



Mansfield Shire

MINUTES

Council Meeting

Tuesday 15 February 2022

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 5:10 pm.

2. Present

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

In Attendance:

Chief Executive Officer:

General Manager Infrastructure & Planning:

Manager Operations and Capital Works:

Manager Planning and Environment:

Coordinator Statutory Planning

Statutory Planner

Property Management Officer:

Acting Manager Business and Performance

Senior Coordinator Community & Economic Development:

Coordinator Community Development

Coordinator Governance and Risk:

Kaylene Conrick

Kirsten Alexander

Kristian Burchat

Melissa Crane

Tim Berger

Claire Wilkinson

Des Dunn

Anthony Smith

Saskia Van Bever

Clare Berghofer

Moir Moss

3. Apologies

General Manager Community & Corporate Services: Kurt Heidecker

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 on interest

Nil

7. Confirmation of minutes

Councillor Steve Rabie/Councillor Rohan Webb:

THAT the Minutes of the Mansfield Shire Council meeting held on Tuesday 21 December 2021 be confirmed as an accurate record

CARRIED

8. Representations

Deputation speaking to the Item 13.2.2 regarding Planning Scheme Amendment C51

- Kym Lynch

Deputation speaking to the Item 13.2.4 regarding Planning Permit Application P038/21

- Ross Drayton

9. Notices of motion

Nil

10. Mayor's report

Councillor Steve Rabie/Councillor Mark Holcombe:

THAT COUNCIL receive the Mayor's report for the period 21 December 2021 to 7 February 2022.

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

Nil

13. Officer reports

13.1. Chief Executive Officer's report

Councillor Paul Sladdin/Councillor Steve Rabie:

THAT COUNCIL receive and note the Chief Executive Officer's report for the period 21 December 2021 to 2 February 2022.

CARRIED

13.2. Infrastructure and Planning Directorate

13.2.1. Planning Scheme Amendment C53 - 104 Dead Horse Lane, Mansfield

Councillor Steve Rabie/Councillor Rohan Webb:

1. Adopt the 104 Dead Horse Lane Rezoning Amendment, resolving to implement the proposal through Amendment C53mans 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 C53mans to the Mansfield Planning Scheme.
3. Notify the Minister for Planning that when it exhibits Amendment C53mans, 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, exhibit Amendment C53mans to the Mansfield Planning Scheme under Section 19 of the *Planning and Environment Act* 1987.

CARRIED

13.2.2. Planning Scheme Amendment C51 - Implementation of the Commercial and Industrial Land Use Strategy

Councillor Paul Sladdin/Councillor Mark Holcombe:

Having prepared and exhibited Amendment C51 to the Mansfield Planning Scheme under Section 19 of the *Planning and Environment Act* 1987 ('the Act'); and

Having considered all submissions to Amendment C51 under Section 22 of the Act; resolves to:

1. Split Amendment C51 to the Mansfield Planning Scheme into two parts, Part 1 to include Industrial and Bonnie Doon aspects to be adopted without changes and Part 2 to include commercial aspects to be referred to an independent panel.

PART 1:

2. Adopt Amendment C51 (Part 1) to the Mansfield Planning Scheme in accordance with Section 29 of the Act, adopting the amendment without changes. (C51 (Part 1) proposed for adoption is attached as Attachment 3)

3. Submit Amendment C51 (Part 1) to the Mansfield Planning Scheme, together with the prescribed information, to the Minister for Planning in accordance with Section 31 of the Act.

PART 2:

1. Under Section 23 of the Act, refer submissions to Amendment C51 (Part 2) to the Mansfield Planning Scheme to an independent panel appointed under Part 8 of the Act.
2. The summary of submissions to Amendment C51 (Part 2) (Attachment 2) be adopted as Mansfield Shire Council's position on the submissions that will be presented to an independent panel.
3. Each submitter to Amendment C51 (Part 2) be notified in writing of Mansfield Shire Council's position regarding their submission and informed of the forthcoming independent panel process.

