



**Mansfield Shire**

# **MINUTES**

## **Council Meeting**

**Tuesday 28 June 2022**

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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

Mayor James Tehan opened the meeting at 5:08 pm.

## 2. Present

- Councillor 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:	Dena Vlekkert
Manager Operations and Capital Works:	Kristian Burchat
Manager Planning and Environment:	Melissa Crane
Manager Community Health:	Nola Bales
Manager Business and Finance:	Tony Cooper
Acting Manager Business and Finance:	Anthony Smith
Coordinator Governance and Risk:	Moira Moss
Asset Management Officer:	Sujita Sharma
Project Officer Operations and Capital Works:	Fabian Rukshan

## 3. Apologies

Nil

## 4. Statement of commitment

Mayor James Tehan 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

Councillor Steve Rabie declared a conflict of interest in respect of item 19.2

Award of Tender: Service and Transportation of Skip Bins - Mansfield Resource Recovery Centre

## 7. Confirmation of minutes

**Councillor Rohan Webb/Councillor Mark Holcombe:**

THAT the Minutes of the Mansfield Shire Council meeting held on 17 May 2022 and the additional meeting of Council held on 7 June 2022 be confirmed as an accurate record.

**CARRIED**

## 8. Representations

Nil

## 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 17 May 2022 to 15 June 2022 with the grammatical correction made by Cr Paul Sladdin: Substitute Lake Eildon for Like Eildon.

**CARRIED**

## 11. Reports from council appointed representatives

**Councillor Rohan Webb/Councillor Mark Holcombe:**

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

**CARRIED**

## 12. Public question time

The Mayor reinforced that under the Governance Rules each person can only submit two questions. The Mayor read two of the four questions Mr Adamson asked. The Mayor stated that the other two questions would be answered in writing.

### Question 1

Mr Ed Adamson

"Given the seasonal worker immediate winter crisis due to lack of accommodation, particularly for managers and families, will Council act urgently to provide:

- a) Amnesty on prohibition of longer-term caravan or temporary dwelling or occupancy so that it can endure season long on a range of lots in various zones of the Planning Scheme.
- b) Allow "Tiny houses", "Granny flats" and other kinds of additional small dwellings on lots in Rural, (FZ), RRZ and GRZ where usually one dwelling is permitted.
- c) Dispensation to allow habitation of on farm facilities such as shearing quarters and in-shed dwelling facilities for the tourism seasons.
- d) Consider urgent amendments to the Shire Planning Scheme to facilitate suitable alternative accommodation options to meet the needs of the community?

Answer:

Question Part A:

There are regulations in Council's Local Laws that allow temporary accommodation in caravans and the like on private property. Anything beyond those regulations would be subject to a planning permit. Again, any planning application needs to go through a process of determination of suitability.

Question Part B:

Different zones have different requirements in relation to multiple dwellings on the lot, regardless of whether they are tiny homes or larger ones. In our Farming areas, it can be considered that the cumulative impact of new homes in rural areas could lead to urban sprawl, prevent productive farming practices, and have people living in dangerous areas subject to bushfires, flooding, or even earthquakes as we found out late last year. Any permits that are issued for multiple dwellings need to give due consideration to both the purpose of the zone that the land is in, as well as these other land constraints.

## 13. Officer reports

### 13.1. Chief Executive Officer's report

**Councillor Mark Holcombe/Councillor Steve Rabie:**

THAT COUNCIL receive and note the Chief Executive Officer's report for the period 17 May 2022 to 16 June 2022.

**CARRIED**

### 13.2. Infrastructure and Planning Directorate

#### 13.2.1. Adoption of Final Asset Plan 2021-2031

**Councillor Rohan Webb/Councillor Mark Holcombe:**

THAT COUNCIL

1. Notes the feedback and responses to the three submissions received on the draft Asset Plan as detailed in the Key Issues section of the report.
2. Adopts the Asset Plan 2021-2031.
3. Adopts the Asset Management Policy and Strategy.

**CARRIED**

#### 13.2.2. Council Representation with Recycle Victoria

**Councillor Mark Holcombe/Councillor Rohan Webb:**

THAT COUNCIL:

1. Upon the introduction of a local government advisory committee by the State Government, nominates Cr Steve Rabie as a local government representative for this committee;
2. Notes that the State government has introduced legislation that dissolves the regional waste management groups effective from 1 July 2022;

3. Recognises the benefits of regional collaboration between local governments including for delivering effective services, achieving efficiencies of scale, sharing expertise, advocating for better policy and legislation, education and procurement;
4. Notes that the WRRGs have provided an effective mechanism for regional collaboration between councils and:
  - a. Appoints Cr Steve Rabie as councillor representative on recycling and waste matters including for the purposes of:
    - i. Meeting with other councils in the North East region to consider recycling and waste matters and provide advice to councils in the region.
    - ii. Appointing a chair of the regional advisory group on recycling and waste, who would represent the region in a state-wide advisory group, including electing a state-wide chair.
    - iii. Developing a proposal for governance (including a Terms of Reference) of regional coordination between the councils, for consideration by Council at a future date
    - iv. Calling on the state government to support regional collaboration by providing the secretariat function via Recycling Victoria.

