



MANSFIELD SHIRE

MANSFIELD SHIRE COUNCIL

Ordinary Meeting of Council

MINUTES

TUESDAY, 17 MARCH 2020
MANSFIELD PERFORMING ARTS CENTRE
View Street, Mansfield
5.00PM

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Ordinary Meeting of Council

UNCONFIRMED MINUTES SUMMARY

TUESDAY, 17 MARCH 2020
MANSFIELD PERFORMING ARTS CENTRE
View Street, Mansfield
5.00PM

1. OPENING OF THE MEETING

The Mayor, Cr Marg Attley OAM, opened the meeting at 5.01pm.

Councillors:	Marg Attley	<i>Tolmie Ward</i>
	Peter Olver	<i>Mansfield Ward</i>
	Paul Sladdin	<i>Bonnie Doon Ward</i>
	Paul Volkering	<i>Mansfield Ward</i>
	Harry Westendorp	<i>Jamieson Ward</i>

Chief Executive Officer:	Kaylene Conrick
Community Services Manager:	Melanie Hotton
Finance Manager:	Mandy Kynnersley
Statutory Planner:	Claire Wilkinson
Governance & Risk Coordinator:	Michelle Kain

2. STATEMENT OF COMMITMENT

The Councillors affirmed the following Statement of 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."

3. ACKNOWLEDGEMENT OF COUNTRY

The Councillors affirmed the "Acknowledgement of Country" for the Mansfield Shire Council:

"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."

4. APOLOGIES

Nil.

5. CONFIRMATION OF MINUTES

Councillors Westendorp/Sladdin:

THAT the Minutes of the Ordinary meeting of Mansfield Shire Council, held on 18 February 2020, be confirmed as an accurate record.

Carried

6. DISCLOSURE OF CONFLICTS OF INTEREST

Nil.

7. REPRESENTATIONS

Deputations in relation to the following items were received by the Council:

- **Item 11.2.1** - Application for Planning Permit No. P164A/17 - Amendment to Permit - Use and Development of Land for a Service Station; Display of Business Identification Signage; and Creation of Access to a Road Zone Category 1 at 140 High Street, Mansfield

- | | |
|------------------|--------------------------------|
| 1. Will Twycross | 5. Mark Fabris |
| 2. Sarah Stegley | 6. Rhiannon Quigley |
| 3. Tony Tehan | 7. Graham Slaney |
| 4. Steve Ward | 8. Robbie McKenzie (applicant) |

- **Item 11.2.2** - Application for Planning Permit No. P119/19 - Development of the Land for a Convenience Restaurant at 2-4 Station Street, Mansfield

- | | |
|----------------------|----------------------|
| 1. Will Twycross | 15. Andy Kappes |
| 2. Judy Dixon | 16. Steve Ward |
| 3. Michael Taylor | 17. Siena Cole |
| 4. Sarah Stegley | 18. Jane Leonard |
| 5. Tony Tehan | 19. Mark Fabris |
| 6. Darren Le Brocque | 20. Rhiannon Quigley |
| 7. Joan Tehan | 21. Rory Jenkins |
| 8. Peter Grey | 22. Jenifer Fogarty |
| 9. Graham Slaney | 23. Ian Archibald |
| 10. Matthew Picone | 24. Kym Lynch |
| 11. Sue Binzer | 25. Stephen Brown |
| 12. Lucy Marks | 26. Louise Hearn |
| 13. Andy Setchell | 27. Robbie McKenzie |
| 14. Laura Carter | |

- **Item 11.4.1** – Naming of a Feature: Mt. Battery

1. Anne-Marie Fletcher
2. Chris Casey



8. NOTICES OF MOTION

Nil.

