



Mansfield Shire

MINUTES

Council Meeting

Tuesday 19 March 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 5:01 pm.

2. Present

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

In Attendance:

Chief Executive Officer:

General Manager Infrastructure & Planning:

General Manager Business & Economic Development:

Directorate Support Community & Corporate Services:

Manager Planning & Environment:

Coordinator Statutory Planning:

Senior Statutory Planning:

Manager Operations & Capital Works

Project Manager Rural Councils Transformation Program

Kirsten Alexander

Melissa Crane

Julie Williams

Olivia Adams

Maya Balvonova

Nicole Embling

Claire Wilkinson

Nick Maple

Craig Willingham

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

Councillor Rohan Webb declared a conflict of interest in respect of item 13.2.3.

Bush Market Annual Fee Waiver Request.

7. Confirmation of minutes

Councillor Mark Holcombe/Councillor Rohan Webb:

THAT the Minutes of the Mansfield Shire Council meeting held on 20 February 2024 and 5 March 2024 be confirmed as an accurate record.

CARRIED

8. Representations

A petition has been received from Dean Hurlston to 'leave Australia Day alone and hold community events that celebrate Australia Day, acknowledge Indigenous Culture and mark Australia Day with Citizenship Ceremonies.

Petition Requirements: The submitted petition meets the required format of a petition in accordance with Chapter 2, Part C, Division 9 of Council's *Governance Rules*.

Councillor Paul Sladdin/Councillor James Tehan:

THAT COUNCIL:

1. Receive and note the petition from Dead Hurlston to leave Australia Day alone and hold community events that celebrate Australia Day, acknowledge Indigenous Culture and mark Australia Day with Citizenship Ceremonies, and
2. Refer the petition to the Chief Executive Officer for consideration and a response.

CARRIED

13.2.3. Bush Market Annual Fee Waiver Request

- Jay Cooper attended on behalf of the Bush Market Committee

9. Notices of motion

Nil

10. Mayor's report

Councillor Paul Sladdin/Councillor Mark Holcombe:

THAT COUNCIL receive the Mayor's report for the period 20 February 2024 to 13 March 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 Sam Sciacca"

"Is there a 25-acre Battery farm being proposed at a Tabletop Road address that abuts several properties on Ambrose drive? If so, why haven't local residents been notified? Is it currently in your planning department? "

Response:

There has been no planning application received by Council for a battery farm on Tabletop Road.

The proposed use of land in Tabletop Road for a battery farm would require a planning permit, and neighbours would be notified accordingly through the standard planning processes.

Question 2

From Gail Sciacca:

"Can an update be provided regarding the proposal for a speed limit reduction to 60 KM along Tabletop Road. A couple of years have passed, and nothing has eventuated."

Response:

Council applied to the Department of Transport and Planning requesting the speed on Tabletop Road & Ambrose Drive be reduced from 100km/hr to 60km/hr.

The Department undertook a review of the request and did not believe the proposed change met the Speed Zoning Guidelines and the Infrastructure Risk Rating Model for a 60km/hr speed limit. Although Council officers supported the residents' request for a 60km/hr limit, further engagement with local residents will be undertaken over a speed reduction to 80km/hr in line with the guidelines from the Department.

Question 3

From Dean Hurlston:

"What amount of waste enforcement costs in the current financial year 2023/24 has the Council included in its waste levies charged to residents? (if any)"

Response:

Mansfield Shire Council does not charge waste enforcement costs.

Question 4

From Dean Hurlston:

"What amount of revenue has council included in the current financial year 2023/24 from waste enforcement actions?"

Response:

This question is not applicable based on the previous response.

13. Officer reports

13.1. Chief Executive Officer's report

Councillor Paul Sladdin/Councillor Rohan Webb:

THAT COUNCIL receive and note the Chief Executive Officer's report for the period 20 February 2024 to 13 March 2024.

