

OFFICIAL



Mansfield Shire

## MINUTES

# Council Meeting

Tuesday 20 May 2025

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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

Councillor Steve Rabie opened the meeting at 5:00 pm.

## 2. Present

- Councillor Tehan
- Councillor Rabie
- Councillor Treasure
- Councillor Clark
- Councillor Berenyi

In Attendance:

Chief Executive Officer:

Kirsten Alexander

Acting General Manager Investment & Planning:

Maya Balvonova

Governance & Risk Officer:

Chelsea Young

Coordinator Financial Planning & Analysis:

James Alcaniz

Financial Controller:

Michael McCormack

Senior Coordinator Planning:

Nicole Embling

Senior Statutory Planner:

Claire Wilkinson

## 3. Apologies

Nil

## 4. Statement of commitment

Councillor 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 Model Councillor Code of Conduct. We will, at all times, faithfully represent and uphold the trust placed in us by the community."*

## 5. Acknowledgement of Country

Councillor James Tehan recited Council's Acknowledgement of Country:

*"Our meeting is being held on the traditional lands of the Taungurung people. We wish to acknowledge them as the traditional custodians and pay our respects to their Elders past and present. We extend that respect to all members of our community."*

## 6. Disclosure of conflicts of interest

CEO, Kirsten Alexander, declared a conflict of interest regarding agenda item 18.1. 'CEO Employee Matters Committee Meeting Minutes & CEO 6 Month Performance Review'.

## 7. Confirmation of minutes

**Councillor Bonnie Clark/Councillor Mandy Treasure:**

THAT the Minutes of the Mansfield Shire Council meeting held on 15 April 2025 be confirmed as an accurate record.

**CARRIED**

## 8. Representations

### 13.2.1. 'DP002-22 Development Plan - 240 Malcolm Street, Mansfield'

- Alex Lyons

### 13.2.2. 'P017-25 Planning Permit Application - 215 Dead Horse Lane Mansfield'

- James Course (Applicant - Gawk Outdoor)
- Kym Lynch on behalf of the Mansfield Matters Group
- Joan Tehan

### 13.2.3. 'P214-22 Planning Permit Application - 138 Hearn's Road Boorolite'

- Tony Tehan
- David Ritchie
- Kym Lynch

## 9. Notices of motion

Nil

## 10. Mayor's report

**Councillor Bonnie Clark/Councillor Mandy Treasure:**

THAT COUNCIL receive the Mayor's report for the period 15 April 2025 to 16 May 2025.

**CARRIED**

## 11. Reports from council appointed representatives

**Councillor Tim Berenyi/Councillor James Tehan:**

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

**CARRIED**

## 12. Public question time

Nil

## 13. Officer reports

### 13.1. Chief Executive Officer's report

**Councillor James Tehan/Councillor Mandy Treasure:**

THAT COUNCIL receive and note the Chief Executive Officer's report for the period 1 April 2025 to 30 April 2025.

**CARRIED**

**Question from Councillor James Tehan taken on Notice:** Regarding the Planning Applications lodged as reported in the April CEO Monthly Report, there is an application for stone extraction at 131 Terry Road Mansfield. Who is the applicant?

**Council's response:** Name of applicant provided confidentially via the Councillors' Communique on Friday 23/05/2025.

**Question from Councillor James Tehan taken on Notice:** Regarding the YouTube view counts for Council Meetings as reported in the April CEO Monthly Report, do these figures represent live views or subsequently watched?

**Council's response:** The reported viewership figures includes both live views and subsequent (on-demand) views as at 30 April 2025.

## 13.2. Investment and Planning

### 13.2.1. DP002-22 Development Plan - 240 Malcolm Street, Mansfield

**Councillor Bonnie Clark/Councillor Mandy Treasure:**

THAT COUNCIL **approves** the submitted Development Plan **DP002-24** for Rural Living Zoned land on Lot 1 on **LP80798**, Lot 1 on **TP244731**, Lot 75 on **PP3056** addressed as 240 Malcom Street and part of Part of Lot 2 **TP245258** addressed as 220 Malcom Street.

