

MINUTES

UNCONFIRMED

TUESDAY, 13 NOVEMBER 2018
MANSFIELD SHIRE OFFICE
33 Highett Street, Mansfield
3.30PM

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1. OPENING OF THE MEETING

Acting Mayor, Cr Harry Westendorp, opened the meeting at 3.31pm.

Councillors:

Marg Attley	<i>Tolmie Ward</i>
Peter Olver	<i>Mansfield Ward</i>
Cr Paul Sladdin	<i>Bonnie Doon Ward</i>
Paul Volkering	<i>Mansfield Ward</i>
Harry Westendorp	<i>Jamieson Ward</i>

Chief Executive Officer:

Alex Green

Community Services Manager:

Melanie Hotton

2. STATEMENT OF COMMITMENT

The Councillors affirmed the following Statement of Commitment:

“We the Councillors of Mansfield Shire / declare that we will undertake on every occasion / to carry out our duties in the best interests of the community / and that our conduct shall maintain the standards of the Code of Good Governance / so that we may faithfully represent / and uphold the trust placed in this Council by the people of Mansfield Shire.”

3. ACKNOWLEDGEMENT OF COUNTRY

The Councillors affirmed the “Acknowledgement of Country” for the Mansfield Shire Council:

“Mansfield Shire Council recognises that indigenous people have been custodians of this area for generations. We acknowledge the living culture and unique role of Taungurung people in our region.”

4. APOLOGIES

Nil.



5. DISCLOSURE OF CONFLICTS OF INTEREST

Nil.

6. DEPUTATIONS

The following deputations were made in relation to item 7.1 - Consideration of submissions and verbal deputations in relation to the Notice of Intention to Sell Lot 2002 Kitchen Street, Mansfield:

1. David Yencken
2. James Yencken
3. Jenny Litherland
4. Dennis Sheahan
5. Christopher Scanlan
6. Nicola Tilbury / Alistair Carroll
7. Evan Lowing
8. John Canavan
9. Will Twycross



7. PRESENTATION OF REPORTS

7.1 Consideration of submissions and verbal deputations in relation to the Notice of Intention to Sell Lot 2002 Kitchen Street, Mansfield

File Number: E5574
Responsible Officer: Community Services Manager, Mel Hotton

Disclosure of Conflicts of Interest

The officer who prepared this report does not have a conflict of interest in any matter dealt with in the report as outlined in sections 78 and 78A-E of the *Local Government Act 1989*.

Introduction

This report outlines the submissions received during the consultation period of the Notice of Intention to sell and seeks a Council resolution to receive and note the written and verbal submissions to the notice.

Background

At its meeting of 18 September 2018, a Notice of Motion was put forward by Councilor Sladdin that Council declare a Notice of Intention to sell Lot 2002 Kitchen Street, Mansfield and commence a community consultation process in accordance with Sections 189 and 223 of the *Local Government Act 1989*.

Pursuant to Section 223 of the *Local Government Act 1989*, the public notice invited interested persons to make a submission in relation to the Notice of intention to sell and request to make a verbal representation or to have someone make a verbal representation on their behalf in support of their submission.

The purpose of the Special Meeting of Council is to consider and hear all written and verbal submissions.

In total 90 submissions were received to the Notice of Intention to Sell (see attached). 6 submissions are unsupportive of the sale of land and 84 are in support.

They are summarised as follows:

Submitter		General comments	Supportive / Unsupportive
1	Phil Alexander	Community access to Station Precinct	Unsupportive
2	Ken MacKenzie	Tenure security to Yenckens and support jobs in the Community	Supportive
3	Jennifer Yencken	Tenure security to Yenckens	Supportive
4	John Eisner	Tenure security to Yenckens	Supportive
5	Craig Wilson	Tenure security to Yenckens and support jobs in the Community	Supportive



7.1 Consideration of submissions and verbal deputations in relation to the Notice of Intention to Sell Lot 2002 Kitchen Street, Mansfield cont.

