

Council Meeting Tuesday 19 April 2022

Notice and Agenda of meeting livestreamed via the <u>Mansfield Shire Council website</u> Commencing at 5pm

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.

Councillors

Cr James Tehan (Mayor) Cr Mark Holcombe (Deputy Mayor) Cr Steve Rabie Cr Paul Sladdin Cr Rohan Webb

Officers

Kaylene Conrick, Chief Executive Officer Kirsten Alexander, General Manager Infrastructure and Planning Dena Vlekkert, General Manager Community and Corporate Services

Order of Business

1. Opening of the meeting

The Mayor, who chairs the meeting, will formally open the meeting and welcome all present.

2. Present

Where a meeting is held virtually, Councillors will confirm that they can see and hear each other.

3. Apologies

Where a Councillor is not present, his/her absence is noted in the Minutes of the meeting.

4. Statement of commitment

The Council affirms its commitment to ensuring its behaviour meets the standards set by the Mansfield Shire Councillor Code of Conduct and Councillor Charter.

5. Acknowledgement of Country

The Council affirms its recognition of the Taungurung people being traditional owners of this area, and pays respect to their Elders past and present.

6. Disclosure of conflicts of interest

In accordance with the *Local Government Act 2020*, a Councillor must declare any Conflicts of Interest pursuant to sections 126 and 127 Act in any items on this Agenda.

Council officers or contractors who have provided advice in relation to any items listed on this Agenda must declare a Conflict of Interest regarding the specific item.

7. Confirmation of minutes

The minutes of the previous meeting are placed before Council to confirm the accuracy and completeness of the record.

8. Representations

Council receives or presents acknowledgements to the general public. Deputations may also be heard by members of the general public who have made submission on any matter or requested to address the Council. Council may also receive petitions from residents and ratepayers on various issues. Any petitions received since the previous Council meeting are tabled at the meeting and the matter referred to the appropriate Council officer for consideration.

9. Notices of Motion

A Motion is a request (Notice of Motion) that may be made by a Councillor for an issue not listed on the Agenda to be discussed at a Council meeting and for a decision to be made.

10. Mayor's report

The Mayor provides a report on his activities.

11. Reports from council appointed representatives

Councillors appointed by Council to external committees will provide an update where relevant.

12. Public question time

Councillors will respond to questions from the community that have been received in writing, by midday on the Monday prior to the Council meeting. A form is provided on Council's website.

13. Officer reports

13.1 The Chief Executive Officer will provide a status update to the Council for each Department.

13.2 Officer reports are presented to the Council, where required.

Detailed reports prepared by officers from the Infrastructure and Planning Directorate are considered by the Council. This includes reports from the following Departments:

- Planning and Environment
- Operations and Capital Works
- Community Safety
- Field Services

A Council position is adopted on the matters considered.

Detailed reports prepared by officers from the Community and Corporate Services Directorate will also be considered by the Council:

- Business and Performance
- Community Health and Wellbeing
- Community and Economic Development
- Governance and Risk

A Council position is adopted on the matters considered.

14. Assembly of Councillors

An assembly of Councillors is referred to in Council's Governance Rules as a "meeting conducted under the auspices of Council", meaning a meeting of the kind described in section 131(1) of the Act, and includes a meeting referred to in Rule 1 of Chapter 6 (whether such a meeting is known as a 'Councillor Briefing' or by some other name);

15. Council resolutions report

Council reviews the outstanding actions arising from resolutions from previous Council meetings.

16. Advisory and Special Committee reports

Council considers reports from Advisory Committees that Councillors represent Council on.

17. Authorisation of sealing of documents

Any documents that are required to be endorsed by the Chief Executive Officer under delegated authority and sealed by the Council are presented to the Council.

18. Close of meeting

The Mayor will formally close the meeting and thank all present for attending.

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Agenda

1. Opening of the meeting

2. Present

The Chair will call on each Councillor and ask them to confirm verbally that they can see all Councillors and hear the proceedings:

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

Councillors will respond to their name with: "I can hear the proceedings and see all Councillors and Council officers".

The Chair will ask each Councillor to confirm by raising their hand that they could all hear each statement of the councillors.

Councilors will raise their hand to acknowledge they can hear each other.

3. Apologies

The Chair will call on the CEO for any apologies.

4. Statement of commitment

The Chair will read the statement and call 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

Deputy Mayor Mark Holcombe will recite 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

The Chair will call on each Councillor in turn and ask them to declare whether they have any conflicts of interest in relation to any agenda items:

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

7. Confirmation of minutes

Recommendation

THAT the Minutes of the Mansfield Shire Council meeting held on 15 March 2022 be confirmed as an accurate record.

8. Representations

9. Notices of motion

Nil

10. Mayor's report

Mayor James Tehan will present the monthly Mayor's report to the Council as follows:

Council recently announced the purchase of land at 34-38 High Street, formally the Caltex service station or Gaffneys Garage. This site will be developed into a carpark with approximately 100 spaces. Car parking has been a priority of this Council so we are thrilled to have purchased this site in the central business district to help alleviate the congestion and help locals and tourists access our businesses and services in town.

Council this month allocated \$50,000 for the streetscape design and planning for the Bonnie Doon Township. The structure plan will guide future growth and make sure Bonnie Doon develops in a well-constructed and orderly way. The community will have several opportunities to contribute to this structure plan and help shape the future growth of the town.

\$45,000 has been allocated to the next stage of the Mansfield Emergency Services Precinct. This stage will progress the design and business planning resulting in a feasibility study for the precinct at the old saleyards site on Maroondah Highway. The study will position Council to secure funding for this project and determine the details of the precinct including design mix, layout options, funding estimates and how it will operate.

