

# MINUTES

TUESDAY, 18 DECEMBER 2018  
 MANSFIELD SHIRE OFFICE  
 33 Highett Street, Mansfield  
 2.30PM

## Unconfirmed

### CONTENTS

1.	<i>OPENING OF THE MEETING</i> .....	2
2.	<i>STATEMENT OF COMMITMENT</i> .....	2
3.	<i>ACKNOWLEDGEMENT OF COUNTRY</i> .....	2
4.	<i>APOLOGIES</i> .....	2
5.	<i>DISCLOSURE OF CONFLICT OF INTERESTS</i> .....	3
6.	<i>DEPUTATIONS</i> .....	3
7.	<i>PRESENTATION OF REPORTS</i> .....	4
7.1	<i>Consideration of submissions and verbal deputations in relation to the intention to sell Lots 1,2,3,4,5,6,7,8 and 9 of Plan of Subdivision LP3865, and Lot 1 of Plan of Subdivision PS749844: 166-176 Maroondah Highway, Mansfield (former Saleyards site)</i> .....	4
7.2	<i>Such Other Business Admitted by the Unanimous Resolution of the Council</i> .....	8
8.	<i>MEETING CLOSURE</i> .....	8



# MINUTES

**TUESDAY, 18 DECEMBER 2018**  
MANSFIELD SHIRE OFFICE  
33 Highett Street, Mansfield  
2.30PM

## 1. OPENING OF THE MEETING

The Mayor, Cr Harry Westendorp, opened the meeting at 2.30pm.

<b>Councillors:</b>	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>

<b>Chief Executive Officer:</b>	Alex Green
<b>Community Services Manager:</b>	Melanie Hotton
<b>Finance Manager:</b>	Mandy Kynnersley
<b>Property Management Officer:</b>	Amanda Cesarec

## 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 CONFLICT OF INTERESTS**

Nil.

**6. DEPUTATIONS**

The following depositions were made in relation to item 7.1 - Consideration of submissions and verbal depositions in relation to the intention to sell Lots 1,2,3,4,5,6,7,8 and 9 of Plan of Subdivision LP3865, and Lot 1 of Plan of Subdivision PS749844: 166-176 Maroondah Highway, Mansfield (former Saleyards site)

1. Ms Sarah Stegley
2. Mrs Joan Tehan
3. Mr Fred Forrest
4. Mr Tom Thoburne
5. Mr Tony Tehan
6. Mr Neil Payne (on behalf of Mr Stephen Griffin)
7. Dr Will Twycross
8. Pastor Nathan Bargerbos
9. Mr Glenn Martin
10. Sir Andrew Grimwade



## 7. PRESENTATION OF REPORTS

### 7.1 Consideration of submissions and verbal deputations in relation to the intention to sell Lots 1,2,3,4,5,6,7,8 and 9 of Plan of Subdivision LP3865, and Lot 1 of Plan of Subdivision PS749844: 166-176 Maroondah Highway, Mansfield (former Saleyards site)

**File Number:** E5575  
**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 or Lease 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 by Councillor Volkering that:

Council declare a Notice of Intention to Sell or Lease Lots 1, 2, 3, 4, 5, 6, 7, 8 and 9 of Plan of Subdivision LP 3865 and Lot 1 on Plan of Subdivision PS749844, 166 – 176 Maroondah Highway, 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 or Lease 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 20 submissions were received to the Notice of Intention to Sell or Lease (see attached).

14 submissions are unsupportive of the sale or lease of land and 6 are in support.

They are summarised as follows:

	Submitter	General comments	Supportive / Unsupportive
1	Mansfield Fire Brigades Group	Retention of SES accommodation	Unsupportive
2	Sharon Jones	Emergency Services precinct	Unsupportive



**7.1 Consideration of submissions and verbal deputations in relation to the intention to sell Lots 1,2,3,4,5,6,7,8 and 9 of Plan of Subdivision LP3865, and Lot 1 of Plan of Subdivision PS749844: 166-176 Maroondah Highway, Mansfield (former Saleyards site) cont.**

	<b>Submitter</b>	<b>General comments</b>	<b>Supportive / Unsupportive</b>
3	Sir Andrew Grimade	Installation of long-term car parking with parking meters.	Unsupportive
4	Tony Tehan	Emergency Services precinct	Unsupportive
5	Joan Tehan	Preservation of the entrance to Mansfield township	Unsupportive
6	SES – Stephen Griffin	Retention of SES accommodation	Unsupportive
7	Jillian Campbell	Create useable space at the entrance to town.	Unsupportive
8	Steve and Mandy Swaney	Emergency Services Precinct	Unsupportive
9	Don Howie	Retention of SES and possible addition of Ambulance and sell the remainder	Supportive with conditions
10	Maureen Styles	Construction of new shire premises, relocation of emergency services and construction of new indoor heated swimming pool.	Unsupportive
11	Anthony Bateup	Under utilised land that could be developed that has great potential for community use and to improve the entrance to town.	Supportive
12	Marks IGA	Impacts of release of large lots of commercial land on the existing commercial precinct. Request an Economic and Planning assessment to ensure that the land is appropriately zoned.	Supportive with conditions.
13	Mansfield Christian Fellowship	Potential site for a place of assembly, childcare and school.	Supportive
14	Mansfield SES Unit Tom Thoburne	Retention of SES accommodation & Petition 810 signatures	Unsupportive
15	Craig and Penny Bruce	Retain for future needs (Undisclosed) and retain SES accommodation and helipad.	Unsupportive
16	David Jagger	Retention of SES accommodation and improve the aesthetic appeal to the town entrance.	Unsupportive
17	Glenn Martin	Support the growth of retail growth and expansion of Mansfield's main street.	Supportive of sale
18	Rebekah Corden	Retention of the country feel of the main entrance to Mansfield.	Unsupportive



**7.1 Consideration of submissions and verbal deputations in relation to the intention to sell Lots 1,2,3,4,5,6,7,8 and 9 of Plan of Subdivision LP3865, and Lot 1 of Plan of Subdivision PS749844: 166-176 Maroondah Highway, Mansfield (former Saleyards site) cont.**

	Submitter	General comments	Supportive / Unsupportive
19	Dr William Twycross	A Victorian State Government purchase of the site from Council for the purposes of an Emergency precinct.	Supportive with conditions.
20	Ellen Hogan	Creation of an Emergency Services Precinct to avoid unregulated Commercial impacts.	Unsupportive

**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 or Lease, 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*.

If sold, 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.

If sold these allotments will become rateable under the *Local Government Act 1989*.

**Environmental**

Nil



**7.1 Consideration of submissions and verbal deputations in relation to the intention to sell Lots 1,2,3,4,5,6,7,8 and 9 of Plan of Subdivision LP3865, and Lot 1 of Plan of Subdivision PS749844: 166-176 Maroondah Highway, Mansfield (former Saleyards site) cont.**

**Community Engagement**

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

Submissions closed on 23 November 2018.

**Officer's Comments**

There are a number of themes and ideas presented in the submissions received.

A large number of submissions have identified the creation of an Emergency Services precinct. This would require coordination and facilitation by the Victorian State Government which, Council officers and community members have attempted to engage through this process with little to no response.

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

**Councillors Volkering/Olver:**

**That Council, 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 or Lease Notice of Intention to Sell or Lease Lots 1,2,3,4,5,6,7,8 and 9 of Plan of Subdivision LP 3865 and Lot 1 on Plan of Subdivision PS749844, 166 – 176 Maroondah Highway, Mansfield.**

**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 3.30pm.

CONFIRMED this **twenty second** day of **January** 2019.

---

**Mayor**