



Mansfield Shire

MINUTES

Council Meeting

Tuesday 12 December 2023

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.

Agenda Contents

- 1. Opening of the meeting3
- 2. Present3
- 3. Apologies.....3
- 4. Statement of commitment3
- 5. Acknowledgement of Country3
- 6. Disclosure of conflicts of interest.....3
- 7. Confirmation of minutes3
- 8. Representations4
- 9. Notices of motion.....4
- 10. Mayor's report4
- 11. Reports from council appointed representatives4
- 12. Public question time4
- 13. Officer reports.....4
 - 13.1. Chief Executive Officer's report4
 - 13.2. Infrastructure and Planning Directorate4
 - 13.2.1. P100/23 - 32 Chenery Street Mansfield4
 - 13.2.2. Statutory Planning Services Review - Annual Update7
 - 13.2.3. Mansfield Little Athletics Association Licence Agreement7
 - 13.2.4. Delatite Cricket Club License7
 - 13.2.5. Amendment C55mans Redgum Drive, Mansfield8
 - 13.3. Community and Corporate Services Directorate8
 - 13.3.1. Outlying Community Infrastructure Fund.....8
 - 13.3.2. Conflict of Interest Policy.....8
 - 13.3.3. Annual Report9
- 14. Council Meeting Resolution Actions Status Register9
- 15. Advisory and Special Committee reports9
 - 15.1. Audit & Risk Committee Meeting Agenda & Minutes.....9
- 16. Authorisation of sealing of documents9
- 17. Closure of meeting to members of the public.....9
- 18. Confidential Reports.....10
 - 18.1. Citizen Awards 202410
 - 18.2. Potential Sale of Land.....10
 - 18.3. Project CODI Information Management Pricing Update10
- 19. Reopen meeting to members of the public.....10
- 20. Close of meeting10

1. Opening of the meeting

Mayor Steve Rabie opened the meeting at 5:21 pm.

2. Present

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

In Attendance:

Chief Executive Officer:

General Manager Infrastructure & Planning:

General Manager Business & Economic Development:

EA Mayor & CEO:

Coordinator Statutory Planning:

Manager Planning & Environment:

Project Manager Rural Councils Transformation Project:

Interim Coordinator Governance & Risk:

Kirsten Alexander

Melissa Crane

Julie Williams

Chelsea Young

Nicole Embling

Maya Balvonova

Craig Willingham

Jane Carter

3. Apologies

Councillor Rohan Webb

4. Statement of commitment

Mayor Steve Rabie 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 Mark Holcombe/Councillor James Tehan:

THAT the Minutes of the Mansfield Shire Council meeting held on 28 November 2023 and 5 December 2023 be confirmed as an accurate record.

CARRIED

8. Representations

Item 13.2.1 'P100/23 – 32 Chenery Street Mansfield'

- Anthony Carroll
- Mary Carroll
- John Bugden
- Beryl Jolly
- Neville Keatley
- Duncan Taylor

Item 13.2.4 'Delatite Cricket Club Lease'

- David Foster

9. Notices of motion

Nil

10. Mayor's report

Councillor Mark Holcombe/Councillor Paul Sladdin:

THAT COUNCIL receive the Mayor's report for the period 29 November 2023 to 6 December 2023.

CARRIED

11. Reports from council appointed representatives

Councillor Mark Holcombe/Councillor Paul Sladdin:

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

CARRIED

12. Public question time

Nil

13. Officer reports

13.1. Chief Executive Officer's report

Councillor Paul Sladdin/Councillor James Tehan:

THAT COUNCIL receive and note the Chief Executive Officer's report for the period 29 November 2023 to 6 December 2023.