I have recently written to Telstra expressing utter dismay at the appalling service reduction we experience in high visitation times, this was never more evident than over the March long weekend. At a recent meeting of Northeast Victorian Shires the same sentiments were expressed. Council is working with and lobbying at all levels - with Telstra, through State and Federal Government. I encourage people affected to write to their Federal Member of Parliament demanding better.

Cr James Tehan Mayor

Recommendation

THAT COUNCIL receive the Mayor's report for the period 15 March 2022 to 6 April 2022.

11. Reports from council appointed representatives

Councillors appointed by Council to external committees will provide a verbal update where relevant.

| Committee | Responsible Councillor(s) |
|--|---|
| Australia Day Awards Committee | Mayor Cr James Tehan Cr Steve Rabie Cr Mark Holcombe |
| Mansfield Shire CEO Employment Matters Committee | Mayor Cr James Tehan Cr Steve Rabie Cr Mark Holcombe |
| Goulburn Murray Climate Alliance (GMCA) | Cr Rohan Webb |
| Hume Regional Local Government Network (HRLGN) | Mayor Cr James Tehan |
| Lake Eildon Land & On-Water Management Plan Implementation Committee | Cr Paul Sladdin |
| Mansfield Shire Council Audit and Risk Committee | Mayor Cr James TehanCr Mark Holcombe |
| Municipal Association of Victoria (MAV) | Mayor Cr James Tehan Substitute - Deputy Mayor Mark Holcombe |
| North East Local Government Waste Forum (a committee of the North East Regional Waste and Resource Recovery Group) | Cr Steve Rabie |
| Rural Councils Victoria (RCV) | Mayor Cr James TehanCr Paul Sladdin |

Recommendation

THAT COUNCIL note the verbal reports provided by Councillors in relation to their representation on external Committees.

12. Public question time

Council welcomes questions from the community. A question must be submitted by midday on the Monday prior to the Council meeting. The <u>'ask a question' form</u> is available from Council's website.

The Mayor will read out the question and answer at the meeting.

13. Officer reports

13.1. Chief Executive Officer's report

File Number: E103 Responsible Officer: Chief Executive Officer, Kaylene Conrick

Introduction

The Chief Executive Officer's report allows a short briefing to be provided to the Council on the current operations, tasks and projects undertaken within each department over the past month.

The Chief Executive Officer report will provide information relation to:

- Customer Service
- Capital Works
- New Initiatives
- Building Services
- Regulatory Services
- Revenue Services
- Governance
- Community Health and Wellbeing
- Visitor Services (VIC and Library)

Recommendation

THAT COUNCIL receive and note the Chief Executive Officer's report for the period 15 March 2022 to 12 April 2022.

Support Attachments

1. CEO Monthly Report - March 2022 [13.1.1.1 - 29 pages]

13.2. Infrastructure and Planning Directorate

13.2.1. Mansfield Resource Recovery Centre - Adoption of Master Plan

| File Number | E7610 | Responsible Officer | Manager Planning and Environment, Melissa Crane |
|-------------|-------|---------------------|--|
| Purpose | | | |

The purpose of this report is to present the final Mansfield Resource Recovery Centre (MRRC) Master Plan to Council for adoption.

The plan will form the basis for upgrade works at the MRRC, to assist Council in resource recovery and decrease the volume of waste going to landfill.

Executive Summary

Mansfield Shire Council assumed the operation and management of the Resource Recovery Centre on 1 July 2019. Prior to that, the site had been operated under a lease agreement by Mansfield Bins and Skips. This agreement was terminated by mutual agreement as Council sought the ability to oversee landfill diversion rates and monitor incoming and outgoing loads. As the site is now a council owned and operated facility, a Master Plan has been prepared to assist in the future development of the site.

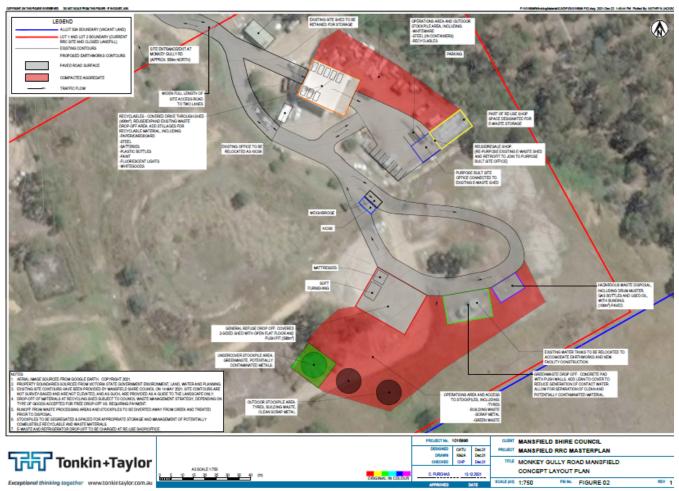
Mansfield Resource Recovery Master Plan

Council has undertaken a planning process to develop a site Master Plan for the Mansfield Resource Recovery Centre (MRRC). The plan has been prepared with due consideration of current regulations and requirements, and greater separation of future waste and resource recovery operations.

The Master Plan has been developed to minimise the risk to the environment of noise, odour, run off to stormwater, storage of hazardous materials, separation of combustible recyclables and waste management.

The proposed new layout of the MRRC in the Master Plan is as follows:

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Note: A higher quality copy of this can be found on Page 19 of the Master Plan attachment.

A copy of the Master Plan can be found at **Attachment 1**.

The Master Plan provides for a range of works to be incorporated into the MRRC and has a 3stage program for the different works to ensure that the site retains its functionality while upgrades are occurring. This will also allow for the costs to be spread over time.