CARRIED

13.2.3. Lease Update - 17 Erril Street, Mansfield - Men's Shed Inc

Councillor Steve Rabie/Councillor Rohan Webb:

THAT COUNCIL

1. note the progress of the lease arrangements for 17 Erril Street, Mansfield to Men's Shed Inc.; and
2. Receive a report on the lease at the March 2022 meeting

CARRIED

13.2.4. Planning Permit Application P038/21 - Development of a Dwelling and Bed and Breakfast - 21 High Street Merrijig

Councillor Rohan Webb/Councillor Paul Sladdin:

THAT COUNCIL issue a Planning Permit for Planning Permit Application P038/21 for the development of land for a development of land for a dwelling associated bed and breakfast and outbuilding ancillary to a dwelling at 21 High Street

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.

External Materials

2. The external materials of the building allowed under this permit, including the roof, must be constructed of materials that are of muted colours. No materials having a highly reflective surface must be used.

For the purpose of the condition "highly reflective" includes unpainted or untreated aluminium, zincalume or similar materials. Cladding materials must be coloured or treated to provide muted colours.

Use of Buildings

3. The development must only be used as a single dwelling and Bed and Breakfast as defined in the Mansfield Planning Scheme and compliant with the Section 1 Conditions in the Table of Uses at Clause 32.05-2 of the Scheme, unless a further permit is granted by the Responsible Authority.

Engineering

4. Access to the property must be via the existing driveway and crossing except with the written consent of the Responsible Authority.
5. 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.
6. Before the commencement of use of the dwelling hereby permitted, 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 discharging from the site, buildings, vehicle access ways and works must be discharged to a water tank, soakwell or otherwise discharged so as not to cause erosion, flooding or nuisance to the subject or surrounding land to the satisfaction of the Responsible Authority. The water tank/s (if required) must be in muted, non reflective tones to the satisfaction of the Responsible Authority;
 - b) The areas shown on the endorsed plans for vehicle access to the permitted buildings and works must be constructed in accordance with the endorsed plans and be surfaced with concrete, reinforced concrete, brick paving, gravel, crushed rock or hot mix asphalt so as to prevent mud or other debris from being carried onto the road to the satisfaction of the Responsible Authority.
7. 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.
8. 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.
9. All works must be undertaken in a manner that minimises soil erosion and any exposed areas of soil must be stabilised to prevent soil erosion, to the satisfaction of the Responsible Authority.
10. Prior to commencement of any building and civil works, application must be made to Council to obtain a Legal Point of Stormwater Discharge.
11. Interrupted overland flow from this development must not be allowed to impact on the adjacent lots to the satisfaction of the Responsible Authority.
12. Silt fencing material or straw hay bales (staked and keyed into the ground surface) must be placed at the bottom of the construction area prior to the commencement of site works and/or construction to prevent the transfer of sediment in stormwater run-off to the satisfaction of the Responsible Authority.

Goulburn Valley Water

13. Provision of separate water supply meter to the development, located at the property boundary and to the satisfaction of the Goulburn Valley Region Water Corporation.
14. Connection of all sanitary fixtures with 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.

All works required are to be carried out in accordance with AS3500.2 – Sanitary plumbing and drainage, and to the satisfaction of the Corporation's Property Services Section.

15. Discharge of trade waste from the development shall be subject to a Trade Waste Consent Agreement

The Owner and or occupier is required to submit a completed Trade Waste Application, and install the required pre-treatment facility to the satisfaction of the Goulburn Valley Water's Trade Waste Section, before approval to discharge trade waste from the development into the Corporation's sewer is granted.

Permit Expiry

13. This permit will expire if one of the following circumstances applies:

- a) The development is not started within two (2) years of the date of this permit; or
- b) The development is not completed within four (4) years of the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing in accordance with Section 69 of the Planning and Environment Act 1987.