9. MAYOR’S REPORT

Councillors Olver/Volkering:
THAT the Mayor’s report for the period 19 February to 11 March 2020 be received.
Carried

10. REPORT FROM COUNCIL APPOINTED REPRESENTATIVES

Councillors appointed by Council to external committees provided an update on the following committee meetings:

COMMITTEE	Responsible Councillor(s)
Australia Day Awards Committee	Mayor Cr Marg Attley, Cr Paul Sladdin and Cr Paul Volkering
Goulburn Broken Greenhouse Alliance	Mayor Cr Marg Attley
Hume Regional Local Government Network (HRLGN)	Mayor Cr Marg Attley
Integrated Fire Management Planning Committee.	Mayor Cr Marg Attley and Cr Paul Volkering
Lake Eildon Land and On-Water Management Plan Implementation Committee	Cr Paul Sladdin
Mansfield Shire Audit and Risk Advisory Committee	Mayor Cr Marg Attley, and Cr Harry Westendorp
Mansfield Shire Environment Advisory Committee	Mayor, Cr Marg Attley
Mansfield Sport and Recreation Advisory Committee	Cr Paul Sladdin
Municipal Association of Victoria (MAV)	Mayor Cr Marg Attley
Municipal Emergency Management Planning Committee (MEMPC)	Mayor Cr Marg Attley and Cr Paul Volkering
Municipal Fire Management Planning Committee (MFMPC)	Mayor Cr Marg Attley and Cr Paul Volkering
North East Local Government Waste Forum	Cr Peter Olver
North East Tracks Local Learning and Employment Network	Cr Harry Westendorp
Rural Councils Victoria	Cr Harry Westendorp

Councillors Westendorp/Volkering:
THAT Council note the verbal reports provided by Councillors in relation to their representation on external Committees.
Carried



11. OFFICER REPORTS

11.1 DEPARTMENTAL REPORTS

Councillors Olver/Westendorp:

THAT Council receive and note the Departmental reports for the period 18 February to 6 March 2020.

Carried

11.2 DEVELOPMENT SERVICES

11.2.1 Application for Planning Permit No. P164A/17 - Amendment to Permit - Use and Development of Land for a Service Station; Display of Business Identification Signage; and Creation of Access to a Road Zone Category 1 at 140 High Street, Mansfield

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

Will Twycross; Sarah Stegley; Tony Tehan; Steve Ward; Mark Fabris; Rhiannon Quigley, Graham Slaney and Robbie McKenzie (applicant).

Councillors Sladdin/Westendorp:

THAT COUNCIL, having considered all the matters required under Section 60 of the *Planning and Environment Act 1987*, resolve to issue a Notice of Refusal in respect of the land at 2-4 Station Street, Mansfield more particularly described as Lot 1 in LP145122 and Lot 2 LP3436; for the following reasons:

1. The Traffic Impact Assessment Report does not include the following –
 - a. Correct swept path analysis for the 19 m semi-trailers. The current analysis does not include the 0.5 metre clearance on either side of the vehicle.
 - b. Any analysis of appropriate turning treatments from Maroondah Hwy. Please refer to the Austroads (2017) Guide to Road Design Part 4 and Part 4A.
2. The two-way traffic movements from each of the Maroondah Hwy accesses shown on the plan are not supported by the Department of Transport. The Department of Transport would only support entry-only and exit-only movements accessing the arterial road network at this location.



11.2.1 Application for Planning Permit No. P164A/17 - Amendment to Permit - Use and Development of Land for a Service Station; Display of Business Identification Signage; and Creation of Access to a Road Zone Category 1 at 140 High Street, Mansfield cont.

3. The increase in canopy height and associated advertising signs are contrary to the outcomes sought by Design and Development Overlay – Schedule 1 and the Township Approaches Planning Controls and Guidelines Study – June 2018.
4. The proposed amendments have not demonstrated that the amenity impacts on the adjoining residential properties, including noise and light, can be appropriately managed.
5. The traffic and impact assessment report fails to consider the proposed access arrangements in the amendment application.
6. The proposed changes to pedestrian and vehicle access to and from the site, and within the site, are unacceptable.
7. The proposed internal truck and vehicle movements and routes are unacceptable and will lead to conflict.
8. The proposed crossover design is unacceptable.
9. The amendments fail to explain how the proposal will operate in conjunction with the proposed convenience restaurant.
10. The amendment application fails to demonstrate compliance with clause 53.18 of the Mansfield Planning Scheme.