CARRIED

13.2. Infrastructure and Planning Directorate

13.2.1. Nutrien AG Solutions and Corcoran Parker Pty Ltd – License Agreement – Fee Waiver

Councillor Mark Holcombe/Councillor Paul Sladdin:

THAT COUNCIL refer the consideration of an exemption or a reduction in the annual licence fees for the period between 2020 and 2022 for the use of the transshipment yards to Corcoran Parker or Nutrient Ag back to Council Officers for further negotiation.

CARRIED

13.2.2. Planning Permit Application P197/23 - 28 Stoneleigh Road Mansfield

Councillor Paul Sladdin/Councillor Rohan Webb:

THAT COUNCIL issue a Notice of Decision of Grant a Permit for Planning Application P197/23 to allow for the development of land for two (2) dwellings and a two (2) lot subdivision on Lot 3 LP 125881, commonly addressed as 28 Stoneleigh Road, Mansfield, subject to the following conditions:

Endorsed Plans

1. 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.
2. The subdivision approved under this permit must be undertaken in accordance with the plans endorsed and forming part of this permit.

Section 173 Agreement

3. Prior to the issue of a Statement of Compliance and the completion of development the permit holder must enter into an agreement with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act 1987, prepared by Council's preferred solicitors, to achieve the requirements of Condition 17 of this permit. The permit holder must pay the reasonable costs for the preparation, review, execution, and registration of the Section 173 Agreement.

Subdivision

4. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.

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5. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
6. The plan of subdivision submitted for certification under the *Subdivision Act 1988* must be referred to the relevant authority in accordance with Section 8 of that Act.
7. The owner of the land must enter into an agreement with:
 - a) a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
 - b) a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
8. Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:
 - a) a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
 - b) a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

External Cladding

9. 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 to the satisfaction of the Responsible Authority. 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

10. Prior to the completion of the development 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.
11. 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.

Public Open Space

12. Prior to the issue of Statement of Compliance under the *Subdivision Act 1988*, the permit holder must pay to the Responsible Authority:
 - a. A sum in accordance with Clause 53.01 (Public Open Space Contribution and Subdivision) of Mansfield Planning Scheme at time of payment;

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- b. Any costs associated with valuation of the land including valuers' fees. The permit holder must make a request to Council to commence the process involved with this condition.

Engineering

13. Prior to the issue of Certification and the commencement of any site works an Integrated Stormwater Management Plan is to be submitted to and approved by the Responsible Authority. Once approved the plan will be endorsed to form part of this permit. The Plan must suitably detail how the development will provide for a reduction of the existing overland water flows and any measures to reduce impacts to neighbouring properties.
14. Prior to the issue of Certification any recommendation in the endorsed Stormwater Management Plan for drainage easements must be included on a Plan of Subdivision submitted for Certification.
15. Prior to the issue of a Statement of Compliance and the completion of development all recommended works in the endorsed Stormwater Management Plan must be completed to the satisfaction of the Responsible Authority.
16. Prior to the issue of a Statement of Compliance and the completion of development the existing vehicle crossovers must be upgraded in accordance with IDM Standard Drawing 'SD260M – Typical Swale Drian Vehicle Crossing (Fringe Urban or Rural Residential Entrance)' which is available upon receipt of an application for Works Within Road Reserve Permit.
17. Prior to the issue of a Statement of Compliance and the completion of development the permit holder must enter into an agreement with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act 1987, to the effect that:
 - a. Any dwelling constructed must provide a rainwater tank with a capacity as per Section 19.3.4 of the Infrastructure Design Manual. The tanks must be installed and connected to the toilet system, laundry, washing machine taps and external taps for gardening purposes.
 - b. The land containing the Stormwater Soakage Pits must not be used for any other purpose.
18. 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.
19. 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.
20. 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.
21. 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

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- 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.
22. Interrupted overland flow from this development must not impact on the adjacent lots.
23. Prior to the issue of a Statement of Compliance, and any works proceeding within the road reserve, an application for Works Within Roads Reserve Permit must be made.
24. Prior to issue of a Statement of Compliance, an application must be made to Council to obtain a Legal Point of Stormwater Discharge.
25. Interrupted overland flow from this development must not be allowed to impact on the adjacent lots.
26. Any damage to Council infrastructure resulting from subdivision works must be repaired/made good to the satisfaction of the Responsible Authority prior to the issue of a Statement of Compliance.