The Master Plan proposes works to be undertaken in Stage 1 with an estimated cost range of \$1,970,000 to \$3,200,000. With the limitations to funding available to Council, this stage has been further refined to allow for the costs to be spread over a longer period of time. The following works are included in each stage of the upgrade:

| Stage | Works Included | Estimated Costs |
|--------------------|---|---|
| Stage 1, Part 1 | Build new facilities at the back of the site while retaining functionality at the original site including the following works: Temporary relocation of existing stockpiles and material operations area to front of site, with appropriate drainage controls Earthworks to form building and operations platform in loop area Construct new drainage channels to allow for improved separation of clean and potentially contaminated run-off Build loop road Upgrade entry road to 2 lanes Create hardstand operations area at back of site | Whole of stage 1 estimate is \$1,970,000 to \$3,200,000 from the high- level Tonkin and Taylor assessment, which included \$857,250 for preliminaries (design, mobilisation and overheads) and \$580,000 for a contingency. Engineering estimate of the actual cost of the design and construction of |

| | Re-establish stockpile and operations area at back of site. | these works is \$1,200,000, including a contingency of 15%. |
|--------------------|---|---|
| Stage 1, Part 2 | Complete new facilities at the back of the site with the following works: Construct new weighbridge; and | \$420,000 |
| | Construct new shed for residual waste. | |
| Stage 2 | Begin shifting operations to the back of the site with the following works: | \$650,000 to \$1,050,000 |
| | Shift residual waste drop off location to back of site | |
| | Build new hazardous waste area with bunding | |
| | Build new green waste area | |
| | Relocate site kiosk near weighbridge | |
| | Shift hazardous waste and green waste operations to | |
| | loop. | |
| Stage 3 | Upgrade facilities at front of the site with the following works:Install temporary recycling drop off near start of loop | \$580,000 - \$930,000 |
| | Build ramp to allow for west to east drive through access to existing general waste shed | |
| | Establish recycling area in existing general waste shed | |
| | Establish re-use shop and site office | |
| | Establish additional pavement, parking and hardstand | |
| | operations area near recycling shed and site office. | |

To commence the upgrades in the Council officers have submitted an application to the Regional Recycling Fund for a \$500,000 grant to assist with funding Stage 1, Part 1. The Stage 1, Part 1 components specified in the application are subject to the agreement of Council to fund the remaining amount for the works.

Due to the timeframes for the grant application, officers needed to submit the application prior to obtaining confirmation of a Council contribution. Council's funding submission included a condition that the final project, and Council's contribution, will be confirmed following 2022/23 Budget considerations.

Regional Recycling Fund grant officers are mindful budget constraints may require an amendment to Stage 1 Part 1 works. The funding body has confirmed, as there is no mandatory co-contribution, the grant application for \$500,000 may remain in full. Grant officers have also confirmed that an amendment to the MRRC construction stage will not jeopardise Council's application and presentation for assessment.

Key Issues

The MRRC is an A13C (Waste and Resource Recovery – Small) site, with the ability to store between 5 cubic meters and 5000 cubic meters on the site. The site operates with a range of specific conditions, and most of these relate to the operation of the site, not the site layout. However, an improved site layout will allow for improved operation and support the reduction of waste to landfill.

The MRRC Master Plan has been developed to consider how the site could adapt in future to expand and accept new recycling streams and initiatives (e.g., product stewardship items). Key considerations include:

- The stockpile area adjacent to the general waste and green waste area can extend further south or west if more capacity is required. The operations area adjacent to the new recycling building also has reasonable capacity to allow for future flexibility in site use.
- There is vacant land on the north side of the loop road for more drop-off areas (if additional product stewardship schemes are introduced). Any development of stockpile or other facility in this area would need to be designed to not destabilise the creek bank. Development would also need to include engineering or operational controls to prevent runoff of contamination into the creek.
- Site facilities have been sufficiently sized to accommodate population growth with significant increases in capacity for each of the facilities compared to what is currently located at the site. The recycling area, re-use shop and general waste area are all located next to vacant land should the facility need to expand further to compensate for population growth.

Funding of the upgrades identified will be delivered through waste program charges and grant funding where available.

Recommendation

THAT COUNCIL:

- 1. Adopt the *Mansfield Resource Recovery Centre Master Plan,* prepared by Tonkin and Taylor, January 2022.
- 2. Authorises the Chief Executive Officer to apply for grant opportunities to fund part or whole of Stage 1 Part 1 of the Mansfield Resource Recovery Centre Master Plan; and
- 3. Support the submission of the application to the Regional Recycling Fund for grant funding of \$500,000 to assist with Stage 1, Part 1 of the upgrade works.
- 4. Notes a Council contribution of \$700,000, spread over two financial years, will be required to fund Stage 1, Part 1 of the upgrade to the Mansfield Resource Recovery Centre.

Support Attachments

1. MRRC Master Plan [13.2.1.1 - 47 pages]

Considerations and Implications of Recommendation

Sustainability Implications

The *Mansfield Shire Waste Management Strategy, 2020-2025,* has four targets for waste reduction as follows:

- Target 1: Reduce the amount of waste in the average household general waste and recycling bins by 15% of the baseline (established in 2020/21) by 2025.
- Target 2: Reduce contamination in recycling bins by 100%, by 2025 (reduce level of contamination to 0).
- Target 3: Reduce the amount of recyclables in household general waste bins by 50%, by 2025 (halve the amount of recyclables in household general waste bins to less than 8%).
- Target 4: Reduce residual waste sent from the Mansfield RRC to landfill by 95% from 1860 tonnes to 100 tonnes by 2025.

These targets have been set to maximise recovery of resources, minimise waste to landfill and minimise costs to ratepayers. The upgrades to the MRRC will support increased diversion from

landfill for the current service and will provide enough space to accommodate the expected population growth for the municipality.

Community Engagement

Not Applicable

Collaboration

Not Applicable

Financial Impact

The Master Plan was prepared and funded by Council at a cost of \$31,300.

