



**Mansfield Shire**

# **MINUTES**

## **Council Meeting**

**Tuesday 19 April 2022**

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**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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# Agenda Contents

- 1. Opening of the meeting .....3
- 2. Present .....3
- 3. Apologies.....3
- 4. Statement of commitment .....3
- 5. Acknowledgement of Country .....3
- 6. Disclosure of conflicts of interest.....3
- 7. Confirmation of minutes .....3
- 8. Representations .....4
- 9. Notices of motion.....4
- 10. Mayor's report .....4
- 11. Reports from council appointed representatives .....4
- 12. Public question time .....4
- 13. Officer reports.....5
  - 13.1. Chief Executive Officer's report .....5
  - 13.2. Infrastructure and Planning Directorate .....5
    - 13.2.1. Mansfield Resource Recovery Centre - Adoption of Master Plan .....5
    - 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 .....5
    - 13.2.3. Men's Shed Lease.....10
- 14. Assembly of Councillors .....11
- 16. Advisory and Special Committee reports .....11
- 17. Authorisation of sealing of documents .....11
- 18. Close of meeting .....11

## 1. Opening of the meeting

Mayor James Tehan opened the meeting at 5.02pm.

## 2. Present

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

In Attendance:

Acting Chief Executive Officer:	Kirsten Alexander
Acting General Manager Infrastructure & Planning:	Melissa Crane
General Manager Community & Corporate Services:	Dena Vlekkert

## 3. Apologies

Kaylene Conrick, CEO

## 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 of interest

Dena Vlekkert declared a conflict of interest in respect of item 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

## 7. Confirmation of minutes

**Councillor Steve Rabie/Councillor Paul Sladdin:**

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

**CARRIED**

## 8. Representations

Deputations listed below speaking to 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'.

- Hank Thierry
- Rolly Vella
- Tim Paulicki
- Frank Paulicki
- Anne Arbuthnot
- Phillip Officer

## 9. Notices of motion

Nil

## 10. Mayor's report

**Councillor Mark Holcombe/Councillor Steve Rabie:**

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

The Mayor reinforced that under the Governance Rules each person can only submit two questions.

### Question 1

Erik Suggate: "Why are crossover permits being issued that are within the Tree Protection Zone (TPZ) of significant trees when that is not allowed under the guidelines or the Planning & Environment Act?"

Answer: Correspondence from the author of the question of Council was received last week in relation to this issue, and has been acknowledged by Council officers. A response to this question will be provided following an inspection of the site in question and within 10 working days in accordance with Council's Customer Service Charter.

## 13. Officer reports

### 13.1. Chief Executive Officer's report

**Councillor Rohan Webb/Councillor Mark Holcombe:**

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

**CARRIED**

### 13.2. Infrastructure and Planning Directorate

#### 13.2.1. Mansfield Resource Recovery Centre - Adoption of Master Plan

**Councillor Steve Rabie/Councillor Mark Holcombe:**

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.

**CARRIED**

Dena Vlekkert left the meeting at 5.32pm.

#### 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

**Councillor Webb:**

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.
  - ii. 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;
  - b. 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.

### **Licensed 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*.

**MOTION LAPSED FOR WANT OF A SECONDER**

### **Councillor Steve Rabie/Councillor Holcombe:**

THAT COUNCIL seek more advice on the matters raised by objectors, visit the site, meet the objectors and consider the item at the earliest possible Council meeting.

**CARRIED**

Dena Vlekkert rejoined the meeting at 7.11pm.

### **13.2.3. Men's Shed Lease**

### **Councillor Mark Holcombe/Councillor Steve Rabie:**

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

**CARRIED**

## 14. Assembly of Councillors

**Councillor Rohan Webb/Councillor Mark Holcombe:**

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

**CARRIED**

## 15. Council resolutions report

**Councillor Paul Sladdin/Councillor Mark Holcombe:**

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

**CARRIED**

## 16. Advisory and Special Committee reports

Nil


## 17. Authorisation of sealing of documents

Nil

## 18. Close of meeting

The Council Meeting Agenda 19 April 2022 was closed at 7:16 pm.

CONFIRMED this **seventeenth** day of **May 2022**

  
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**Mayor**