CARRIED

13.2. Infrastructure and Planning Directorate

13.2.1. P100/23 - 32 Chenery Street Mansfield

Councillor Paul Sladdin/Councillor James Tehan:

THAT COUNCIL issue a Notice of Decision to Grant a Permit for Planning Application P100/23 to allow for the development of land for additions and alterations to an existing dwelling, two (2) additional dwellings on a lot and alteration of access to a road in a Transport Zone 2 on Lot 5 of Plan of Subdivision 011829, commonly addressed as 32 Chenery Street, Mansfield, subject to the following conditions:

Amended Plans

1. Prior to the commencement of any development, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application submitted, but modified to show:
 - a. All car parking and vehicle accessway areas treated with an all-weather seal in accordance with Condition 9 of this permit.
 - b. A corner splay or area at least 50 per cent clear of visual obstructions extending at least 2.00 metres along the frontage road from the edge of an exit lane and 2.50 metres along the exit lane from the frontage, to provide a clear view of pedestrians on the footpath of the frontage road, in accordance with the requirements of Clause 52.06-9 – Design Standard 1 of the Mansfield Planning Scheme.

Endorsed Plans

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.

External Cladding

3. The external materials of the buildings, 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.

Landscaping

4. Before the use starts or prior to the occupancy of any of the developments approved by this permit, or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
5. The landscaping shown on the endorsed plans must be maintained for the life of the use and development to the satisfaction of the Responsible Authority, including that any dead, diseased, dying or damaged plants are to be replaced with like for like replacements of the same or greater size.

Engineering

6. Any damage to Council managed assets (such as roads and stormwater infrastructure) as a result of the development must be repaired at the cost of the developer to the satisfaction of the Responsible Authority.
7. All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991) to the satisfaction of the Responsible Authority.
8. Appropriate measures must be implemented throughout the construction stage of development to rectify and/or minimise mud, crushed rock or other debris being carried onto public roads or footpaths from the subject land to the satisfaction of the Responsible Authority.
9. Prior to the commencement of use, or by such later date as is approved by the Responsible Authority in writing, the following works must be completed in accordance with the endorsed plans and to the satisfaction of the Responsible Authority:
 - a. All stormwater is to be contained to the pre-development runoff equivalent using detention water tanks or similar and then shall be discharged to the legal point of stormwater discharge;
 - b. The car parking spaces, access lanes, driveways and associated works and landscaping shown on the plan must be:
 - i. constructed and available for use in accordance with the plan approved by the responsible authority; and

- ii. formed to such levels and drained so that they can be used in accordance with the plan; and
 - iii. treated with an all-weather seal or some other durable surface; and
 - iv. line-marked or provided with some other adequate means of showing the car parking spaces; and
 - v. be of sufficient dimension to accommodate emergency vehicles and be sufficient to meet CFA access requirements.
10. Access to the property must be via the existing crossover only, unless with the written consent of the Responsible Authority.
11. The common property access must have a Council approved engineered pavement composition and have a sealed surface.
12. Interrupted overland flow from this development must not be allowed to impact on the adjacent lots.

Goulburn Valley Water

13. Payment of new customer contribution charges for water supply to the development, such amount being determined by the Corporation at the time of payment.
14. Provision of separate water supply meters to each tenement within the development, located at the property boundary and to the satisfaction of Goulburn Valley Region Water Corporation.
15. Payment of new customer contributions charges for sewerage services to the development, such amount being determined by the Corporation at the time of payment.
16. Provision of a new sewerage connection point within the development and cutting and sealing of the existing sewerage connection point, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation.
17. 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. 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 Department.
18. All structures must be constructed clear of any easement in favour of the Corporation, and one metre laterally clear of the Corporation's assets. In addition, structure foundations must be appropriate to not impose loads onto Corporation assets and comply with Corporation requirements. It is recommended that you engage a licensed surveyor to confirm the location and alignment of any existing sewer assets. Goulburn Valley Water will assist on site with accessing sewer maintenance structures, upon request.

