.

9. Notices of motion

Nil

10. Mayor's report

Councillor Mark Holcombe/Councillor Steve Rabie:

THAT COUNCIL receive the Mayor's report for the period 20 September 2022 to 6 October 2022.

CARRIED

11. Reports from council appointed representatives

Nil

12. Public question time

Nil

13. Officer reports

13.1. Chief Executive Officer's report

Councillor Mark Holcombe/Councillor Steve Rabie:

THAT COUNCIL receive and note the Chief Executive Officer's report for the period 13 September to 12 October 2022.

CARRIED

13.2. Infrastructure and Planning Directorate

13.2.1. Domestic Animal Management Plan 2022-25

Councillor Steve Rabie/Councillor Mark Holcombe:

THAT COUNCIL adopts the Domestic Animal Management Plan 2021-2025 for submission to the Department of Jobs, Precincts and Regions for endorsement.

CARRIED

13.2.2. Emergency Management Policy and Framework

Councillor Mark Holcombe/Councillor Steve Rabie:

THAT COUNCIL adopts the Emergency Management Framework and Emergency Management Policy.

CARRIED

13.2.3. Planning Scheme Amendment C48

Councillor Mark Holcombe/Councillor Steve Rabie:

THAT COUNCIL:

Having been authorised by the Minister for Planning to prepare Amendment C48mans to the Mansfield Planning Scheme under Section 8A (4) of the *Planning and Environment Act 1987* ('the Act');

Having prepared and exhibited Amendment C48mans to the Mansfield Planning Scheme under Section 19 of the Act;

Having considered all submissions to Amendment C48mans under Section 22 of the Act;

Mansfield Shire Council resolves to:

1. Split Amendment C48mans to the Mansfield Planning Scheme into two parts, Part 1 to include all content in attachment 3, titled "C48mans Part 1" and Part 2 to include all content included in attachment 3 titled "C48mans Part 2".

PART 1:

2. Adopt Amendment C48mans Part 1 to the Mansfield Planning Scheme in accordance with Section 29 of the Act, adopting the amendment with the following changes, as outlined in the attached Amendment C48mans, Part 1.
3. Submit Amendment C48mans Part 1 to the Mansfield Planning Scheme, together with the prescribed information, to the Minister for Planning in accordance with Section 31 of the Act.

PART 2:

4. Abandon Amendment C48mans Part 2 to the Mansfield Planning Scheme in accordance with Section 23(1)(c) of the Act.
5. Advise the Minister for Planning in accordance with Section 28(1) of the Act of Council's decision to abandon Amendment C48mans Part 2 to the Mansfield Planning Scheme.
6. Request the Minister for Planning under Section 30(1)(c) of the Act to publish a notice of lapsing of Amendment C48mans Part 2 to the Mansfield Planning Scheme in the Government Gazette in accordance with Section 30(2) of the Act.

And: Prepare a new amendment to the Mansfield Planning Scheme in place of abandoned amendment C48mans Part 2 to include improved policy and controls.

CARRIED

13.2.4. P101/22 827 Dry Creek Road, Ancona

Councillor Steve Rabie/ Councillor Mark Holcombe:

THAT COUNCIL refer the matter of planning application P101/22, 827 Dry Creek Road Ancona, back to Council officers for further assessment.

CARRIED

13.3. Community and Corporate Services Directorate

13.3.1. Independent Audit Member Recommendation

Councillor Mark Holcombe/Councillor Steve Rabie:

THAT COUNCIL appoints Jane Watson to the Mansfield Shire Council Audit and Risk Committee for a three-year term commencing 13 November 2022.

CARRIED

13.3.2. Quarterly Budget Report

Councillor Steve Rabie/Councillor Mark Holcombe:

THAT COUNCIL receives the Quarterly Budget Report for the period 1 July 2022 to 30 September 2022.

CARRIED

13.3.3. Annual Report

Councillor Mark Holcombe/Councillor Steve Rabie:

THAT COUNCIL:

1. In accordance with section 100 of the Local Government Act 2020, Council receives and notes the Annual Report 2021/22 as presented; and
2. Delegates to the Chief Executive Officer the authority to correct any errors including typographical in the operations report that do not materially alter the underlying message of the report.

CARRIED

13.3.4. Carry Forward Projects

Councillor Steve Rabie/Councillor Mark Holcombe:

THAT COUNCIL approve carry forward funds from the 2021-22 budget to the 2022-23 budget for the completion of the projects listed in this report, totaling \$1,443,313 in operating (net of income) and \$4,072,656 in capital (net of income).

CARRIED

14. Council Meeting Resolution Actions Status Register

Councillor Mark Holcombe/Councillor Steve Rabie:

THAT COUNCIL receive and note the Mansfield Shire Council Meeting Resolution Actions Status Register as at 12 October 2022.

CARRIED

15. Advisory and Special Committee reports

Nil

16. Authorisation of sealing of documents

Nil

17. Closure of meeting to members of the public

Councillor Steve Rabie/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 19 below.

CARRIED

The Council Meeting Agenda 18 October 2022 was closed to the public at 5:47 pm.

18. Confidential Reports

18.1. Lakins Road Industrial Precinct Master Plan Project

Confidential

This report contains confidential information pursuant to the provisions of Section 66(2) of the Local Government Act 2020 under Section 3(a) - Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.

18.2. 2022-23 Resheeting Program

Confidential

This report contains confidential information pursuant to the provisions of Section 66(2) of the Local Government Act 2020 under Section 3(h) - confidential meeting information, being the records of meetings closed to the public under section 66(2)(a);

19. Reopen meeting to members of the public

Councillor Steve Rabie/Councillor Mark Holcombe:

THAT COUNCIL reopen the meeting to the members of the public.

CARRIED

Council re-opened the meeting at 6:24 pm.

During the Confidential Meeting, in relation to item 18.2, Council resolved to make the following resolution public by including it within the public minutes of the Council meeting.

18.2. 2022-23 Resheeting Program

Councillor Mark Holcombe/Councillor Steve Rabie:

THAT COUNCIL:

1. Awards a lump sum contract to Exton Pty Ltd in the amount of \$435,181.50 (excluding GST) for the 2022-23 Road Resheeting Program.

CARRIED

20. Close of meeting

The Council Meeting Agenda 18 October 2022 was closed at 6:26 pm.

CONFIRMED this **twenty second** day of **November 2022**

Mayor