Carried

11.2 DEVELOPMENT SERVICES CONT.

11.2.2 Application for Planning Permit No. P119/19 - Development of the Land for a Convenience Restaurant at 2-4 Station Street, Mansfield

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

Will Twycross; Judy Dixon, Michael Taylor; Sarah Stegley; Tony Tehan; Darren Le Brocque; Joan Tehan; Peter Grey; Graham Slaney; Matthew Picone; Sue Binzer; Lucy Marks; Andy Setchell; Laura Carter; Andy Kappes; Steve Ward; Siena Cole; Jane Leonard; Mark Fabris; Rhiannon Quigley; Rory Jenkins; Jenifer Fogarty; Ian Archibald; Kym Lynch; Stephen Brown; Louise Hearn and Robbie McKenzie (applicant).

Councillors Sladdin/Westendorp:

THAT Council, having considered all the matters required under Section 60 of the *Planning and Environment Act 1987*, resolve to issue a Notice of Refusal in respect of the land at 2-4 Station Street and a portion of 8-10 Station Street, Mansfield as shown on the accompanying plans, more particularly described as Lot 1 in LP145122 and Lot 2 LP3436; for the following reasons:

- 1. The development will generate a high number of traffic movements, many of which will be using the intersection of Maroondah Highway and Station Street. The Department of Transport is not satisfied as to how the effects of the traffic generated by the convenience restaurant will be mitigated.**
- 2. The plans provided indicate internal access to neighbouring properties to the south (new subdivision) and west (adjoining development).**
 - a) The Department of Transport is concerned with the impacts that traffic using these accesses will have on the internal movement of vehicles through the development and, as a result, the arterial road network. The Department is not satisfied that the application adequately addresses these issues.**
 - b) The Department of Transport is not satisfied that the accesses to adjoining properties have been guaranteed into the future. No agreements to guarantee access have been provided, nor do they appear to have been considered in the application.**
- 3. The permit application fails to properly and accurately describe the land subject to the proposed use and development.**
- 4. The proposal fails to respond to the decision guidelines of the Commercial 1 Zone and its context.**
- 5. The proposal will have an adverse impact on the character and amenity of the area, noting the number of dwellings in proximity to the land.**



11.2.2 Application for Planning Permit No. P119/19 - Development of the Land for a Convenience Restaurant at 2-4 Station Street, Mansfield cont.

6. The proposal is inconsistent with, and will undermine, the outcomes sought by Council's adopted policy, 'Township Approaches Planning Controls and Guidelines Study – June 2018'.
7. The proposal is inconsistent with the objectives of the Design and Development Overlay – Schedule 1 and fails to comply with numerous requirements of the overlay.
8. The proposal fails to provide appropriate access to and from the site and within the site.
9. The provision of car parking is unsuitable given the context of Mansfield and its role in supporting tourists.
10. The proposal will unreasonably impact on the operation of the surrounding road network.
11. The proposed development should be integrated into the adjoining development at 140 High Street.
12. The proposal fails to provide showers and change rooms in accordance with clause 52.34-6 of the Mansfield Planning Scheme.
13. The permit application fails to demonstrate compliance with clause 53.18 of the Mansfield Planning Scheme.

Carried

SUSPENSION OF STANDING ORDERS

Councillors Sladdin/Volkering:

THAT Council suspend standing orders to facilitate a break for the gallery.

Carried

RESUMPTION OF STANDING ORDERS

Councillors Westendorp/Olver

THAT Council resume standing orders.

Carried



Councillors Volkering/Westendorp

THAT Council Item 11.4.1 Naming of a Feature: Mt Battery be brought forward in the agenda.