**CARRIED**

### 13.2.2. P017-25 Planning Permit Application - 215 Dead Horse Lane Mansfield

**Councillor James Tehan/Councillor Tim Berenyi:**

THAT COUNCIL resolves to issue a **Notice of Decision to Refuse to Grant a Permit** for Planning Permit Application P017-25 for an externally illuminated Major Promotion Sign at Lot 1 on PS126001, commonly known as 215 Dead Horse Lane Mansfield, for the following reasons:

1. Proposal is inconsistent with the strategies of Clause 12.01-1S Protection of Biodiversity as the impacts from fragmentation of habitat and spread of pest plants (Chilean Needle Grass) have not been addressed.
2. Proposal is inconsistent with the objective and strategies of Clause 12.05-2L Significant Landscapes, Ridgelines and Alpine Approaches to *protect the environmental, landscape and visual significance of landscapes, alpine approaches and significant ridgelines, particularly in areas of high visual amenity.*
3. Proposal has not suitably addressed how the risk of spread of pest plants will be mitigated in accordance with Clause 14.01-1S Protection of Agricultural Land.
4. Proposal is inconsistent with the objective, strategies and policy documents (*Mansfield Township Approach Planning Controls and Guidelines Study 2018*) of Clause 15.01-5L Mansfield Township Approaches.
5. Proposal is inconsistent with the purpose of Clause 52.05 Signs;
  - a. *To ensure signs are compatible with the amenity and visual appearance of an area, including the existing or desired future character.*
  - b. *To ensure signs do not contribute to excessive visual clutter or visual disorder.*
  - c. *To ensure signs do not cause loss of amenity or adversely affect the natural or built environment or the safety, appearance or efficiency of a road.*

**CARRIED**

### 13.2.3. P214-22 Planning Permit Application - 138 Hearn's Road Boorolite

**Councillor Tim Berenyi/Councillor Bonnie Clark:**

THAT COUNCIL, having caused notice of the application to be given under Section 52 of the *Planning and Environment Act 1987*, and having considered all matters under Section 60 of the *Planning and Environment Act 1987*, resolves to issue a **Notice of Decision to Refuse to Grant a Permit** for Planning Application P214/22 for the Use and development of land for

Extractive Industry (Stone Extraction) on **Portion 103 Parish of Beolite TP277128M, Crown Allotment 64 TP264856 and Crown Allotment 66 TP283083X**, commonly addressed as 138 Hearn Road, Mansfield, on the following Grounds:

1. The Application and Further Information provided with the application is significantly deficient such that it should be refused as it cannot be adequately assessed, including:
  - a. No noise assessment.
  - b. No dust or air quality assessment.
  - c. No adequate detail or estimate of the volume of stone to be extracted, nor stockpiling of extracted material and topsoil for rehabilitation.
  - d. No indication of the amount of time it would take to extract the stone before supplies are depleted.
  - e. No assessment of the potential drainage and water quality impacts on the site or adjoining land.
  - f. No soil assessment or geological supporting information.
  - g. No satisfactory assessment of visual amenity impact on the surrounding properties and landscape.
2. The proposal does not align with the Strategic Directions of Clause 02.03-1 Settlement and Clause 02.03-2 Environmental and Landscape Values (Landscapes), the Objective and Strategies of Clause 12.05-2L – Significant Landscapes, Ridgelines and Alpine Approaches, and the Purpose and Decision Guidelines of Clause 42.03 - Significant Landscape Overlay – Schedule 1, Alpine Approach Significant Landscape Area (SLO1), specifically:
  - a. Four (out of five) of the proposed extraction areas are within the SLO1 and would impact the visual amenity of the area as viewed from the Alpine Approach and surrounds, including impeding the views to the Alpine Region.
  - b. The visual amenity of the prominent Delatite Valley will be impacted.
  - c. The location of extraction sites and internal accessways has not been designed to be responsive to the land's topography or unobtrusive in the landscape.
3. The application has not suitably addressed how the proposal will be beneficial for agricultural purposes or how it complies with the Strategic Directions of Clause 02.03-4 – Natural Resource Management (Agriculture), the Objective and Strategies of Clause 14.01-1S – Protection of Agricultural Land, or the Purpose and Decision Guidelines of Clause 35.07 - Farming Zone.
4. The application does not include sufficient information for sediment and erosion control for the protection of water quality and has not demonstrated compliance with the Strategic Directions of Clause 02.03-4 Natural Resource Management (Water and Declared Special Water Supply Catchments), The Objective and Strategies of Clauses 14.02-1S and 14.02-1L – Catchment Planning and Management, The Objective and Strategies of Clause 14.02-2S – Water Quality, and the Purpose and Decision Guidelines of Clause 42.01 - Environmental Significance Overlay – Schedule 2, Catchments at Medium Risk of Water Quality Impacts (ESO2).
5. The proposal will have an unreasonable impact on tourism and the application does not accord with the Strategic Directions of Clause 02.03-7 Economic Development (Tourism), and the Strategies of Clause 17.01-1R – Diversified Economy – Hume.
6. The application does not include sufficient information for noise, dust and air quality impacts, and does not align with the Objective and Strategies of Clause 13.05-1S – Noise Management, and the Objective and Strategies of Clause 13.07-1S – Land Use Compatibility.