**CARRIED**

### **13.2.3. C55mans - Redgum Drive Planning Scheme Amendment**

**Councillor Steve Rabie/Councillor Mark Holcombe:**

THAT COUNCIL

1. Adopt the Redgum Drive Amendment, resolving to implement the proposal generally in accordance with the attached documents through Amendment C55mans to the Mansfield Planning Scheme.
2. Request under Section 8A (2) and (3) of the *Planning and Environment Act 1987* that the Minister for Planning authorise Mansfield Shire Council to prepare Amendment C55mans to the Mansfield Planning Scheme.
3. Notify the Minister for Planning that when it exhibits Amendment C55mans, Mansfield Shire Council intends to give full notification of the Amendment under Section 19 of the *Planning and Environment Act 1987* for a minimum statutory exhibition period of one month.
4. When authorised by the Minister for Planning, exhibited Amendment C55mans to the Mansfield Planning Scheme under Section 19 of the *Planning and Environment Act 1987*.

**CARRIED**

## **13.3. Community and Corporate Services Directorate**

### **13.3.1. Youth Services Review**

**Councillor Steve Rabie/Councillor Mark Holcombe:**

THAT COUNCIL receive and note the report on the Mansfield Youth Service Review and The update on implementation of actions as outlined in the Youth Service Review Discussion Paper.

**CARRIED**

### 13.3.2. Community Satisfaction Survey

**Councillor Steve Rabie/Councillor Mark Holcombe:**

THAT COUNCIL receive and note the 2022 Local Government Community Satisfaction Survey. **CARRIED**

### 13.3.3. Council Plan 2021-2025 Performance Report

**Councillor Rohan Webb/Councillor Steve Rabie:**

THAT COUNCIL receive and note the Council Plan 2021-2025 Performance report as at the end of March 2022. **CARRIED**

### 13.3.4. Adopted Revised Revenue & Rating Plan 2021-25

**Councillor Mark Holcombe/Councillor Steve Rabie:**

THAT COUNCIL:

1. Notes no public submissions were received in relation to the Revised Revenue and Rating Plan 2021-25.
2. Adopts the Revised Revenue and Rating Plan 2021-25.

**CARRIED**

### 13.3.5. Adopted Budget 2022-23

**Councillor Steve Rabie/Councillor Paul Sladdin:**

THAT COUNCIL:

1. Having considered all submissions received on the Proposed Budget 2022-23, adopts the Budget 2022/23 (as attached with changes as a result of submissions and final valuations) including the Schedule of Fees and Charges for the financial year ending 30 June 2023.
2. Formally declares and sets the following rates and charges for the 2022-23 rating year:

#### **A. General Rates**

- i) Pursuant to the provisions of Section 161 of the Local Government Act 1989 the following differential rates be declared for the 2022-23 financial year:
  - A general rate of 0.179753 cents in the dollar of Capital Improved Value for all rateable residential properties.
  - A general rate of 0.314568 cents in the dollar of Capital Improved Value for all rateable commercial properties.
  - A general rate of 0.305580 cents in the dollar of Capital Improved Value for all rateable vacant land.
  - A general rate of 0.165373 cents in the dollar of Capital Improved Value for all rateable rural residential properties.
  - A general rate of 0.120435 cents in the dollar of Capital Improved Value for all rateable farmland properties.
- ii) It be recorded that Council believes each differential rate will contribute to the equitable and efficient carrying out of Council functions. Details of the objectives of each differential rate, the types of classes of land which are subject to each differential rate and the uses of



each differential rate are set out in the Revised Revenue and Rating Plan 2021-25 and shown at item 4.1.1 of the Budget 2022-23 as attached.

- iii) In accordance with the *Cultural and Recreational Lands Act 1963* the cultural and recreational charge, in lieu of rates in respect of the 2022-23 financial year, be applied to all land to which the Act applies.

### **B. Municipal Charge**

- i) Pursuant to the provisions of Section 159 of the *Local Government Act 1989* a municipal charge be declared in respect of the 2022-23 financial year.
- ii) The municipal charge be declared for the purpose of covering some of the administrative costs to Council.
- iii) The municipal charge in the sum of \$330.00 for each rateable land (or part) in respect of which a municipal charge may be levied is declared in respect of the 2022-23 financial year.
- iv) It be confirmed that the municipal charge is declared in respect of all rateable land within the municipal district of which a municipal charge may be levied.