Carried

11.4 FINANCE

11.4.1 Naming of a Feature: Mt Battery

It is recorded that the Anne-Marie Fletcher and Chris Casey made representation for three minutes each in relation to this item.

Councillors Westendorp/Olver:

THAT Council:

- 1. resolve to incorporate an indigenous name to the feature currently known as Mount Battery with a dual name - Mount Battery / Beolite;**
- 2. authorise officers to lodge the name “Mount Battery / Beolite” with the Office of Geographic Names to be approved by the Registrar, Gazetted and added to VICNAMES; and**
- 3. authorise officers to issue a public notice to announce the new feature name once it has been gazetted.**

Carried

The Council then resumed the order of business as listed on the Agenda.



11.3 COMMUNITY SERVICES

11.3.1 Tourism North East Quarterly Report 2019-20 – Quarter 2

Councillors Westendorp/Olver:

THAT the Tourism North East Quarterly Report 2019-20 – Quarter 2 be received.

Carried

11.3.2 Renewal of the Tourism North East Memorandum of Understanding

Councillors Sladdin/Olver:

THAT Council:

1. resolve to renew the Regional Tourism Memorandum of Understanding for 2020-23.
2. authorise the Chief Executive Officer to execute the Regional Tourism Memorandum of Understanding on behalf of Council.

Carried

11.3.3 Draft Economic Development Strategy 2020-25 for Public Consultation

Councillors Sladdin/Westendorp:

THAT Council:

1. endorse the Draft Economic Development Strategy 2020-25 to be placed on public exhibition inviting community comment; and
2. receive a further report on community comments and any recommended changes to the Draft Economic Development Strategy 2020-25.

Carried

11.3.4 High Country Library Network Shared Service Agreement

Councillors Olver/Westendorp:

THAT Council authorise the Mansfield Shire Council Chief Executive Officer to seek a Ministerial Policy Exception (as per sub-section 186(5)(c) of the *Local Government Act 1989* and enter into a Shared Service Agreement with Alpine Shire Council for the provision of Library ‘Hub’ services from 1 July 2020 for a period of 3 years, with two options to extend for an additional three years (3+3+3).

Carried



11.5 INFRASTRUCTURE

11.5.1 Mansfield Shire Council 2020 Road Management Plan Update

In the absence of Interim Infrastructure Manager, Andre Kompler, Council's CEO, Kaylene Conrick, presented the following report.

Councillors Sladdin/Volkering:

THAT Council:

1. endorse the draft 2020 Road Management Plan for the purposes of placing on public exhibition inviting community comment over 28 days; and
2. receive a further report no later than June 2020 on community comments along with any changes recommended as a result of community consultation, to finalise 2020 Road Management Plan.

Carried

12. ASSEMBLIES OF COUNCILLORS

Councillors Westendorp/Volkering:

THAT Council receive and note the Assemblies of Councillors report for the period 18 February to 3 March 2020.

Carried

13. ADVISORY AND SPECIAL COMMITTEE REPORTS

Councillors Westendorp/Volkering:

THAT Council receive the Minutes of the Mansfield Shire Environment Advisory Committee meeting, held on 10 February 2020.

Carried

14. AUTHORISATION OF SEALING OF DOCUMENTS

Councillors Westendorp/Olver:

THAT Council note the document sealed by Council on 17 February 2020:

- Confidential Human Resources related issue

Carried



SUSPENSION OF STANDING ORDERS

Councillors Sladdin/Volkering:

THAT Council suspend standing orders to facilitate public question time.

Carried

15. PUBLIC QUESTION TIME

Nil.

RESUMPTION OF STANDING ORDERS

Councillors Westendorp/Volkering:

THAT Council resume standing orders.

Carried

16. CLOSURE OF MEETING TO MEMBERS OF THE PUBLIC

Not required.

17. CLOSE OF MEETING

There being no further business the meeting concluded at 8.27pm.

CONFIRMED this **twenty first** day of **April** 2020.

Mayor