Implementation of the Master Plan recommendations will require funding. An application was recently submitted to the Regional Recycling Fund for a \$500,000 grant to assist with funding Stage 1, Part 1. The Stage 1, Part 1 components specified in the application are subject to the agreement of Council to fund the remaining amount for the works. Council officers are seeking Council support in relation to this submission, and any future submissions for grants to fund works to implement the Master Plan.

It is estimated that Council's contribution to Stage 1, Part 1 would be \$700,000. This could be spread over two financial years.

Options for Council to raise contributing funds include borrowing from the Treasury Corporation of Victoria (TCV), with repayment of the loan funded from waste charges over the next 10-20 years.

Council will be notified about its grant application in May 2022. Council has provided a conditional letter of Council endorsement of the project, subject to 2022/23 budget deliberations, confirming the \$500,000 requested from the funding body as part of the application.

Legal and Risk Implications

Waste services, including the Mansfield Resource Recovery Centre, are managed in accordance with the requirements of the following acts:

- Environment Protection Act 2017
- Circular Economy (Waste Reduction and Recycling) Act 2021

Regional, State and National Plans and Policies

The MRRC Master Plan is in accordance with the *Recycling Victoria: A New Economy*, plan prepared and adopted by the Victorian Government.

Innovation and Continuous Improvement

The **development** of the Plan was recognised in Council's Waste Management Strategy during Year 1 (2021) as a High Priority action, with funding allocated within the 2020-21 budget to complete the project.

The **implementation** of the Plan is scheduled for Years 2 - 5 (2022 – 2025). The implementation is also recognised as being High Priority.

Alignment to Council Plan

The MRRC Master Plan addresses the following elements of the Mansfield Shire Council Plan 2021-2025:

Theme 2: Vibrant Liveability

- Strategic Objective 4 Clean and green: Waste and energy sustainability
- Strategy 4.1 Minimise and re-use waste

Governance - Disclosure of Conflicts of Interest

The author of this report and officers providing advice in relation to this report do not have a conflict of interest to declare in this matter, in accordance with the Local Government Act 2020.

13.2.2. Planning Permit Application P003/22 - Use and Development of Land For Industry (Distillery), Cellar Door and Sale and Consumption of Liquor - 126 Godwills Road Mansfield

| File Number DA4267/P003/2 Responsible Officer Coordinator Statutory Planning, 2 Tim Berger | |
|--|--|
|--|--|

Purpose

The purpose of this report is to seek Council's determination of the application for Planning Permit P003/22, relating to the Use and Development of the land for Industry (distillery), cellar door, and sale and consumption of liquor.

This application is being referred to Council for determination as eleven (11) objections have been received to the application.

| Executive Summary | | | |
|------------------------|---|--|--|
| Application Details | | | |
| APPLICANT | C & H Thierry | | |
| PROPOSAL | Use and development of the land for Industry (distillery), cellar door and sale and consumption of liquor | | |
| APPLICATION LODGED | 12 January 2021 | | |
| STATUTORY DAYS | 61 (as at 19 April 2022) | | |
| NOTICE AND SUBMISSIONS | The application was advertised to adjoining and nearby owners and occupiers. | | |
| | At the time of writing, 11 objections and 3 letters of support have been received. | | |
| Property Details | | | |
| PROPERTY ADDRESS | 126 Godwills Road, Mansfield | | |
| LAND DESCRIPTION | Lot 2 PS444132F | | |
| RESTRICTIVE COVENANTS | Section 173 Agreement X700264D – requires: | | |
| | 1. One dwelling only is permitted on Lot 2 | | |
| | 2. Prior to the construction of any building on the site the Owner of Lot 2 must obtain consent from Delatite Shire Council for the position and design of buildings proposed to be construction on the site. | | |
| | 3. The dwelling in (2) above must comply with the Good Design Guide. | | |
| | 4. All buildings are to be located within the Building Envelopes as shown on the plan at | | |

| | Schedule A. | |
|------------------------------------|---|--|
| | Section 173 Agreement AC183725P requires: | |
| | 1. One dwelling only is permitted on Lot 2. | |
| | | |
| | Prior to the construction of any building on the site the Owner of Lot 2 must obtain consent from Mansfield Shire Council for the position and design of buildings proposed to be construction on the site. | |
| | 3. The maximum height of a building on Lot 2 must be the same level as the highest point of the natural ground level at the north north west corner of the building envelope. | |
| | The proposal seeks to vary Condition 2 of the Section 173 Agreement, which will be discussed in detailed below. | |
| LAND AREA | 48.64ha | |
| EXISTING USE | Dwelling with existing distillery (has operated as a Home-Based Business under Clause 52.11 of the Scheme) | |
| Planning Provisions | | |
| ZONE | Farming Zone – Schedule 1 (FZ1) | |
| OVERLAYS | Environmental Significance Overlay – Schedule 1 (ESO1) | |
| MUNICIPAL PLANNING STRATEGY | Clause 02.03-2 – Environmental and landscape values Clause 02.03-4 – Natural resource management Clause 02.03-7 – Economic development | |
| LOCAL PLANNING POLICY FRAMEWORK | Clause 13.02-1S – Bushfire planning Clause 14.01-1S – Protection of agricultural land Clause 14.02-1S – Catchment planning and management Clause 14.02-2S – Water quality Clause 15.01-2S – Building design Clause 15.01-6S – Design for rural areas Clause 17.01-1S – Diversified economy Clause 17.04-1S – Facilitating tourism | |
| PARTICULAR PROVISIONS | Clause 52.06 – Car Parking Clause 52.27 – Licensed Premises | |
| Permit Triggers | | |
| | Clause 35.07-1 – A permit is required for the use of land for industry (distillery) as a Section 2 use. Clause 35.07-4 – A permit is required to construct a | |
| | building or construct or carry out works for a section 2 use and buildings within 100 metres of a waterway. | |
| | Clause 52.27 – A permit is required to use land to sell | |

| Other | |
|-----------------------------------|-----|
| CULTURAL SENSITIVITY | No |
| DWMP RISK RATING (IF RELEVANT) | N/A |

