



Mansfield Shire

Council Meeting

Tuesday 16 November 2021

Minutes

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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Agenda

1. Opening of The Meeting

Mayor Mark Holcombe opened the meeting at 5.03pm

2. Present

- ▶ Councillor Mayor Holcombe
- ▶ Councillor Rabie
- ▶ Councillor Sladdin
- ▶ Councillor Tehan
- ▶ Councillor Webb

In Attendance:

- | | |
|---|-------------------|
| ▶ Chief Executive Officer: | Kaylene Conrick |
| ▶ General Manager Infrastructure & Planning: | Kirsten Alexander |
| ▶ General Manager Community & Corporate Services: | Kurt Heidecker |
| ▶ Manager Business and Performance: | Anthony Smith |
| ▶ Manager Operations and Capital Works: | Kristian Burchat |
| ▶ Manager Planning and Environment: | Melissa Crane |
| ▶ Property Management Officer | Des Dunn |
| ▶ Coordinator Governance and Risk: | Moira Moss |
| ▶ People and Culture Advisor : | Janique Snyder |

3. Apologies

Nil

4. Statement of Commitment

The Chair will 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

- Councillor Sladdin declared a conflict of interest in respect to item 18.2.3. Cr Sladdin was a founding member of the Men's Shed, Chair of Men's Shed Australia, and under delegation had signed the lease with MACE, and was a witness to the MOU with MACE and the Men's Shed.
- CEO Ms Conrick declared a conflict of interest in respect to item 18.4.3 & 24.1

7. Confirmation of Minutes

Councillors Webb/Tehan

THAT the Minutes of the Mansfield Shire Council meetings held on Tuesday 19 October 2021 be confirmed as an accurate record.

Carried

8. Representations

Item 18.2.2 the Mansfield Township Approaches scheme amendment

- Kym Lynch on behalf of Mansfield Matters
- Sarah Stegley on behalf of the Mansfield Cultural Heritage and Arts Centre Inc.
- Will Twycross on behalf of the Mansfield Cultural Heritage and Arts Centre Inc.
- Joan Tehan

Item 18.2.3 - MACE/Men's Shed Lease Issue

- Mr Bill Copley President of Mansfield Mens Shed Inc.

9. Notices of Motion

Councillors Webb/Sladdin

THAT COUNCIL change the order of the agenda to bring item 16 'Reports from Council Appointed Representatives' forward to be considered prior to Item 10.

Carried

16. Reports from Council Appointed Representatives

Item was discussed prior to Item 10 as per Item 9.

Councillors Tehan/Rabie

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

Carried

10. Mayor's Report

Councillors Webb/Tehan

THAT COUNCIL receive the Mayor's report for the period 8 October 2021 to 1 November 2021.

Carried

11. Acting Chairperson

Having completed his 12 month Mayoral term Cr Holcombe vacated the Chair. CEO Ms Conrick assumed the role of Chair to facilitate the election of a new Mayor.

12. Outgoing Mayor Speech

Cr Holcombe addressed Council. Councillors Sladdin and Rabie responded thanking Cr Holcombe for his term as Mayor.

13. Determination of Mayoral Term

Councillors Webb/Tehan

THAT COUNCIL:

1. Determines the length of the Mayoral term to be a period of 1 year.
2. Determines the next Mayoral election be held at the scheduled meeting of Council in November 2022.

Carried

14. Election of Mayor

Cr Holcombe nominated Cr Tehan as Mayor. Cr Rabie seconded the nomination. Cr Tehan accepted the nomination.

Councillors Holcombe/Rabie

THAT pursuant to the provisions of sections 25 and 26 of the *Local Government Act 2020*, the Council appoints Cr Tehan as Mayor of Mansfield Shire for a term no later than the first scheduled meeting of November 2021.

Carried

Newly elected Mayor Cr Tehan assumed the Chair and addressed Council.

15. Election of Deputy Mayor

CEO Ms Conrick confirmed she has a nomination for Deputy Mayor in writing and provided the opportunity for the Councillor nominating to state their nomination. Cr Holcombe nominated himself for the position of Deputy Mayor. Cr Rabie seconded the nomination. Cr Holcombe accepted the nomination.

Councillors Holcombe/Rabie

THAT COUNCIL appoints Cr Holcombe as Deputy Mayor of Mansfield Shire for a term no later than the first scheduled meeting of November 2021.

Carried

17. Public Question Time

Nil

18. Officer Reports

18.1. Chief Executive Officer's report

Councillors Rabie/Holcombe

THAT COUNCIL receive and note the Chief Executive Officer's report for the period 19 October 2021 to 9 November 2021.