Goulburn Valley Water

27. Payment of new customer contribution charges for water supply to the development, such amount being determined by the Corporation at the time of payment.
28. Provision of one water tapping per Lot at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation.
29. 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.
30. Any existing water service that crosses any of the proposed allotment boundaries within the proposed development must be disconnected and re-located at the developer's expense, to be wholly within one allotment only, including notification of the proposed lot to be serviced by the existing water meter, to the satisfaction of the Goulburn Valley Region Water Corporation.
31. Payment of new customer contributions charges for sewerage services to the development, such amount being determined by the Corporation at the time of payment.
32. Provision of reticulated sewerage and associated construction works to each allotment within the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation.
33. 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.
34. 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.
35. Provision of easements in favour of the Goulburn Valley Region Water Corporation over all existing and proposed gravity sewer mains located within private property.

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36. The operator under this permit shall be obliged to enter into an Agreement with Goulburn Valley Region Water Corporation relating to the design and construction of any sewerage or water works required. The form of such Agreement shall be to the satisfaction of Goulburn Valley Water. A copy of the format of the Agreement will be provided on request.
37. The plan of subdivision lodged for certification is to be referred to the Goulburn Valley Region Water Corporation pursuant to Section 8(1) of the Subdivision Act, 1988.

Permit Expiry

38. This permit will expire if any 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.
 - c) The plan of subdivision has not been certified under the *Subdivision Act 1988* within two (2) years of the issue date of this permit.
 - d) A statement of compliance is not issued within five (5) years of the date of certification under the *Subdivision Act 1988*.

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, and 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.

CARRIED

Cr Rohan Webb left the meeting at 5.33pm.

Jay Cooper joined the meeting on behalf of the Bush Market Committee to make a deputation in relation to agenda item 13.2.3.

13.2.3. Bush Market Annual Fee Waiver Request

Councillor Mark Holcombe/Councillor James Tehan:

THAT COUNCIL does not issue a fee waiver or reduction for Bush Market Inc. for the future annual permit fees.

CARRIED

Cr Rohan Webb rejoined the meeting at 6.03pm.

13.3. Community and Corporate Services Directorate

13.3.1. Fair Access Policy

Councillor James Tehan/Councillor Paul Sladdin:

THAT COUNCIL endorse the Fair Access Policy.

CARRIED

13.3.2. Fraud and Corruption Control Policy

Councillor Mark Holcombe/Councillor James Tehan:

THAT COUNCIL endorse the Fraud and Corruption Control Policy 2024.

CARRIED

13.3.3. Rates and Charges Financial Hardship Policy

Councillor Mark Holcombe/Councillor Rohan Webb:

THAT COUNCIL endorse the revised Rates and Charges Financial Hardship Policy.

CARRIED

13.3.4. Policy Revocation

Councillor Rohan Webb/Councillor Mark Holcombe:

THAT COUNCIL revoke the following from the Mansfield Shire Council Policy Register:

1. Public Spaces Trading Policy
2. Waste Management Services Policy and Procedure
3. Purchasing Card Policy

CARRIED

13.3.5. Customer Service Charter

Councillor Mark Holcombe/Councillor James Tehan:

THAT COUNCIL endorse the updated Customer Service Charter.

CARRIED

13.3.6. Audit and Risk Committee Charter

Councillor Mark Holcombe/Councillor Rohan Webb:

THAT COUNCIL approve the updated Audit and Risk Committee Charter.