CARRIED

13.2.5. Planning Permit Application P119/21 - Development of a Replacement Dwelling - 575 Mt Buller Road Mansfield

Councillor Mark Holcombe/Councillor Steve Rabie:

THAT COUNCIL, having caused to notice of Planning Application P119/20 to be given under Section 52 of the *Planning and Environment Act 1987*, and having considered all relevant matters under Section 60 of the *Planning and Environment Act 1987*, determines to issue a Planning Permit for Planning Application P119/21 for the Development of land for a replacement dwelling on Lot 5 of Lodged Plan 137140, commonly known as 575 Mt Buller Road, Mansfield, in accordance with the endorsed plans and subject to the following conditions:

Amended Plans

1. Before the developments starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a. Elevations of fencing and lighting for the tennis court, demonstrating compliance with the performance requirements of the Code of Practice – Private Tennis Court Development Revision 1, March 1999.
 - b. A landscaping plan prepared by a suitable landscape professional, that must show:
 - i. A survey (including botanical names) of all existing vegetation to be retained.
 - ii. A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity and quantities of each plant.
 - iii. A range of plant types such as large shrubs and trees that form a vegetation screen along the southern, eastern and western elevations of the tennis court, for its full length and at least 5 metres beyond on these elevations.
 - iv. A range of plant types such as large shrubs and trees in the areas annotated as 'revegetation zones' on the submitted plans.

- v. At least 50% species selection by type and number must be indigenous to the local Ecological Vegetation Class to the satisfaction of the Responsible Authority.
- vi. All trees must be installed at a minimum pot size of 250mm and height when planted of 1.5 metres and shrubs installed at a minimum pot size of 200mm.
- vii. The provision of notes regarding site preparation, including the removal of all weeds, proposed mulch, planting instructions, plant establishment procedures and any specific maintenance requirements.

Endorsed Plans

- 2. The endorsed plans forming part of this permit must not be altered or modified without the written consent of the Responsible Authority.

Colours and Materials

- 3. The materials and colours of the exterior finish of the buildings must be in accordance with the endorsed plans and must not be altered or modified without the written consent of the Responsible Authority.

Landscaping

- 4. Unless with the prior written consent of the Responsible Authority, within 3 months of the occupancy of the dwelling hereby permitted, the landscaping as shown on the endorsed plans must be carried out, completed and maintained to the satisfaction of the Responsible Authority.
- 5. Unless otherwise agreed in writing by the Responsible Authority, the landscaping areas shown on the endorsed plans must be used for landscaping and no other purpose and any landscaping must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

Dwelling Infrastructure

- 6. Access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.
- 7. The dwelling must be connected to reticulated sewerage, if available. If reticulated sewerage is not available all wastewater from the dwelling must be treated and retained within the lot in accordance with the requirements of the Environment Protection Regulations under the *Environment Protection Act 2017* for an on-site wastewater management system.
- 8. The dwelling approved by this permit must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for firefighting purposes.
- 9. The dwelling approved by this permit must be connected to a reticulated electricity supply or have an alternative energy source.

Tennis Court Conditions

- 10. Prior to the commencement of the use of the tennis court, the permit holder must provide written certification from a qualified lighting engineer confirming that the lights have been installed, tested and accurately focused and baffled in accordance with the Tennis Court Code of Practice Performance Requirement E5.3, so as to prevent nuisance to surrounding properties, to the satisfaction of the Responsible Authority.
- 11. The lights must be accurately focused towards the centre of the court in accordance with the installation requirements to prevent spill lighting on adjacent properties or Mt Buller Road.
- 12. No automatic ball throwing machine or equivalent mechanical equipment may be used in conjunction with the tennis court between 7.00pm and 8.00am on any day.

13. The tennis court must not be used between 10:30pm and 7:30am on any day.
14. The tennis court lights may only be used at night and must not be operated between 10:30pm and 7:30am on any day.
15. The tennis court must not be used for commercial purposes, profit, reward or hire. Coaching, other than for a resident of the dwelling on the subject land, is prohibited.

