

OFFICIAL



Mansfield Shire

MINUTES

Council Meeting

Tuesday 16 July 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.

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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:

General Manager Investment & Planning:

Governance & Risk Officer:

Manager Planning & Environment:

Coordinating Statutory Planning:

Coordinator Communications, Governance & Risk:

Manager Major Projects:

Coordinator Asset Management:

Senior Coordinator Engineering Services:

Kirsten Alexander

Melissa Crane

Chelsea Young

Maya Balvanova

Nicole Embling

Tanya Tabone

Kurt Heidecker

Sujita Sharma

Imad Khan

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 Rohan Webb/Councillor Mark Holcombe:

THAT the Minutes of the Mansfield Shire Council meeting held on 25 June 2024 be confirmed as an accurate record.

CARRIED

8. Representations

13.2.2 Road Management Plan and Register of Public Roads

- Marta Wakeling
- Glen Sutcliffe

13.2.3 P011/24 – 434 Buttercup Road Merrijig

- Angelina Bell
- Mary Dunn

9. Notices of motion

Nil

10. Mayor's report

Councillor James Tehan/Councillor Mark Holcombe:

THAT COUNCIL receive the Mayor's report for the period 25 June 2024 to 9 July 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

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 1 June 2024 to 30 June 2024.

CARRIED

13.2. Investment and Planning

13.2.1. Property Leasing and Licencing Policy

Councillor Mark Holcombe/Councillor Rohan Webb:

THAT COUNCIL endorse the revised Property Leasing and Licencing Policy 2024.

CARRIED

13.2.2. Road Management Plan and Register of Public Roads

Councillor James Tehan/Councillor Mark Holcombe:

THAT COUNCIL:

1. Adopts the updated Road Management Plan.
2. Adopts the updated Register of Public Roads.
3. Allocates appropriate funds, less the landowner contribution, to upgrade Fern Street to Council's standard as specified in the Road Management Plan.
4. Declares Fern Street to be a public highway under Section 204(1) of the *Local Government Act 1989*
5. Approves the inclusion of Fern Street on the Register of Public Roads.
6. Does not approve the declaration of the unnamed track off Howqua Track as a public highway, or its inclusion on the Register of Public Roads.

CARRIED

13.2.3. P011/24 - 434 Buttercup Road Merrijig

Councillor Rohan Webb/Councillor Paul Sladdin:

THAT COUNCIL resolves to issue a **Notice of Decision to Refuse to Grant a Permit** for Planning Permit Application P011/24 for a two (2) lot subdivision and change of use to two (2) Permanent Dwellings on Crown Allotment 33 Parish of Merrijig, commonly addressed as 434 Buttercup Road, Merrijig, for the following reasons:

1. The proposal is inconsistent with the Municipal Planning Strategy in relation to agricultural land, specifically Clause 02.03-4, which seeks to avoid fragmentation of productive agricultural land and ensure that land holdings remain a viable size for agricultural production without creating expectation of rural lifestyle land use in the Farming Zone. The proposal would:
 - a. Create two excessively large house lots with proposed Lot 2 containing two dwellings; and
 - b. Fails to protect potential productive agricultural land on the site and surrounding area from land fragmentation and incompatible use and development;
2. The proposal is inconsistent with the Planning Policy Framework in relation to agricultural land and rural subdivision/development, specifically Clauses 14.01-2S and 16.01-3S, which aim to manage subdivision and development in rural areas to protect and enhance agriculture and avoid fragmentation of productive agricultural land. The proposed subdivision and change of use further fragment land and encourage rural-living type development in a farming area.
3. The proposal is inconsistent with Planning Policy at Clauses 14.01-1S and 14.01-1L of the Scheme, as it:
 - a. Is not required to support agricultural use of the land;
 - b. Will further intensify small lots in the area and could result in a loss of rural character;
 - c. Reduces the long-term viability of rural production in the area by way of creating a rural-residential parcels in an active Farming Zone area; and
 - d. Creates two parcels of land which are far below the minimum 40ha lot size as required by the Farming Zone (and well in excess of the 2ha envisaged in this clause);
4. The proposal is inconsistent with the purpose and decision guidelines of the Farming Zone, which seeks to encourage the retention of productive agricultural land and to

ensure that non-agricultural uses do not adversely affect the use of land for agriculture. The proposed subdivision could lead to the concentration and proliferation of dwellings in the area, with impacts on existing agricultural activities, and provides no agricultural benefit to the land and surrounding area, contrary to the decision guidelines of the zone.

CARRIED

13.3. People, Communications and Governance

13.4.1. Equal Opportunity and Human Rights Policy

Councillor Paul Sladdin/Councillor Mark Holcombe:

THAT COUNCIL endorse the Equal Opportunity and Human Rights Policy 2024.

CARRIED

13.4.2. LG Community Satisfaction Survey 2024

Councillor James Tehan/Councillor Paul Sladdin:

THAT COUNCIL receives and notes the 2024 Local Government Community Satisfaction Survey report for Mansfield Shire Council.

CARRIED

14. Council Meeting Resolution Actions Status Register

Councillor Mark Holcombe/Councillor Rohan Webb:

THAT COUNCIL receive and note the Mansfield Shire Council Meeting Resolution Actions Status Register as at 8 July 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 Rohan Webb/Councillor Mark Holcombe:

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 16 July 2024 was closed to the public at 6:32 pm.

18. Confidential Reports

18.1. Tender Award: Chapel Hill Road - Delatite River Bridge Strengthening

Councillor James Tehan/Councillor Paul Sladdin:

THAT COUNCIL:

1. Award a lump sum contract for the strengthening of the Delatite River bridge on Chapel Hill Road to Waratah Construction for a maximum amount of \$479,026 (ex. GST), including provisional items.
2. Approve a 10% construction contingency amount of \$47,903.
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

18.2. Tender Award: Landfill Disposal Services

Councillor Mark Holcombe/Councillor Paul Sladdin:

THAT COUNCIL:

1. Awards a schedule of rates contract for CM2223.026 Landfill Disposal to Greater Shepparton City Council with a rate per tonne of \$138.10 and an estimated total contract amount of \$817,640.38 (ex GST) for the contract term of 2 years.

AND

2. Authorises the Chief Executive Officer to execute the contract.
3. Makes this resolution public by including it within the public minutes of the Council meeting.

CARRIED

19. Reopen meeting to members of the public

Councillor James Tehan/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 6:58 pm.

20. Close of meeting

The Council Meeting Agenda 16 July 2024 was closed at 7:01 pm.

CONFIRMED this **twentieth** day of **August 2024**



Mayor