CARRIED

13.3.7. Regional Community Sports Infrastructure Fund

Councillor Rohan Webb/Councillor Mark Holcombe:

THAT COUNCIL:

1. Endorses the submission of a grant application to upgrade the existing aquatic facility to the Victorian Governments *Regional Community Sports Infrastructure Fund*, prior to the closing date of 27 March 2024
2. Approves the allocation of a financial co-contribution of \$450,000 to the project.

CARRIED

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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 6 March 2024.

CARRIED

15. Advisory and Special Committee reports

15.1. Audit & Risk Committee Meeting Agenda & Minutes

Councillor Mark Holcombe/Councillor Rohan Webb:

THAT COUNCIL receive the Agenda & Minutes of the Mansfield Shire Audit and Risk Committee meeting held 26 February 2024.

CARRIED

15.2. Mansfield Shire Audit and Risk Committee – Chair’s Report to Council

Councillor Rohan Webb/Councillor Mark Holcombe:

THAT COUNCIL receive and note the Mansfield Shire Audit and Risk Committee report describing the activities, findings and recommendations for the six months ending 31 December 2023.

CARRIED

16. Authorisation of sealing of documents

Nil

17. Closure of meeting to members of the public

Councillor Paul Sladdin/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 - 19 March 2024 was closed to the public at 6:43 pm.

18. Confidential Reports

18.1. Tender Award - Lords Reserve Drainage

Councillor James Tehan/Councillor Mark Holcombe:

THAT COUNCIL:

1. Award a lump sum contract to Global Turf Projects Pty Ltd for the total amount of \$208,172.34 (ex GST) for the drainage and resurfacing works of Lords Oval Reserve.
2. Approves a provisional sum of \$29,456.00 (ex GST) for removal and storage of periphery fence.
3. Approves an additional 10% construction contingency \$23,762.83 (ex GST)
4. Authorises the Chief Executive Officer to execute the contract.
5. Makes this resolution public by including it in the public minutes of the meeting.

CARRIED

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18.2. Tender Award - Project CODI Enterprise Resource Planning Solution**Councillor Rohan Webb/Councillor Mark Holcombe:**

THAT COUNCIL upon the receipt of formal notification that Murrindindi Shire Council, Strathbogie Shire Council and Benalla Rural City Council have resolved to support the award of any contracts by Mansfield Shire Council in accordance with the Memorandum of Understanding signed by all four Councils, including payment of all agreed contributions.

1. Awards the lump sum contract for the implementation of the Enterprise Resource Planning to Civica for the amount of \$1,223,590 excluding GST, including 10% contingency for implementation of the Finance, Customer Relationship Management and Property/Rates modules into Mansfield, Murrindindi and Strathbogie Shire Councils, and Benalla Rural City Council.
2. Awards the ongoing servicing agreement for the licencing of the Enterprise Resource Planning Finance, Customer Relationship Management and Property/Rates modules between Mansfield Shire Council and Civica for the amount of \$758,070 excluding GST, for a term of 5 years commencing at signing of the contract.
3. Provide Council with the option to award the lump sum contract to Civica for the implementation of the HR/Payroll module into Mansfield, Murrindindi and Strathbogie Shire Councils, and Benalla Rural City Council for the amount of \$214,434 excluding GST, including 10% contingency.
4. Awards the ongoing servicing agreement for the licencing of the HR/Payroll module between Mansfield Shire Council and Civica for the amount of \$26,097 excluding GST, for a term of 5 years.
5. Notes the contract periods of 5 years, 1 April 2024 till 31 March 2029, with options of two x 2-year extensions.
6. Authorises the Chief Executive Officer to execute the contract.
7. Makes this resolution public by including it in the public minutes of the meeting.

CARRIED**19. Reopen meeting to members of the public****Councillor Rohan Webb/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 7:11 pm.

20. Close of meeting

The Council Meeting Agenda - 19 March 2024 was closed at 7:15 pm.

CONFIRMED this **sixteenth** day of **April 2024**



Mayor