This application seeks Council approval for the use and development of the land for Industry (distillery), cellar door and sale and consumption of liquor at 126 Godwills Road, Mansfield. The proposal includes the following elements:

- Distillery was previously operating as a home-based business, but as a result of the growth of the business, the size of the business now triggers a planning permit. The distillery has a gross floor area of 233.1sqm and has 4 car parks provided to the east of the building.
- Three tasting pods, accommodating a maximum of 8 people per pod, with up to 3 sittings per day. These are considered ancillary to the primary use of the distillery.
- Hours of operation will be 7am to 9pm
- Distillery tours, with a maximum of 10 people, will be run on Saturday between 11am and 3pm
- 12 car spaces are to be provided to support the pods and the distillery.
- A kitchenette and toilet facility are proposed to be constructed to support both the tasting pods and the distillery.

A full officer assessment of the application can be found in the delegate report at Attachment 1.

The subject site is 48.64 hectares in size, and currently contains a dwelling and the distillery. These are both situated towards the south of the site.

Pursuant to Section 52 of the *Planning and Environment Act 1987* ("The Act") the proposal was advertised to adjoining and nearby property owners and occupiers. 11 objections and 3 letters of support were received. A discussion of the grounds of objection, and the officer response can be found in the attached delegate report.

It is considered that the use and development of the distillery, cellar door and sale and consumption of liquor responds positively to the site and surrounding area, provides for a complementary use of the land in a farming area, and does not have a detrimental effect on the water catchment or the environment. While the proposal does not support agricultural production, the siting of the works and nature of the land around the site allows for agriculture to continue if sought (such as grazing activities). The proposal is sited close to the northern boundary of the land, allowing the balance of the land to be retained for potential agricultural use. Given the siting of the works and surrounding activities, the proposal will not prejudice the use of nearby land for agriculture.

Key Issues

A detailed delegate report with the full officer assessment of the proposal can be found at Attachment 1. In summary, though, the key issues considered as part of this assessment are as follows:

Traffic Impacts and road safety:

Access to the site is gained via Old Tonga Road to Godwills Road; both of which are unsealed Council roads. Given the nature of the land use proposed, it is considered that traffic volumes will be moderate in the context of a rural road, with the existing road network suitable to accommodate the potential traffic to the site. Traffic to the pods will be mitigated by operating parameters. No vehicles such as coaches, buses or trucks are proposed to attend the site. Behaviour of road users on the public road network is beyond the control of the operator, however road users will need to drive to conditions in the same manner as any other rural road.

Landscape Character:

Buildings associated with the use are clustered together and sited/designed so as to minimise visual impacts from surrounding public and private land. Given the proximity of the dwelling at 121 Godwills Road to the development area, conditions are recommended to ensure landscaping of this boundary and re-siting of the car parking area to minimise potential visual impacts from the development.

Amenity Impacts (including health, noise and visual):

The operation hours of the distillery are from 7am to 9pm, which is primarily for manufacturing, which is considered appropriate. No light spills or noise impacts will be generated after 9pm. Any impacts on the residential amenity of the surrounding environment will therefore be minimal if any, particularly with due consideration of the location of the distillery itself on the site. Sale and consumption of liquor within the 'pods' is largely limited to tastings as part of a booked session, with the likelihood of adverse impacts from on-site liquor consumption minimal. The number of patrons is considered acceptable as it will not generate a large crowd into the area. Any noise impacts will also be controlled and managed appropriately, ensuring the amenity of the surrounding residents will be protected.

Use of the land:

Although the use is not an agricultural use in the Farming Zone, food and wine tourism

are one of the key drivers for tourist visitation in Mansfield Shire. Given the location of the site, the sale and consumption of liquor will contribute to a positive impact to the local economy.

Recommendation

THAT COUNCIL, having considered all matters under Section 60 of the Planning and Environment Act 1987, determine to issue a Notice of Decision to Grant a Permit, P003/22 for the Use and Development of land for a distillery (industry), cellar door and sale and consumption of liquor on Lot 2 on Plan of Subdivision 444132F, commonly addressed as 126 Godwills Road, Mansfield, In accordance with the endorsed plans and subject to the following conditions:

Amended Plans Required

1. Prior to the endorsement of plans, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Once approved, the plans will be endorsed and will then form part of the permit.

The plans must be generally in accordance with those submitted with the application, but modified to show:

- a. Relocation of the car parking area to be setback at least 50 metres from the dwelling at 121 Godwills Road at the closest car parking space.
- 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 within 15 metres of development areas.
- A range of plant types such as large shrubs and trees that form a vegetation screen along the shared boundary of the subject land and 121 Godwills Road, except where vehicle access is required. The landscape area must be at least 10 metres width.
- 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. 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.
- v. 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.
- vi. 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.
- c. Details of any cut/fill required to accommodate the relocated car parking area.

Endorsed Plans Condition

2. The use and development as shown on the endorsed plans must not be altered or modified without the written consent of the responsible authority.

Amenity Condition

- 3. The use must not detrimentally affect the amenity of the neighbourhood to the satisfaction of the Responsible Authority, including through the:
 - a. Transport of materials, goods or commodities to or from the land;
 - b. Appearance of any building, works or materials; or
 - c. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.

Waste Management

- 4. Prior to the commencement of the use, a Waste Management Plan must be submitted and approved to the satisfaction of the Responsible Authority. The Plan must include, but not limited to the following:
 - a. Calculations showing the amount of waste and recycling expected to be generated;
 - A statement of whether the industry waste and recycling will be collected by Council or a private collection, stating the size of bins, frequency of collection and hours of collection;
 - c. State where and when the bins will be placed for waste collection; and
 - d. Confirm that the bins will be removed from the street promptly after collection.