Engineering Conditions

16. 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.
17. Prior to the commencement of use of the dwelling, 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 discharging from the site, buildings, vehicle access ways and works must be discharged to a water tank, soakwell or otherwise discharged so as not to cause erosion, flooding or nuisance to the subject or surrounding land to the satisfaction of the Responsible Authority. The water tank/s (if required) must be in muted, non reflective tones to the satisfaction of the Responsible Authority;
 - b. The areas shown on the endorsed plans for vehicle access to the permitted buildings and works must be constructed in accordance with the endorsed plans and be surfaced with concrete, reinforced concrete, brick paving, gravel, crushed rock or hot mix asphalt so as to prevent mud or other debris from being carried onto the road to the satisfaction of the Responsible Authority.
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.

Wastewater Conditions

20. Prior to the commencement of construction of the dwelling, an *Application for a Permit to Install* a septic tank system must be submitted and approved by Council prior to any installation.
21. The onsite wastewater disposal system must be developed in accordance with the Land Capability Assessment (Report No. TCE594-2021 – dated 19 April 2021) prepared by Taylor Consulting Engineers.
22. Stormwater from the dwelling must not be permitted to enter the effluent disposal field, septic tank or any associated wastewater infrastructure to the satisfaction of the Responsible Authority.

Permit Expiry

23. This permit will expire if one of the following circumstances applies:
 - a. The development is not started within two (2) years of the date of this permit; or
 - b. The development is not completed and used commenced within four (4) years of the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing in accordance with the *Planning and Environment Act 1987*.

CARRIED

13.2.6. Planning Permit Application P091/21 - Development of Buildings and Works Associated with Medical Centre - 38 Highett Street Mansfield

Councillor Steve Rabie/Councillor Paul Sladdin:

THAT COUNCIL

- A. Having caused notice of the application to be given under Section 52 of the *Planning and Environment Act 1987*, and having considered all matters under Section 60 of the *Planning and Environment Act 1987*, determines to issue a Planning Permit for Application P091/21 for the Development of buildings and works to an existing medical centre on Lot 1 PS639392R, Lot 2 PS639392R and Lot 1 TP225035 , commonly addressed as 36 Highett Street, 38 Highett Street, 47 Ailsa Street and Road Reserve adjacent to 38 Highett Street and 47 Ailsa Street, Mansfield in accordance with the endorsed plans and subject to the following conditions:

Amended plans

1. Before the developments starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions.
The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a) A plan of subdivision, vesting land in Council so as to provide for the relocated footpath and car parking spaces.
 - b) A landscaping plan prepared by a suitable landscape professional, that must show:
 - i. Landscaping around the on-site car spaces on the south-eastern corner of the site;
 - ii. A survey (including botanical names) of all existing vegetation to be retained.
 - iii. A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity and quantities of each plant.
 - iv. A range of plant types such as shrubs and trees between the Ailsa Street footpath and buildings on the site.
 - v. Planting of grasses and small shrubs between the car parking spaces on the Ailsa Street Road Reserve and footpath.
 - vi. Planting of a canopy tree on the road reserve east of the easternmost car parking space.
 - vii. At least 50% species selection by type and number must be indigenous to the local Ecological Vegetation Class to the satisfaction of the Responsible Authority.
 - viii. All trees must to be installed at a minimum pot size of 250mm and height when planted of 1.5 metres and shrubs installed at a minimum pot size of 200mm.
 - ix. The provision of notes regarding site preparation, including the removal of all weeds, proposed mulch, planting instructions, plant establishment procedures and any specific maintenance requirements.

Endorsed Plans

2. The endorsed plans forming part of this permit must not be altered or modified without the written consent of the Responsible Authority.

Colours and Materials

3. The materials and colours of the exterior finish of the buildings must be in accordance with the endorsed plans and must not be altered or modified without the written consent of the Responsible Authority.