Carried

18.2. Infrastructure and Planning Directorate

18.2.1. Adoption of Mansfield Planning Scheme Amendment C45, Stockman's Rise Rezoning

Councillors Webb/Holcombe

THAT COUNCIL

1. Adopt Amendment C45 to the Mansfield Planning Scheme in accordance with Section 29 of the *Planning and Environment Act 1987*, in accordance with the attached Amendment C45 package; and,
2. Submit Amendment C45 to the Mansfield Planning Scheme, together with the prescribed information, to the Minister for Planning in accordance with Section 31 of the *Planning and Environment Act 1987*.

Carried

18.2 Infrastructure and Planning Directorate - Continued

18.2.2. C48 Township Approaches

Councillors Rabie/Sladdin

THAT COUNCIL:

Having prepared and exhibited Amendment C48 to the Mansfield Planning Scheme under Section 19 of the *Planning and Environment Act 1987*;

Having considered all submissions to Amendment C48 to the Mansfield Planning Scheme under Section 22 of the *Planning and Environment Act 1987*;

Mansfield Council resolves to:

1. Under Section 23 of the *Planning and Environment Act 1987*, all submissions to Amendment C48 to the Mansfield Planning Scheme be referred to an independent panel appointed under Part 8 of the *Planning and Environment Act 1987*;
2. The summary of submissions to Amendment C48 (Attachment 2) be amended to include the Department of Transport submission and support of their requested changes, and be adopted as Mansfield Shire Council's position on the submissions that will be presented to an independent panel;
3. Each submitter to Amendment C48 be notified in writing of Mansfield Shire Council's position regarding their submission and informed of the forthcoming independent panel process.

Carried

18.2.3. MACE & Men's Shed Dispute

Cr Sladdin having earlier declared a conflict of interest in this item left the meeting at 6.09pm.

Councillors Rabie/Holcombe

THAT COUNCIL:

1. In accordance with Clause 9.1 of the Lease Agreement for 17 Erril Street, Mansfield, between Mansfield Shire Council and Mansfield Adult Continuing Education Inc, dated 12 March 2003, gives one month's written notice to end the tenancy; and
2. Negotiates a lease agreement with the Men's Shed Inc. for the lease of the land at 17 Erril Street, Mansfield.
3. Receives a report no later than the February Council Meeting 2022 with a draft lease to consider.

Carried

Cr Sladdin re-joined to the meeting at 6.33pm.

18.3. Community and Corporate Services Directorate

18.3.1. Finance Report: 1 July 2021 to 30 September 2021

Councillors Webb/Holcombe

THAT COUNCIL receives the Year to Date Finance Report for the period 1 July 2021 to 30 September 2021.

Carried

18.4. Executive Services Directorate

18.4.1. Rural Councils Transformation Program – Joint Councils Application

Councillors Webb/Holcombe

THAT COUNCIL

1. Notes that Mansfield Shire Council is a participant in a grouping of councils that will be making an application for funding under the Victorian Government Rural Councils Transformation Program (RCTP) for the following initiative:
Lifting Service Performance Through Shared Technology and Collaboration
2. Notes that the application is due for submission by 10 December 2021
3. Approves the submission of the grant application by Mansfield, Strathbogie and Murrindindi Councils

Carried

18.4 Executive Services Directorate - Continued

18.4.2. Schedule of Meetings 2021-2022

Councillors Webb/Holcombe

THAT COUNCIL adopt the following meeting schedule as listed in the Council report (page 47 in Agenda) from December 2021 to November 2022:

Meeting Date	Time	Location
21 December 2021	5pm	Online/Livestream
No Meeting January 2022		
15 February 2022	5pm	Online/Livestream
15 March 2022	5pm	Online/Livestream
19 April 2022	5pm	Online/Livestream
17 May 2022	5pm	TBA
28 June 2022	5pm	TBA
19 July 2022	5pm	TBA
16 August 2022	5pm	TBA
20 September 2022	5pm	TBA
18 October 2022	5pm	TBA
15 November 2022	5pm	TBA

Carried

18.4.3. CEO Employment and Remuneration Policy and CEO Employment Matters Committee Terms of Reference

CEO Ms Conrick having declared a conflict of interest in this item left the meeting at 6.52pm.

The General Manager Infrastructure & Planning Ms Alexander and the General Manager Community & Corporate Services Mr Heidecker also left the meeting at 6.53pm.

Councillors Sladdin/Webb

THAT COUNCIL adopt the Chief Executive Officer Employment and Remuneration Policy and the CEO Employment Matters Committee Terms of Reference.

Carried

CEO Ms Conrick, Ms Alexander and Mr Heidecker re-joined the meeting at 6.55pm.