When submitted and approved to the satisfaction of the Responsible Authority, the Waste Management Plan and associated notated plans will form part of this permit.

Hours of Operation

- 5. The use allowed by this permit must operate only between the following hours:
 - a. Distillery
 - i. Production Monday to Sunday: 7am 9pm
 - ii. Tours Saturday: 10am 7pm
 - b. Tasting pods (cellar door)
 - i. Thursday to Sunday: 10am 7pm

Maximum Number of Patrons

- 6. Each pod/cellar door structure may have no more than 8 persons at any one time (excluding staff).
- 7. Except with the written consent of the Responsible Authority, the distillery tours must not have more than 10 persons at any one time (excluding staff).

Noise

8. Noise levels associated with the use must at all times comply with the Environment Protection Regulations under the *Environment Protection Act 2017* and the incorporated Noise Protocol (Publication 1826.2, Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues, Environmental Protection authority, March 2021), or any other superseding regulation.

Should the Responsible Authority deem it necessary, the owner and/or occupier of the land must submit an Acoustic Report to the satisfaction of the Responsible Authority which demonstrates compliance, or which outlines any measures considered necessary to achieve compliance.

The recommendations of the Acoustic Report must be implemented no later than three (3) months after the date that the Responsible Authority advises in writing that it is satisfied with the report, or as otherwise agreed in writing by the Responsible Authority. The endorsed plans must also be amended within three (3) months, or as otherwise agreed in writing by the Responsible Authority, to accord with the recommendations contained in the Acoustic Report to the satisfaction of the Responsible Authority.

External Materials

9. 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 unpainted aluminium, zinc or similar materials. Cladding materials must be coloured or painted in muted colours.

Landscaping

- 10. Unless with the prior written consent of the Responsible Authority, within 3 months of the commencement of the use of the cellar door/tasting pods hereby permitted, the landscaping as shown on the endorsed plans must be carried out, completed and maintained to the satisfaction of the Responsible Authority.
- 11. 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

- 12. Prior to the commencement of works, a Tree Protection Zone must be set up around all trees within 15 metres of any works to be undertaken. The Tree Protection Zone must be established in accordance with the relevant Australian Standard and maintained until all development works are completed.
- 13. The owner and/or 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.

14. 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.

Licenced Premises

- 15. Liquor must only be sold and consumed in the red-line area shown on the endorsed plan, to the satisfaction of the Responsible Authority.
- 16. Except with the prior written consent of the Responsible Authority, the consumption of alcohol on the premises must only be undertaken between the following hours:
 - a. Thursday to Monday: 10am 7pm

Car Parking and Access

17. Prior to the commencement of use of the building hereby approved, all car parking spaces and access lanes shown on the endorsed plans must be:

- a. Constructed in an all weather surface;
- 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.

Bushfire Emergency Management Plan

- 18. Before the commencement of the use, a Bushfire Emergency Management Plan to satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority in consultation with the Country Fire Authority. The plan must address the following matters:
 - a. Site management to reduce the impact of bushfire in the area on the site;
 - b. Management actions during the declared Fire Danger Period;
 - c. Management responses to the forecast Fire Danger Rating on each day of operation, including closing the camping area on days of Extreme and Code Red;
 - d. Actions in the event of a bushfire threatening or impacting on the site, including details of the location/s for emergency assembly, evacuation and shelter-in-place (in the event that evacuation from the site is not practicable).
 - e. Measures to reduce the risk of fire starting on the site;
 - f. Transport arrangements for staff and visitors;
 - g. The need for any additional arrangements for persons with special needs;
 - h. Training for staff, visitors on emergency procedures;
 - i. The nature and frequency of emergency procedure exercises
 - j. Actions for other emergencies (non-bushfire);
 - k. Emergency procedures including the assignment of roles and responsibilities to staff. This must include assigning responsibility for the:
 - i. Management and oversight of emergency procedures
 - i. Training of employees in emergency procedures
 - ii. Reviewing the effectiveness of emergency procedure exercises and implementing procedure improvements
 - iii. Accounting for all persons during the emergency procedures
 - iv. Monitoring and review of the Emergency Plans at least annually.

Engineering Conditions

19. 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.

- 20. Before the commencement of use of the cellar door/tasting pods, 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.
- 21. 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.
- 22. 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

- 23. Prior to the commencement of construction of the kitchenette and toilet facilities, an *Application for a Permit to Install* a septic tank system must be submitted and approved by Council prior to any installation.
- 24. Stormwater from the works must not be permitted to enter the effluent disposal field, septic tank or any associated wastewater infrastructure to the satisfaction of the Responsible Authority.

Goulburn-Murray Water Conditions

- 25. All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).
- 26. All wastewater from the kitchenette and toilet facilities must be treated to a standard of at least 20mg/L BOD and 30mg/L suspended solids using a package treatment plant or equivalent. The system must be an EPA approved system, installed, operated and maintained in accordance with the relevant EPA Code of Practice and Certificate of Conformity.
- 27. As required by the current EPA Code of Practice *On-site Wastewater Management*, Publication 891.4, July 2016, the wastewater disposal area must meet minimum setback distances of 100m from the nearest waterway, 60m from any dams, 20m from any bores and 40m from any drainage lines. Reduced setbacks may be applied in accordance with the requirements of the current EPA – Code of Practice *On-site Wastewater Management*, Publication 891.4, July 2016, where wastewater is treated to a secondary standard.
- 28. The wastewater disposal area must be kept free of stock, buildings, driveways and service trenching and must be planted with appropriate vegetation to maximise its performance. Stormwater must be diverted away. A reserve wastewater disposal field of equivalent size to the primary disposal field must be provided for use in the event that the primary field requires resting or has failed.

Permit Expiry

29. 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

b. The development is not completed and use 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*.