Submitter		General comments	Supportive / Unsupportive
6	Aaron Seeber	Tenure security to Yenckens and support jobs in the Community	Supportive
7	Mike Turner	Tenure security to Yenckens and support jobs in the Community	Supportive
8	Anthony Lewis	Tenure security to Yenckens and support jobs in the Community	Supportive
9	Colin Fraser	Tenure security to Yenckens and support jobs in the Community	Supportive
10	Glen Faber	Tenure security to Yenckens and support jobs in the Community	Supportive
11	Kieren Grey	Tenure security to Yenckens and support jobs in the Community	Supportive
12	John Denny	Tenure security to Yenckens and support jobs in the Community	Supportive
13	Nicola Tilbury	Tenure security to Yenckens and support jobs in the Community	Supportive
14	Dennis Sheahan	Tenure security to Yenckens and support jobs in the Community	Supportive
15	Narelle Perrin	Tenure security to Yenckens and support jobs in the Community	Supportive
16	Zoe Forgan	Tenure security to Yenckens and support jobs in the Community	Supportive
17	Sandy McFarlane	Tenure security to Yenckens and support jobs in the Community	Supportive
18	Kris Holland	Tenure security to Yenckens and support jobs in the Community	Supportive
19	GJ Mansbridge	Tenure security to Yenckens and support jobs in the Community	Supportive
20	Alan Dale	Tenure security to Yenckens and support jobs in the Community	Supportive



7.1 Consideration of submissions and verbal deputations in relation to the Notice of Intention to Sell Lot 2002 Kitchen Street, Mansfield cont.

Submitter		General comments	Supportive / Unsupportive
21	Hailey Craig	Tenure security to Yenckens and support jobs in the Community	Supportive
22	Brett Stone	Tenure security to Yenckens and support jobs in the Community	Supportive
23	Dave Hall	Tenure security to Yenckens and support jobs in the Community	Supportive
24	Phil Jordan	Tenure security to Yenckens and support jobs in the Community	Supportive
25	Craig Peachey	Tenure security to Yenckens and support jobs in the Community	Supportive
26	Kieran Clay	Tenure security to Yenckens and support jobs in the Community	Supportive
27	Ken Picken	Tenure security to Yenckens and support jobs in the Community	Supportive
28	Steve Follett	Tenure security to Yenckens and support jobs in the Community	Supportive
29	Adrian Lewis	Tenure security to Yenckens and support jobs in the Community	Supportive
30	Cornel Szymanski	Tenure security to Yenckens and support jobs in the Community	Supportive
31	Jennifer Walsh	Tenure security to Yenckens and support jobs in the Community	Supportive
32	Melinda Murphy	Tenure security to Yenckens and support jobs in the Community	Supportive
33	Kate Brooker	Tenure security to Yenckens and support jobs in the Community	Supportive
34	Jenny Litherland	Tenure security to Yenckens and support jobs in the Community	Supportive
35	James Yencken	Tenure security to Yenckens and support jobs in the Community	Supportive



7.1 Consideration of submissions and verbal deputations in relation to the Notice of Intention to Sell Lot 2002 Kitchen Street, Mansfield cont.

Submitter		General comments	Supportive / Unsupportive
36	David Yencken	Tenure security to Yenckens and support jobs in the Community	Supportive
37	Chris Scanlan	Tenure security to Yenckens and support jobs in the Community	Supportive
38	R Dale	Tenure security to Yenckens and support jobs in the Community	Supportive
39	Ken Picken	Tenure security to Yenckens	Supportive
40	Casey Brigg	Tenure security to Yenckens	Supportive
41	Peter Riley	Tenure security to Yenckens	Supportive
42	A Edwards	Tenure security to Yenckens	Supportive
43	Clint Riley	Tenure security to Yenckens	Supportive
44	Jason Heathcote	Tenure security to Yenckens	Supportive
45	Rod Stone	Tenure security to Yenckens	Supportive
46	Brett Plukie	Tenure security to Yenckens	Supportive
47	Chris Taylor	Tenure security to Yenckens	Supportive
48	Amy Hall	Tenure security to Yenckens and support jobs in the Community	Supportive
49	Wayne Sawford	Tenure security to Yenckens	Supportive
50	Barry Hempenstall	Tenure security to Yenckens	Supportive
51	Adrian Lewis	Tenure security to Yenckens	Supportive
52	Nathan Kynnersley	Tenure security to Yenckens	Supportive
53	Brad Kynnersley	Tenure security to Yenckens	Supportive
54	Nick Dunn	Tenure security to Yenckens	Supportive
55	Daryl Warren	Tenure security to Yenckens	Supportive
56	Wayne Mitchell	Tenure security to Yenckens	Supportive
57	David Marsden	Tenure security to Yenckens	Supportive
58	Andrew Walker	Tenure security to Yenckens	Supportive
59	Andrew Murray	Tenure security to Yenckens	Supportive
60	Adrian Ziedins	Tenure security to Yenckens	Supportive
61	Kel Lowe	Tenure security to Yenckens	Supportive
62	John Bruno	Tenure security to Yenckens	Supportive
63	Al Rozefsky	Long Vehicle Parking	Unsupportive
64	Jillian Campbell	Connection of walking track to Botanic Gardens	Unsupportive
65	James Wilson	Economic Importance to the Community, resident's employments and support many businesses trading in the Region.	Supportive
66	Murray Beattie	Supporting local employment and Community participation	Supportive



7.1 Consideration of submissions and verbal deputations in relation to the Notice of Intention to Sell Lot 2002 Kitchen Street, Mansfield cont.