Head, Transport for Victoria (Department of Transport and Planning)

19. Only one access will be permitted from the subject land to Chenery Road as shown on the plan (TP03, dated 20 June 2023) appended to the application.
20. Prior to the occupation of the dwelling, the access must be constructed and sealed to the satisfaction of the Responsible Authority and at no cost to Head, Transport for Victoria.
21. The driveway must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety (e.g. by spilling gravel onto the roadway).

Permit Expiry

22. This permit will expire if one of the following circumstances applies:
- a. The buildings and works have not substantially commenced within two (2) years of the date of this permit.
 - b. The development is not completed within four (4) years of the date of this permit.

In accordance with Section 69 of the *Planning and Environment Act 1987*, an application may be submitted to the Responsible Authority for an extension of the periods referred to in this condition.

NOTATIONS

- 1) This permit does not authorise the commencement of any building works. Building approval must be obtained prior to the commencement of any approved works.
- 2) Before any earthworks are undertaken, it is recommended that you contact 'Dial Before You Dig' on 1100.
- 3) Prior to commencement of any building and civil works, an application must be made to Council to obtain a Legal Point of Stormwater Discharge.
- 4) Any failure to comply with the conditions of this permit may result in action being taken to have an Enforcement Order made against some or all persons having an interest in the land and may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.

Goulburn Valley Water

- 5) Should the applicant wish to subdivide each tenement onto separate titles in the future, provision of appropriate servicing arrangements to facilitate a future subdivision proposal should be investigated as part of this development. The applicant should contact the Corporation to discuss any future proposals for this development.

Head, Transport for Victoria (Department of Transport and Planning)

Separate consent for works within the road reserve and the specifications of these works may be required under the *Road Management Act*.

CARRIED

13.2.2. Statutory Planning Services Review - Annual Update

Councillor James Tehan/Councillor Mark Holcombe:

THAT COUNCIL receive and note the Statutory Planning Services Review progress update.

CARRIED

13.2.3. Mansfield Little Athletics Association Licence Agreement

Councillor Paul Sladdin proposed an amendment to the motion as follows:

Councillor Paul Sladdin:

THAT COUNCIL:

1. Approve the proposed license agreement for use of the Lords Ground Reserve with the Mansfield Little Athletics Association, for a period of 5 years with two (2) further terms of 1 year, with a commencement date from 1 October 2023.
2. Sets the annual licence fee for Mansfield Little Athletics Association at \$316.66 (excluding GST), with an annual CPI increase to be applied to the fees.
3. Provides public notification of the intention to enter a licence agreement with the above-mentioned party.
4. Authorises the Chief Executive Officer to execute the license agreement on completion of the public notification process.
5. Reviews the Leasing and Licensing Policy in early 2024.

LAPSED

Councillor James Tehan/Councillor Mark Holcombe:

THAT COUNCIL:

6. Approve the proposed license agreement for use of the Lords Ground Reserve with the Mansfield Little Athletics Association, for a period of 5 years with two (2) further terms of 1 year, with a commencement date from 1 October 2023.
7. Sets the annual licence fee for Mansfield Little Athletics Association at \$316.66 (excluding GST), with an annual CPI increase to be applied to the fees.
8. Provides public notification of the intention to enter a licence agreement with the above-mentioned party.
9. Authorises the Chief Executive Officer to execute the license agreement on completion of the public notification process.

CARRIED

13.2.4. Delatite Cricket Club License

Councillor Mark Holcombe/Councillor James Tehan:

THAT COUNCIL:

10. Endorses the proposal to enter into a license agreement for Lords Ground Reserve and Mansfield Recreational Reserve with the Delatite Cricket Club, for a period of 1 year with one (1) further term of 1 year, with a commencement date from 1 October 2023.
1. Receives an annual license fee of \$921.86 (ex GST) with an annual CPI increase to be applied to the fees.
2. Provides public notification of the intention to enter a license agreement with the above-mentioned party.
3. Endorses the Chief Executive Officer executing the license agreements on completion of the public notification process.