Support Attachments

1. P003 22 Delegate Report 126 Godwills Road Mansfield A17874 [13.2.2.1 - 28 pages]

Considerations and Implications of Recommendation

Sustainability Implications

No impacts to native vegetation are proposed as part of this development. Stormwater discharge from the site will be managed in accordance with Council requirements such that the development is not considered likely to lead to a reduction in water quality or salinity issues. No natural hazards issues (such as flooding or bushfire management) apply to the site.

Community Engagement

The application for a planning permit was advertised to adjoining and nearby property owners and occupiers in accordance with Section 52 of the Planning and Environment Act 1987. Eleven objections have been received. The grounds of objection are discussed in the attached delegate report and a response provided to the objectors.

Collaboration

Not applicable

Financial Impact

Not applicable

Legal and Risk Implications

The application has been assessed under the provisions of the Planning and Environment Act 1987 and the Mansfield Planning Scheme. Should a notice of decision to grant a permit be issued, the permit applicant may seek a review at the VCAT of any conditions placed on the permit and the objector may seek a review of the decision. If Council determines to issue a Notice of Decision to Refuse to Grant a Permit (not recommended), the permit applicant may seek a review of this decision at the VCAT.

Regional, State and National Plans and Policies

Not applicable

Innovation and Continuous Improvement

Not applicable

Alignment to Council Plan

Theme 1: Connected and Healthy Community Strategic Objective 2: Activities that promote connection and fitness of our people and visitors

Strategy 2.3 Enhance the social and economic value of tourism to Mansfield.

Theme 2: Vibrant Liveability Strategic Objective 3 Future focused: Intelligent land use and infrastructure

Strategy 3.2 Enhance township character

Theme 2: Vibrant Liveability Strategic Objective 5 Prosperous: Industries, businesses and workforces of the future

Strategy 5.2 Enable land use and base infrastructure that stimulates commercial activity

Governance - Disclosure of Conflicts of Interest

The author of this report and officers providing advice in relation to this report do not have a conflict of interest to declare in this matter, in accordance with the Local Government Act 2020.

13.2.3. Men's Shed Lease

| File Number | E408 | Responsible Officer | Manager Planning & Environment, Melissa Crane |
|-------------|------|---------------------|--|
| Purpose | | | |

To seek Council approval to enter into a 10-year lease for the premises at 17 Erril Street, Mansfield, known as Lot 2 on Plan of Subdivision 339723, with Men's Shed Incorporated.

Executive Summary

This report presents Council with a draft 10-year lease for 17 Erril Street, Mansfield with the Men's Shed Inc.

At the meeting of 16 November 2021, Council resolved: That Council:

- Negotiates a lease agreement with the Men's Shed Inc. for the lease of the land at 17 Erril Street, Mansfield.
- Receives a report no later than the February Council Meeting 2022 with a draft lease to consider.

The actions undertaken to date are as follows:

- 1. The tenancy with Mansfield Adult Continuing Education Inc. has ended.
- 2. Council commenced negotiations with Men's Shed Inc.
- 3. A report was provided to the February Council meeting with an update on the progress of lease negotiations.
- 4. A notice of intention to enter a lease was placed in the Mansfield Courier in accordance with the Local Government Act 2020.
- 5. No submissions were received to the notice, allowing the finalisation of the lease with Men's Shed Inc.
- 6. Council resolved on 15 March 2022 to receive a report no later than 19 April 2022 with a draft lease, pending review by Council's solicitors.
- 7. The lease has now been reviewed by Council's solicitors who have raised some points that require further negotiation with the tenant.

Key Issues

Consideration of any new lease must be carried out under Section 115 of the *Local Government Act 2020*. This section of the Act states that a council must include any intention to lease property in its budget, and therefore undergo an opportunity for public consultation or if not included in the budget Council must undertake a community engagement process in accordance with its Community Engagement Policy.

The intention of this part of the Act is to ensure that any lease of land is transparent, and that the community is kept informed and provided with an opportunity to comment. To address these requirements, a notice was placed in the Mansfield Courier, with submissions open until 16 February 2022. No submissions were received to this notice, allowing Council to now formally enter a lease with Men's Shed Inc.

Council officers will enter into final negotiations with the tenant on the outstanding matters as raised by Council's solicitors. These matters are not considered major but do need appropriate clarification prior to adoption.

Recommendation

THAT COUNCIL receives a further report at the May meeting of Council with the final lease for adoption.

Support Attachments

Nil

Considerations and Implications of Recommendation

Sustainability Implications

Not Applicable

Community Engagement

Community Engagement has been undertaken in accordance with the Council's Community Engagement Policy by placing a notice of intention to enter a lease with the Mens Shed Inc. in the Mansfield Courier.

Collaboration

Not Applicable

Financial Impact

Although a new lease was not accounted for in the 2021-22 Budget and will have the impact of leasing the building at a rent of \$1 per annum, plus outgoings, this is consistent with the rent previously received from MACE. The proposed lease states that the Rent shall be increased by CPI on each anniversary of the Commencement Date during the Term and each anniversary of the Commencement Date during the Term and each anniversary of the Commencement Date during the term. The proposed lease will also include a clause that will allow for a review of the rent at the end of each term.

Outgoings include:

- 1. All rates, taxes (including Land Tax if the Retail Leases Act does not apply), charges and levies;
- 2. Imposts, deductions, charges, withholdings and duties imposed by any governmental, public, statutory or relevant authority including any tax imposed as a consequence of the Council having an estate or interest in the Premises but excluding:
 - a. any GST or like tax imposed because this Lease is a taxable supply; and
 - b. any income tax or capital gains tax;
- 3. Insurance premiums for:
 - a. public liability;
 - b. loss of rent and outgoings insurance for a period of twelve (12) months; and
 - c. such other risks which the Council considers appropriate;
- 4. Waste removal and disposal costs;
- 5. Costs of all services supplied to the Premises including, water, electricity, gas, telephone, communications services and any other services;
- 6. Costs arising under or incurred in relation to Environmental Laws.