Landscaping

4. Unless with the prior written consent of the Responsible Authority, within 3 months of the commencement of use of the building hereby permitted, the landscaping as shown on the endorsed plans must be carried out, completed and maintained to the satisfaction of the Responsible Authority.
5. Unless otherwise agreed in writing by the Responsible Authority, the landscaping areas shown on the endorsed plans must be used for landscaping and no other purpose and any landscaping must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

Tree Protection

6. Prior to the commencement of works on the Ailsa Street Road Reserve, a Tree Protection Zone must be set up around the existing street tree to the west of the proposed angled car parking. The Tree Protection Zone must be established in accordance with the relevant Australian Standard and maintained until all development works are completed.
7. The owner and occupier of the site must ensure that, prior to the commencement of works, all contractors and tradespersons operating on the site are advised of the status of trees to be retained and are advised of any obligations in relation to the protection of trees.
8. No trenching or soil excavation is to occur within the Tree Protection Zones of retained trees unless shown on the endorsed plans without the written consent of the Responsible Authority.

Section 173 Agreement

9. Prior to the commencement of use of the building hereby approved, 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) The car parking located on 36 Highett Street Mansfield as shown on the endorsed plans of Planning Permit P091/21 must be made available for use in association with the Medical Centre at 38 Highett Street.
 - b) The Medical Centre must maintain the car parking located on 36 Highett Street at its cost and to the satisfaction of the Responsible Authority.
 - c) This agreement will expire if:
 - i. The land at 36 Highett Street is resubdivided so as to place the car parking on the same title as the Medical Centre; or
 - ii. The use of land for a Medical Centre ceases for a period of two (2) or more years.

The permit holder must pay the reasonable costs of the preparation, review, execution and registration of the Section 173 Agreement by Council's preferred solicitors.

Car Parking and Access

10. Prior to the commencement of use of the building hereby approved, all car parking spaces and access lanes shown on the endorsed plans (including those in Ailsa Steet) must be:

- a) Constructed in an all weather surface (sealed surface for spaces on Ailsa Street);
- b) Properly formed to such levels that they can be used in accordance with the plans;
- c) Drained; and
- d) Marked to indicate each car space and all access lanes;

to the satisfaction of the Responsible Authority. Car spaces, access lanes and driveways must be kept available for these purposes at all times.

Vesting of land

- 11. Prior to the commencement of works on the Ailsa Street Road Reserve, all land shown on the endorsed plan to be vested in Council must be formally vested by registration of a plan under the *Subdivision Act 1988*.

Consolidation of land

- 12. Prior to the commencement of use of the building hereby approved, Lots 1 and 2 PS639392R must be consolidated under the *Subdivision Act 1988* and a single title issued.

Engineering Conditions

- 13. Prior to the commencement of works, a Drainage Design Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit.
The plan must ensure that stormwater and drainage discharge from the development site meets current best practice performance objectives for stormwater (Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO 1999)) in accordance with Clause 53.18 of the Mansfield Planning Scheme, and must include:
 - a) A construction site plan that incorporates the stormwater management measures to be implemented during the construction phase of the development and outlines in detail how stormwater is to be managed, including sediment controls, during both the land development phase and the building phase. The plan should have regard to the Construction Techniques for Sediment Pollution Control (EPA 1991) and Environmental Guidelines for Major Construction Sites (EPA 1995). The management controls are to be regularly monitored and maintained; and
 - b) The incorporation of on-site retention/infiltration, storage and re-use stormwater management techniques where practicable to reduce pollutant export and peak discharge from the site to the satisfaction of the Responsible Authority.
- 14. 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.
- 15. 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.
- 16. 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.
- 17. Prior to the commencement of use of the building hereby permitted, all redundant crossovers must be removed and reinstated with kerb, channel and nature strip (including landscaping where appropriate) to the satisfaction of the Responsible Authority.

Goulburn Valley Water Conditions

18. 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.
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 Section
19. The applicant shall be required to comply with the Corporation's policy for 'Structures Over Corporation Works' and the requirements of Section 148 of the *Water Act 1989*.

