

OFFICIAL



Mansfield Shire

MINUTES

Council Meeting

Tuesday 20 February 2024

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.....5
 - 13.1. Chief Executive Officer's report5
 - 13.2. Infrastructure and Planning Directorate5
 - 13.2.1. Discontinuance and Sale of Portions of Road Reserves.....5
 - 13.2.2. Mansfield State Emergency Services Land Lease.....5
 - 13.2.3. Planning - P153/22 - Seven Dwellings & Subdivision - 23 Elvins Street Mansfield .5
 - 13.3. Community and Corporate Services Directorate7
 - 13.3.1. Council Plan Actions 2023-24 Half Year Report7
 - 13.3.2. Quarterly Finance Report7
- 14. Council Meeting Resolution Actions Status Register8
- 15. Advisory and Special Committee reports8
- 16. Authorisation of sealing of documents8
- 17. Closure of meeting to members of the public.....8
- 18. Confidential Reports.....9
 - 18.1. Tender Award: Mt.Buller Road Service Lane Works - Construction9
 - 18.2. Tender Award: Highton Lane Upgrade - Construction.....9
- 19. Reopen meeting to members of the public.....9
- 20. Close of meeting9

1. Opening of the meeting

Mayor Steve Rabie opened the meeting at 5:00 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

Governance Officer:

Chelsea Young

Coordinator Statutory Planning:

Nicole Embling

Manager Planning & Environment:

Maya Balvonova

Acting Manager Operations & Capital Works:

Donald Kwan

Manager - Major Projects:

Kurt Heidecker

Senior Statutory Planner:

Claire Wilksinson

3. Apologies

Nil

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 James Tehan/Councillor Mark Holcombe:

THAT the Minutes of the Mansfield Shire Council meeting held on Tuesday 12 December 2023 and 6 February 2024 be confirmed as an accurate record.

CARRIED

8. Representations

13.2.3 'Planning - P153/22 - Seven Dwellings & Subdivision – 23 Elvins Street Mansfield'

- Rosslyn Mackay
- Peter Bennett
- Sheena Daykin

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 12 December 2023 to 13 February 2024.

CARRIED

11. Reports from council appointed representatives

Councillor Mark Holcombe/Councillor Rohan Webb:

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

CARRIED

12. Public question time

Question 1

From Karen Walker:

Why did Council take over 24 hours to communicate to residents especially those in outlying communities with no power or water for days?

Response:

Council shared information on its Facebook page within 24 hours of the initial power outage notification. The information included how to stay informed using the outage tracker, encouraged vulnerable residents, such as those on life support, to enact their emergency plan and provided the SES contact number. Further information was shared as updates came through to Council from the Regional Emergency Management Team and other government agencies. On Thursday, as it became apparent that the outages may continue for some outlying communities, Council shared information about venues accessible to community members for showering and recharging phone batteries. Council officers were in direct contact with community members in impacted areas, providing support including Jamieson and Woods Point. While Council does its best to deliver credible and timely information about anything that may affect its community members, Council is not the responsible authority for up-to-date information about incidents such as power outages. Council strongly encourages community members to stay up-to-date by using the outage tracker and downloading the VicEmergency app.

Question 2

Question disallowed under Item 52.9 of the Mansfield Shire Council Governance Rules.

13. Officer reports

13.1. Chief Executive Officer's report

Councillor Rohan Webb/Councillor Paul Sladdin:

THAT COUNCIL receive and note the Chief Executive Officer's report for the period 12 December 2023 to 12 February 2024.

CARRIED

13.2. Infrastructure and Planning Directorate

13.2.1. Discontinuance and Sale of Portions of Road Reserves

Councillor Mark Holcombe/Councillor James Tehan:

THAT COUNCIL:

1. Authorises the Chief Executive Officer to commence the process to discontinue and sell the following portions of road reserves as follows:
 - a. Corner of Valley Fair Rise and Village Way, Macs Cove
 - b. Peppin Drive, Bonnie Doon.
 - c. Corner of Hutchinsons Road and Nanda Court, Bonnie Doon.
 - d. Adjacent to Jamieson Primary School, off Chenery Street.
2. Authorises the Chief Executive Officer to obtain independent valuations for any land to be sold.