### **C. Annual Service Charge**

- i) Pursuant to the provisions of Section 162 of the *Local Government Act 1989* an annual service charge relating to waste management be declared for the 2022-23 financial year for each rateable property as follows:
- Kerbside rubbish collection 80 litre bin \$174.75
  - Kerbside rubbish collection 120 litre bin \$259.75
  - Kerbside rubbish collection 240 litre bin \$504.89
  - Kerbside recycling collection 240 litre bin \$154.84
  - Kerbside recycling collection 240 litre additional bin \$154.84
  - Community Waste \$81.31.
- ii) Pursuant to the provisions of Section 221 of the *Local Government Act 1989* an annual service charge relating to waste management be declared for the 2022-23 financial year for each non-rateable property where the service is provided as follows:
- Kerbside rubbish collection 80 litre bin \$174.75
  - Kerbside rubbish collection 120 litre bin \$259.75
  - Kerbside rubbish collection 240 litre bin \$504.89
  - Kerbside recycling collection 240 litre bin \$154.84
  - Kerbside recycling collection 240 litre additional bin \$154.84.

### **3. Rate Payments**

Rates are due and payable in four (4) instalments, due by:

First Instalment:	30 September
Second instalment:	30 November
Third instalment:	28 February
Fourth instalment:	31 May

4. Writes to all submitters thanking them for their participation in the budget development process and advising them in writing of the reasons for Council's decision.

**CARRIED**

## 13.4. Executive Services Directorate

### 13.4.1. Appointment of Mansfield Shire Council Interim Chief Executive Officer

**Councillor Steve Rabie/Councillor Rohan Webb:**

THAT COUNCIL:

1. Appoint Mr Bill Millard to the position of Acting (Interim) Chief Executive Officer for the period 11 July 2022 until the permanent position is filled;
2. Authorise Mayor Cr Tehan to finalise the terms of the Acting Chief Executive Officer's appointment on behalf of Council.

**CARRIED**

## 14. Assembly of Councillors

**Councillor Steve Rabie/Councillor Mark Holcombe:**

THAT COUNCIL receive and note the Assembly of Councillors report for the period 12 May to 7 June 2022.

Two corrections were made to the report presented.

1. That Cr Sladdin did not attend the *Non-Resident Ratepayers Meeting, Melbourne*; and
2. Cr Webb did attend the *Non-Resident Ratepayers Meeting, Melbourne*.

**CARRIED**

## 15. Council Meeting Resolution Actions Status Register

**Councillor Rohan Webb/Councillor Mark Holcombe:**

THAT COUNCIL receive and note the Council Resolutions Register as at 16 June 2022.

**CARRIED**

## 16. Advisory and Special Committee reports

### 16.1. Audit & Risk Committee Meeting Agenda & Minutes

**Councillor Mark Holcombe/Councillor Steve Rabie:**

THAT COUNCIL receive the Agenda & Minutes of the Mansfield Shire Audit and Risk Committee meeting held 16 May 2022.

**CARRIED**

## 17. Authorisation of sealing of documents

Nil

## 18. Closure of meeting to members of the public

**Councillor Steve Rabie/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 19 below.

**CARRIED**

The Council Meeting Agenda 28 June 2022 was closed to the public at 6:27 pm.

## 19. Confidential Reports

### 19.1. Tender Award - Reseal Preparation Program Stage 2

**Councillor Steve Rabie/Councillor Rohan Webb:**

THAT COUNCIL:

1. Award a lump sum contract for the 2021-22 Reseal Preparation Program Stage 2 to Countrywide Asphalt and Civil Pty Ltd for \$711,984 (excl. GST)
2. Approves a 10% construction contingency amount of \$71,198 (excl. GST).
3. Makes this resolution public by including it within the public minutes of the Council meeting.

**CARRIED**

### 19.2. Award of Tender - Service and Transportation of Skip Bins - Mansfield Resource Recovery Centre

**Councillor Mark Holcombe/Councillor Paul Sladdin:**

THAT COUNCIL:

1. Award a two-year contract for the supply and transportation of skip bins for the Mansfield Resource Recovery Centre to Cleanaway Pty Ltd for the total amount of \$265,860 (ex GST).
2. Makes this resolution public by including it within the public minutes of the Council meeting.

**CARRIED**

### 19.3. Lakins Road Industrial Precinct Master Plan Project

#### **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.

## 20. 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 7:29 pm.

## 21. Close of meeting

The Council Meeting 28 June 2022 was closed at 7:34 pm.

CONFIRMED this **nineteenth** day of **July 2022**



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**Mayor**