Council's Property Leasing and Licencing Policy provides the following options for calculation of the rent for a building of this nature:

- 1. Category 4 A community group that is non-sporting, provides a community service, is 100% volunteer based and does not receive external grant funding, a rent of 1% of the market value could be charged.
- 2. Category 5 Council can enter into an agreement and negotiate terms and conditions, annual rent, and operating subsidy on a case-by-case basis.

In this case, the rent has been calculated under Category 5, with \$1 per annum the agreed rent.

Legal and Risk Implications

Council advertised its intention to enter a lease with Men's Shed Inc in the Mansfield Courier, in accordance with Section 115 of the Local Government Act 2020. No submissions were received. The draft lease has been reviewed by Council's solicitors.

Regional, State and National Plans and Policies

Not Applicable

Innovation and Continuous Improvement

Not Applicable

Alignment to Council Plan

The following strategies are relevant to this report:

- Theme 1: Connected and Healthy Community Strategic Objective 2: Activities that promote connection and fitness of our people and visitors Strategy 2.2 Create an environment where community and clubs can recreate, socialise and contribute to the health and wellbeing of the community
- Theme 3: A Trusted, Effective and Efficient Council Strategic Objective 8 A consultative Council that represents and empowers its community Strategy 8.1 Increase community trust in Council to make informed decisions with "no surprises"

Governance - Disclosure of Conflicts of Interest

The author of this report and officers providing advice in relation to this report do not have a conflict of interest to declare in this matter, in accordance with the Local Government Act 2020.

14. Assembly of Councillors

An assembly of Councillors is referred to in Council's Governance Rules as a "meeting conducted under the auspices of Council", meaning a meeting of the kind described in section 131(1) of the Act, and includes a meeting referred to in Rule 1 of Chapter 6 (whether such a meeting is known as a 'Councillor Briefing' or by some other name);

A written record of each assembly is held by Council and is available for public inspection.

The following is a list for the past month of assemblies held, the issues discussed and any conflicts of interest declared.

| DATE | TYPE OF ASSEMBLY | ISSUES DISCUSSED |
|----------|---|--------------------------------------|
| | Councillors' Budget Briefing Session | |
| | Councillors: | |
| | Cr Mark Holcombe | |
| | Cr Steve Rabie | |
| | Cr Paul Sladdin | Conflicts of Interest: |
| | Cr Rohan Webb | NIL |
| | Cr James Tehan | |
| | Apologies: | Issues Discussed: |
| 5 April | • Nil | Fees and |
| 2022 | External Attendees: | Charges 2022- |
| | Marcus Hann, Consultant, LG Valuations | 23 |
| | Officers: | Draft Budget |
| | CEO, Kaylene Conrick | 2022-23 |
| | GM Infrastructure and Planning, Kirsten Alexander | 2022 Valuations |
| | GM Community and Corporate Services, Dena Vlekkert | |
| | Interim Manager Business & Performance, Anthony | |
| | Smith | |
| | Coordinator Revenue, Bess Gillard | |
| | Councillors' Briefing Session | Conflicts of Interest: |
| | Councillors: | NIL |
| | Cr Mark Holcombe | |
| | Cr Steve Rabie | Issues Discussed: |
| | Cr Paul Sladdin | Rate Modelling |
| | Cr Rohan Webb | 2022-23 |
| | Cr James Tehan | Fees and |
| | Apologies: | Charges 2022- |
| 12 April | CEO, Kaylene Conrick | 23 |
| 2022 | External Attendees: | Waste Reserves |
| 2022 | Murrindindi Shire Council representatives: | Analysis Options |
| | Matt Thomas – Manager Tourism & Events | Advice |
| | Shivaun Brown – Director Community Engagement | The Great |
| | Michael Chesworth – Director Corporate & Shared | ARTdoors Rail |
| | Services | Trail Project |
| | Livia Bonazzi – CEO | Draft Asset Plan |
| | Mayor Sue Carpenter | Mansfield |
| | Cr Ilona Gerencser | Resource |
| | Cr Karine Haslam | Recovery |

| • | Cr John Walsh | Centre Master |
|-------|--|---------------|
| • | Cr Damian Gallagher | Plan |
| Mitch | ell Shire Council representatives: | |
| • | Alarna Timmins – Tourism and Promotions Officer | |
| • | Travis Conway – Manager of Strategic Planning and | |
| | Economy | |
| • | Cr Rhonda Sanderson | |
| • | Cr Nathan Clark | |
| • | Cr David Lowe | |
| • | Mayor Bill Chisholm | |
| Offic | ers: | |
| • | Acting CEO, Kirsten Alexander | |
| • | Acting GM Infrastructure and Planning, Melissa Crane | |
| • | GM Community and Corporate Services, Dena Vlekkert | |
| • | Interim Manager Business & Performance, Anthony Smith | |
| • | Manager Operations and Capital Works, Kristian Burchat | |
| • | Asset Management Officer, Sujita Sharma | |
| • | Project Officer Waste and Resource Recovery, Shaun Langlands | |
| • | Snr Coordinator Community and Economic | |
| | Development, Saskia Van Bever | |
| • | Economic Development Officer Tourism & Events, Gareth MacDonald | |

Recommendation

THAT COUNCIL receive and note the Assembly of Councillors report for the period 2 March 2022 to 12 April 2022.

15. Council resolutions report

This report presents to Council a schedule of outstanding actions from Council meetings held from 1 July 2021 to 7 April 2022.

Recommendation

THAT COUNCIL receive and note the Council Resolutions Register as at 7 March 2022.

Support Attachments

1. Council Resolution Action Register for Meeting 19 April 2022 (2) [15.1.1 - 9 pages]

16. Advisory and Special Committee reports

Nil

17. Authorisation of sealing of documents

Nil

18. Close of meeting