CARRIED

13.2.2. Mansfield State Emergency Services Land Lease

Councillor James Tehan/Councillor Rohan Webb:

THAT COUNCIL:

1. Approves the proposed 10-year peppercorn lease agreement for a site lease area located on Lots 4 and 5 of the land at 166 – 176 Maroondah Highway, Mansfield, with 2 further terms of 10 years option, commencing on 1 March 2024;
2. Sets the annual licence fee at \$1 per annum, plus outgoings;
3. Provides public notification of the intention to enter a lease agreement on the above-mentioned land for the current and future location of the building; and
4. Authorises the Chief Executive Officer executing the lease agreement on completion of the public notification process.

CARRIED

13.2.3. Planning - P153/22 - Seven Dwellings & Subdivision - 23 Elvins Street Mansfield

Councillor Paul Sladdin/Councillor James Tehan:

THAT COUNCIL determines to **Refuse to Grant a Permit** for Planning Application P153/22 for the Development of land for seven (7) dwellings, subdivision of land into seven (7) lots, removal of easements and a reduction of car parking requirements on **Lot 1 TP645469J and Lot 1 LP22036 Parish of Mansfield**, commonly addressed as 23 Elvins Street, Mansfield, for the following reasons:

1. The proposal for a seven (7) lot subdivision is not supported by any plan of subdivision and therefore assessment against Clause 56 is not able to be undertaken.

2. The proposal fails to demonstrate compliance with the minimum garden area provisions at Clause 32.08-4 of the Scheme, as the submitted garden area plan includes a number of areas that do not meet the definition of garden area in the Scheme. The cumulative sum of these areas is greater than the extent of compliance with the garden area requirement.
3. The proposal is inconsistent with the Planning Policy Framework and Municipal Planning Strategy in relation to urban design and neighbourhood character, specifically Clauses 02.03-5, 15.01-1S, 15.01-2S and 15.01-5S, which aim to ensure that infill development respects the neighbourhood character of an area and that the form and scale of new development enhances the public realm. The proposal results in dwellings presenting unacceptable bulk and visual dominance to the streetscape and abutting properties, poor articulation that increases the visual bulk to Elvins Street, poor amenity outcomes for future residents and poor integration with the existing streetscape.
4. The proposal is inconsistent with the purpose and decision guidelines of the General Residential Zone, which seeks to encourage development that respects the neighbourhood character of the area.
5. The proposal fails to meet the standards and objectives of the following Clause 55 requirements:
 - a. B1 – Neighbourhood character – The proposed dwellings do not respect the existing or preferred neighbourhood character of the area, by:
 - i. Presenting to the streetscape with excessive visual bulk due to prominent upper levels, reliance on protruding balconies for private open space and clunky roof forms and materials that are not found in the surrounding area;
 - ii. Providing minimal articulation and protrusions that increases visual bulk where present;
 - iii. Clustering built form (particularly on the southern elevation), with minimal separation at upper levels that present as a solid mass along the site; and
 - iv. Failing to soften the dwellings in the surrounding streetscape by use of greater setbacks, articulation, or landscaping.
 - b. B10 – Energy efficiency objective – The dwelling form and layout prevents north facing light from meaningfully penetrating habitable rooms of dwellings 1, 2, 3, 4 (at ground level) and dwelling 7 across the development, due to poor configuration, use of cantilevered balconies that shade main habitable rooms for dwellings 1-4, and overreliance across the development upon south-facing orientations for main rooms.
 - c. B12 – Safety objective – The proposed dwelling layout results in obscured and isolated entry points to dwellings 2-4, by orientating the entrance perpendicular to the main street frontage, overhanging these areas with balconies, and placing car parking spaces in locations that would prevent passive surveillance of entry points.
 - d. B15 – Parking location – The proposal fails to provide the specified setbacks from accessways to habitable room windows, with a design/layout that will maximise impacts from vehicles rather than minimising or avoiding impacts of vehicle noise.
 - e. B26 – Dwelling entry – A number of dwellings provide access points perpendicular to the street, located under cantilevered balconies and obscured by car parking areas; such that there is no readily discernible point of entrance a number of dwellings. No shelter, sense of personal space or transitional space around the entry is provided. The majority of dwellings comprise the same base design and form, such that no sense of identity is presented.