18.4 Executive Services Directorate - Continued

18.4.4. Councillor Appointed Representation on Committees

1. Audit & Risk

Councillors Sladdin/Holcombe

THAT COUNCIL appoints the following Councillors to the Mansfield Shire Audit and Risk Advisory Committee:

1. Mayor Cr Tehan
2. Cr Holcombe

Carried

2. Mansfield Shire Business and Community Recovery Advisory Committee

Movement Withdrawn by Cr Sladdin

No appointments were made to this Committee as it is due to conclude with a report to Council in December 2021.

Carried

3. Chief Executive Officer Employment Matters Committee

Councillors Holcombe/Rabie

THAT COUNCIL appoints the following Councillors to Chief Executive Officer Employment Matters Committee:

1. Mayor Cr Tehan
2. Cr Rabie
3. Cr Holcombe

Carried

4. Australia Day Awards Committee

Councillors Holcombe/Rabie

THAT COUNCIL appoints Mayor Cr Tehan and Crs Holcombe and Rabie to the Australia Day Awards Committee.

Carried

5. Goulburn Murray Climate Alliance (GBGA)

Councillors Webb/Rabie

THAT COUNCIL appoints Cr Webb to the Goulburn Murray Climate Alliance (GBGA).

Carried

18.4 Executive Services Directorate - Continued

6. Hume Regional Local Government Network (HRLGN)

Councillors Webb/Holcombe

THAT COUNCIL appoints Mayor Cr Tehan to the Hume Regional Local Government Network (HRLGN).

Carried

7. Lake Eildon Land and On Water Management Plan Implementation Committee

Councillors Webb/Holcombe

THAT COUNCIL appoints Cr Sladdin to the Lake Eildon Land and On Water Management Plan Implementation Committee.

Carried

8. Municipal Association of Victoria

Councillors Webb/Sladdin

THAT COUNCIL:

1. appoints Mayor Cr Tehan to the Municipal Association of Victoria (MAV).
2. appoints Deputy Mayor Cr Holcombe as substitute Council representative to the MAV.

Carried

9. North East Local Government Waste Forum (a Committee of the North East Regional Waste and Resource Recovery Group – NEWRRG)

Councillors Sladdin/Holcombe

THAT COUNCIL appoints Cr Rabie to the North East Local Government Waste Forum (a Committee of the North East Regional Waste and Resource Recovery Group – NEWRRG)

Carried

10. Rural Councils Victoria (RCV)

Councillors Holcombe/Rabie

THAT COUNCIL appoints Mayor Cr Tehan and Cr Sladdin to Rural Councils Victoria (RCV).

Carried

18.4 Executive Services Directorate - Continued

18.4.5. Council Christmas Function – Early Office Closure

Councillors Webb/Holcombe

THAT COUNCIL endorse the closure of its offices including community services, youth and family services, visitor information centre, library, field services and resource recovery centre for the period between 1pm and 5pm on Friday 3 December 2021.

Carried

19. Assemblies of Councillors

Councillors Webb/Rabie

THAT COUNCIL receive and note the Assembly of Councillors report for the period 13 October to 15 November 2021 subject to including the discussion in relation to the MACE lease to the Men's Shed that was included in the Councillor Briefing Session held on Tuesday 9 November 2021 and that Councillor Sladdin declared a conflict of interest in relation to this item and left the meeting during discussion.

Carried

20. Council Resolutions Register

Councillors Sladdin/Rabie

THAT COUNCIL receive and note the Council Resolutions Register as at 9 November 2021.

Carried

21. Advisory and Special Committee reports

Nothing to report.

22. Authorisation of sealing of documents

There are no documents to be sealed.

23. Closure of meeting to members of the public

Councillors Webb/Holcombe

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:

1. A Council or delegated committee must keep a meeting open to the public unless the Council or delegated committee considers it necessary to close the meeting to the public because a circumstance specified in subsection (2) applies. (2)
2. The circumstances are—
 - a. the meeting is to consider confidential information.

Carried

24. Presentation of Confidential Reports

24.1. Confidential: Extend CEO Contract

CEO Ms Conrick having declared a conflict of interest for this item left the meeting at 7.18pm.

Councillors Webb/Holcombe

THAT COUNCIL:

1. Exercise its option to extend the employment contract of Kaylene Conrick to the position of Chief Executive Officer of the Mansfield Shire Council effective from 28 February 2022 subject to and in accordance with a performance based Contract of Employment for a term of One year being the maximum term.
2. The extension of the Contract of Employment between Council and Kaylene Conrick be signed by the Mayor.
3. Make this motion public by including it within the public minutes of the Council meeting.

Carried

25. Reopen meeting to members of the public

Councillors Sladdin/Webb

THAT COUNCIL reopen the meeting to members of the public.

Carried

CEO Ms Conrick returned to the meeting at 7.23pm.

26. Close of meeting

There being no further business the meeting concluded at 7.25pm.

CONFIRMED this **twenty first** day of **December 2021**



Mayor