CARRIED

13.2.5. Amendment C55mans Redgum Drive, Mansfield

Councillor Paul Sladdin/Councillor Mark Holcombe:

THAT COUNCIL:

1. Having been authorised by the Minister for Planning to prepare Amendment C55mans to the Mansfield Planning Scheme under Section 8A(4) of the Planning and Environment Act 1987 ('the Act');
2. Having prepared and exhibited Amendment C55mans to the Mansfield Planning Scheme under Section 19 of the Act;
3. Having considered all submissions to Amendment C55mans under Section 22 of the Act;
4. Mansfield Shire Council resolves to:
 - a. Adopt Amendment C55mans to the Mansfield Planning Scheme, in accordance with Section 29 of the Act, without changes.

CARRIED

13.3. Community and Corporate Services Directorate

13.3.1. Outlying Community Infrastructure Fund

Councillor Mark Holcombe/Councillor Paul Sladdin:

THAT COUNCIL:

1. Receives the assessment panel recommendations for the Outlying Communities Infrastructure Fund 2023-24.

2. Endorse the Outlying Communities Infrastructure Fund officer recommendations to:
- a. Fund Ancona Hall Committee Incorporated for \$15,000 to Rejuvenating Ancona Hall for community project and approve the in-kind donation of an unused water tank including delivery onsite to reduce full funding costs.
 - b. Fund Matlock Cemetery Trust for 10,342.88 to the Matlock Cemetery Public facilities improvement project.
 - c. Fund Howqua Inlet Community - auspiced by Jamieson Community Group & Associated Bodies Inc for \$10,000 to the Howqua Inlet Community Trail project.
 - d. Fund Goughs Bay Area Progress Association for \$17,286 to Goughs Bay Playground project.
 - e. Fund Peppin Hub Incorporated for \$2,710.40 to Peppin Hub Community Centre signage project.
 - f. Fund Woods Point Progress Association for \$8,660.00 to Woods Point Goldfield's Museum Building Restoration project.
 - g. Fund Mansfield Motorcycle Club for \$10,964 for works including a water tank and pump to be used by all members of McCormack Park.

CARRIED

13.3.2. Conflict of Interest Policy

Councillor Mark Holcombe/Councillor James Tehan:

THAT COUNCIL endorses the new Conflict of Interest Policy.

CARRIED

13.3.3. Annual Report

Councillor James Tehan/Councillor Mark Holcombe:

THAT COUNCIL:

1. In accordance with section 100 of the Local Government Act 2020, Council receives and notes the Annual Report 2022-23 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

14. Council Meeting Resolution Actions Status Register

Councillor Mark Holcombe/Councillor Paul Sladdin:

THAT COUNCIL receive and note the Mansfield Shire Council Meeting Resolution Actions Status Register as at 6 December 2023.

CARRIED

15. Advisory and Special Committee reports

15.1. Audit & Risk Committee Meeting Agenda & Minutes

Councillor Mark Holcombe/Councillor James Tehan:

THAT COUNCIL receive the Agenda & Minutes of the Mansfield Shire Audit and Risk Committee meeting held 27 November 2023.

CARRIED

16. Authorisation of sealing of documents

Nil

17. Closure of meeting to members of the public

Councillor James Tehan/Councillor Paul Sladdin:

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 12 December 2023 was closed to the public at 7:26 pm.

18. Confidential Reports

18.1. Citizen Awards 2024

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. Potential Sale of Land

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.

18.3. Project CODI Information Management Pricing Update

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.

19. Reopen meeting to members of the public

Councillor James Tehan/Councillor Mark Holcombe:

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

CARRIED

Council re-opened the meeting at 7:42 pm.

20. Close of meeting

The Council Meeting Agenda 12 December 2023 was closed at 7:44 pm.

CONFIRMED this **twentieth** day of **February 2024**

Mayor