**CARRIED**

### 13.2.4. C57mans - Planning Scheme Amendment

**Councillor James Tehan/Councillor Tim Berenyi:**

THAT COUNCIL:

1. Having been authorised by the Minister for Planning to prepare Amendment C57 to the Mansfield Planning Scheme under Section 8A(4) of the Planning and Environment Act 1987 ('the Act'); and
2. Having prepared and exhibited Amendment C57 to the Mansfield Planning Scheme under Section 19 of the Act; and
3. Having considered all submissions to Amendment C57 under Section 22 of the Act; Mansfield Shire Council resolves to:
4. Split Amendment C57mans to the Mansfield Planning Scheme into two parts, Part 1 to include the recommendations from the Planning Scheme Review, and Part 2 to include the Mansfield Open Space Strategy, 2022 and all content included in the attachments titled C57mans Part 2.

For PART 1:

- Adopt Amendment C57mans, Part 1, to the Mansfield Planning Scheme in accordance with Section 29 of the Act, adopting the amendment with the following changes;
- Removal of proposed changes to Clause 44.06 as per CFA submission.
- Include DTP changes to Clauses 02-03-8, 19.02-6L and Schedule to Clause 74.02.
- As outlined in the attachment titled C57mans Part 1.
- Submit Amendment C57mans, 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.

For PART 2:

- Undertake further investigation to resolve the outstanding submissions in relation to Planning Scheme Amendment C56mans, Part 2, and report back to Council.

**CARRIED**

### 13.3. People, Communications and Governance

#### 13.3.1. Unreasonable Complainant Conduct Policy

**Councillor Mandy Treasure/Councillor Tim Berenyi:**

THAT COUNCIL endorses the Unreasonable Complainant Conduct Policy 2025.

**CARRIED**

#### 13.3.2. Councillor Internal Resolution Procedure

**Councillor Mandy Treasure/Councillor Tim Berenyi:**

THAT COUNCIL:

1. Adopt the Councillor Internal Resolution Procedure as required by the *Local Government Act 2020* and in compliance with the requirements of Schedule 1A of the *Local Government (Governance and Integrity) Regulations 2020*;
2. Make the Procedure available on the Mansfield Shire Council website; and
3. Revoke the Mansfield Shire Councillor Code of Conduct 2021.

**CARRIED**

#### 13.3.3. Privacy and Data Protection Policy

**Councillor Bonnie Clark/Councillor Tim Berenyi:**

THAT COUNCIL endorses the Privacy and Data Protection Policy 2025.



**CARRIED**

## **13.4. Executive Services Directorate**

### **13.4.1. Quarterly Finance Report - 31 March 2025**

**Councillor Tim Berenyi/Councillor Mandy Treasure:**

THAT COUNCIL notes the Quarterly Finance Report for the period 1 July 2024 – 31 March 2025.

**CARRIED**

### **13.4.2. Borrowing and Debt Management Policy**

**Councillor James Tehan/Councillor Tim Berenyi:**

THAT COUNCIL endorses the Borrowing and Debt Management Policy 2025.

**CARRIED**

### **13.4.3. Carry Forward Projects Policy**

**Councillor Bonnie Clark/Councillor Mandy Treasure:**

THAT COUNCIL endorses the Carry Forward Projects Policy 2025.

**CARRIED**

## **14. Council Meeting Resolution Actions Status Register**

**Councillor James Tehan/Councillor Mandy Treasure:**

THAT COUNCIL receive and note the Mansfield Shire Council Meeting Resolution Actions Status Register as at 8 May 2025.

**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 Bonnie Clark/Councillor Mandy Treasure:**

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 - 21 May 2025 was closed to the public at 6:31 pm.

CEO, Kirsten Alexander, and Maya Balvonova left the meeting at 6.45pm.



## 18. Confidential Reports

### 18.1. CEO Employee Matters Committee Meeting Minutes & CEO 6 Month Performance Review

**Confidential**

This report contains confidential information pursuant to the provisions of Section 66(2) of the Local Government Act 2020 under Section 3(f) - personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.

CEO, Kirsten Alexander, returned to the meeting at 6.38pm.

### 18.2. CODI Health Wastewater

**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 Bonnie Clark/Councillor James Tehan:**

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

**CARRIED**

Council re-opened the meeting at 6:47 pm.

## 20. Close of meeting

The Council Meeting Agenda - 21 May 2025 was closed at 6:49 pm.

CONFIRMED this **twenty fourth** day of **June 2025**

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**Mayor**