The operator under this permit shall be obliged to enter into an Agreement with Goulburn Valley Water Region Water Corporation, relating to the existing building over the Corporation sewer main and the sewerage connection points within Lot 2 PS639392R. A copy of the format of the Agreement will be provided on request.

Permit Expiry

20. This permit will expire if one of the following circumstances applies:
 - a) The development is not started within two (2) years of the date of this permit; or
 - b) The development is not completed and used commenced within four (4) years of the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing in accordance with the *Planning and Environment Act 1987*.

And

- B. Under Section 112 of the *Local Government Act 2020*, acquire a section of land, as determined by survey, from Lot 1 and Lot 2 PS639392R as a road reserve to incorporate the new alignment of the footpath, at no cost to Mansfield Shire Council and to the satisfaction of the Responsible Authority.

CARRIED

13.2.7. Statutory Planning Delegations Review

Councillor Rohan Webb/Councillor Paul Sladdin:

THAT COUNCIL endorse the Statutory Planning Applications – Referral to Council Policy 2022.

CARRIED

13.3. Community and Corporate Services Directorate

13.3.1. Finance Report: 1 July 2021 to 31 December 2021

Councillor Steve Rabie/Councillor Paul Sladdin:

1. Receive the Year-to-Date Finance Report for the period 1 July 2021 to 31 December 2021; and
2. Note the statement by the Chief Executive Officer that a revised budget will not be required for the 2021-22 financial year.

CARRIED

13.3.2. Outlying Communities Infrastructure Fund: Grant Outcome & Assessment Panel Recommendations

Councillor Mark Holcombe/Councillor Steve Rabie:

1. Receive the Assessment Panel report for the Outlying Communities Infrastructure Fund 2021-22;
2. Provide a grant to the Tolmie Community Social Club: Upgrade of \$20,000 for Community Space at Recreation Reserve;
3. Provide the Merton Campdraft with a grant of \$20,000 to improve Sporting and Recreation Facilities at Merton Recreation Reserve;
4. Provide a grant to the Goughs Bay Area Progress Association for the Goughs Bay Shelter and BBQ – fund at 50% of applied amount. That being \$10,000 to cover costs to build a shelter; and
5. Write to all applicants to thank the groups for their time and commitment in making an application to the Fund.

CARRIED

14. Assembly of Councillors

Councillor Steve Rabie/Councillor Mark Holcombe:

THAT COUNCIL receive and note the Assembly of Councillors report for the period 11 December 2021 to 1 February 2022.

CARRIED

15. Council resolutions report

Councillor Rohan Webb/Councillor Mark Holcombe:

THAT COUNCIL receive and note the Council Resolutions Register as at 2 February 2022.

CARRIED

16. Advisory and Special Committee reports

Nil

17. Authorisation of sealing of documents

Nil

18. Closure of meeting to members of the public

Councillor Steve Rabie/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 19 below.

CARRIED

The Council Meeting Agenda 15 February 2022 was closed to the public at 6:48 pm.

19. Confidential Reports

19.1. Reseal Program Construction Tender Award

Confidential

This report contains confidential information pursuant to the provisions of Section 66(2) of the Local Government Act 2020 under Section 3(h) - confidential meeting information, being the records of meetings closed to the public under section 66(2)(a);

Counsellor Rabie /Counsellor Holcombe

THAT COUNCIL

1. Award a lump sum contract for the Mansfield Shire 2021-22 Reseal Construction program to Boral Resources Pty Ltd in the amount of \$587,586.17 (excl. GST)
2. Approve a 15% construction contingency amount of \$88,137.93 (excl. GST).
3. Allocate the remaining \$635,440.90 from 2021-22 Reseals Budget to 2021-22 Reseal Preparation.
4. Make this resolution public by including it within the public minutes of the Council meeting.

CARRIED

20. Reopen meeting to members of the public

Councillor Rohan Webb/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 7:10 pm.

21. Close of meeting

The Council Meeting Agenda 15 February 2022 was closed at 7:11 pm.

CONFIRMED this **fifteenth** day of **March 2022**



Mayor