- f. B31 – Design detail – The dwellings fail to provide detailed design elements consummate with the existing or preferred neighbourhood character of the area, by:
 - i. The minimal articulation to the streetscape, comprising almost exclusively of upper-level forward protrusions and hard edges;
 - ii. The ‘cookie cutter’ typology of the dwelling designs, comprising almost entirely uniform floor plans and design elements that are inconsistent with the design elements of the broader area;
 - iii. Clunky roof forms that visually detract from the development and create a confusing visual presentation with no consistent rhythm or form;
 - iv. The dominating extent of built form, particularly along the southern elevation (and northern internal elevation) which presents the development as a large singular form from the public realm and abutting dwellings; and
 - v. The garage doors on the northern dwellings (5-7) comprise a large part of the visual presentation of these dwellings, resulting in a bland and bulky presentation akin to a rear laneway access.
6. The cumulative impact of variations to Clause 55 standards reflects that the proposal is an overdevelopment of the site that compromises the amenity of future residents to accommodate the development.
7. The application fails to provide car parking in accordance with Clause 52.06 of the Mansfield Planning Scheme, as:
 - a) Dwellings 1-4 do not provide car parking spaces that meet Design Standard 2 of Clause 52.06-9 in relation to size within the garage, and tandem parking dimensions.
 - b) The design does not demonstrate that each car can enter and exit the site in a forward direction in an acceptable number of manoeuvres
 - c) The design does not demonstrate how vehicles in dwelling 4 can enter and exit the site in a forward direction
 - d) The design does not demonstrate how a vehicle can reverse out of the garage of dwelling 5 without conflicting with the dwelling 1 tandem car parking space.
 - e) The design does not demonstrate how a vehicle can reverse out of the garage of dwelling 7 without conflicting with the dwelling 3 tandem car parking space.
 - f) The design does not allow for a safe passing area for vehicles entering and exiting the site
 - g) The design does not clearly delineate provision for visitor car parking spaces and does not justify a reduction of this space.

CARRIED

13.3. Community and Corporate Services Directorate

13.3.1. Council Plan Actions 2023-24 Half Year Report

Councillor James Tehan/Councillor Mark Holcombe:

THAT COUNCIL receives the Council Plan 2021–2025 half year update for 2023-24 provided for information.

CARRIED

13.3.2. Quarterly Finance Report

Councillor Mark Holcombe/Councillor Rohan Webb:

THAT COUNCIL

1. Receives the Quarterly Budget Report for the period 1 July 2023 to 31 December 2023; and
2. Note the statement by the Chief Executive Officer that a revised budget will not be required for the 2023-24 financial year.

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 12 February 2024.

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 James Tehan/Councillor Rohan Webb:

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 20 February 2024 was closed to the public at 6:31 pm.

18. Confidential Reports

18.1. Tender Award: Mt.Buller Road Service Lane Works - Construction

Councillor Rohan Webb/Councillor Mark Holcombe:

THAT COUNCIL:

1. Award a lump sum contract for the Mt.Buller Road Service Lane Works - Construction to Bells Civil Excavations Pty Ltd in the amount of \$401,720.00 (ex. GST).
2. Approve an additional provisional sum of \$35,350.00 (ex. GST) for resealing the existing Mt Buller service lane.
3. Approve an additional provisional sum of \$41,635.00 (ex. GST) for the Drainage Construction at Greenvale Lane, subject to a contribution from the Department of Transport and Planning.
4. Approve a 5% construction contingency amount of \$23,935.25 (ex. GST).
5. Authorises the Chief Executive Officer to execute the contract.
6. Make this resolution public by including it within the public minutes of the Council meeting.

CARRIED

18.2. Tender Award: Highton Lane Upgrade - Construction

Councillor James Tehan/Councillor Mark Holcombe:

THAT COUNCIL:

1. Award a lump sum contract for the construction of the Highton Lane upgrade to Alpine Civil Pty Ltd for a maximum amount of \$4,484,843 (ex. GST), including optional items.
2. Approve a 10% construction contingency amount of \$420,230.
3. Authorise the Chief Executive Officer to execute the contract.
4. Make this resolution public by including it within the public minutes of the Council meeting.

CARRIED

19. Reopen meeting to members of the public

Councillor Mark Holcombe/Councillor Paul Sladdin:

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

CARRIED

Council re-opened the meeting at 7:04 pm.

20. Close of meeting

The Council Meeting Agenda 20 February 2024 was closed at 7:07 pm.

CONFIRMED this **nineteenth** day of **March 2024**

Mayor