Submitter		General comments	Supportive / Unsupportive
67	John Owen	Vehicle access for Eastern end of the Station Precinct will be lost	Unsupportive
68	Will Twycross		Unsupportive
69	David Yencken	Security of tenure for Yenckens	Supportive
70	Jenny Litherland	Tenure security to Yenckens and support jobs in the Community	Supportive
71	The Directors of Yenckens Hardware	Tenure security to Yenckens and support jobs in the Community	Supportive
72	Glenn Martin	Tenure security to Yenckens and support jobs in the Community	Supportive
73	Elin Ree	Amenity and restriction of views	Unsupportive
74	Allister Carroll	Tenure security to Yenckens and support jobs in the Community	Supportive
75	Ken and Trish Thompson	Tenure security to Yenckens and support jobs in the Community	Supportive
76	Don Howie	Tenure security to Yenckens and support jobs in the Community	Supportive
77	Mark Ritchie	Tenure security to Yenckens and viability of the business	Supportive
78	Brian Johnstone		Supportive
79	Sam Gerrish	Tenure security to Yenckens and viability of the business	Supportive
80	Craig Walsh	Tenure security to Yenckens and viability of the business	Supportive
81	Campbell Jennings	Tenure security to Yenckens and viability of the business	Supportive
82	Jack Kirley	Tenure security to Yenckens and viability of the business	Supportive
83	Richard Olbrick	Tenure security to Yenckens and viability of the business	Supportive
84	Lee Noble	Tenure security to Yenckens and viability of the business	Supportive
85	Warren Smith	Tenure security to Yenckens and viability of the business	Supportive
86	Peter Bowker	Tenure security to Yenckens and viability of the business	Supportive



7.1 Consideration of submissions and verbal deputations in relation to the Notice of Intention to Sell Lot 2002 Kitchen Street, Mansfield cont.

	Submitter	General comments	Supportive / Unsupportive
87	Steve Campbell	Tenure security to Yenckens and viability of the business	Supportive
88	Paul Spinks	Tenure security to Yenckens and viability of the business	Supportive
89	G Pickett	Tenure security to Yenckens and viability of the business	Supportive
90	Darren Wheeler	Tenure security to Yenckens and viability of the business	Supportive

Statutory Requirements

In relation to the acquisition, holding, dealing and disposal of property Council must comply with Section 5(2)(d) of the *Local Government Act 1989* when performing its functions and exercising its powers.

All processes undertaken to date have been pursuant to Sections 189 and 223 of the *Local Government Act 1989*.

Council Plan

The Notice of Intention to Sell, and the consultative process undertaken to date are consistent with the following objectives of the 2017-21 Council Plan:

Strategic Objective 1.1 Our community has a say in matters of interest to them; and

Strategic Objective 2.1 Council has a strategic, long term financial plan to secure its ongoing financial sustainability.

Financial

There have only been administration costs associated with the review of this property.

Council will obtain a valuation for each parcel of land in accordance with Section 189(2)(b) of the *Local Government Act 1989*.

All revenue received from the disposal of this land will be treated as general revenue in the year it is received and will be considered as part of Council's annual budget.

Once sold these properties will become rateable under the *Local Government Act 1989*.

Environmental

Nil



7.1 Consideration of submissions and verbal deputations in relation to the Notice of Intention to Sell Lot 2002 Kitchen Street, Mansfield cont.

Community Engagement

The Notice was advertised in the Mansfield Courier in each publication from the 26 September 2018 and on Council's Facebook and Have Your Say portal.

Submissions closed on the 31 October 2018.

Officer's Comments

It would seem with the overwhelming number of submissions received during the public consultation period that there is strong community consensus that Council offer the parcel of land for sale.

In conclusion, it is recommended that Council note the submissions and consider their content in light of the officer comments above.

Attachments

- 1 Written submissions

Councillors Attley/Olver:

That Council:

- a) In accordance with Section 223 of the *Local Government Act 1989*, receive and consider all written and verbal submissions to the Notice of its Intention to sell Lot 2002 Kitchen Street, Mansfield; and
- b) Notify in writing, where an address has been provided, each person/party who has made a submission of a decision and reasons for that decision.

Carried



7.2 Such Other Business Admitted by the Unanimous Resolution of the Council

Nil.

8. MEETING CLOSURE

There being no further business the meeting concluded at 4.18pm.

CONFIRMED this **Eighteenth** day of **December** 2018.

Mayor