



Mansfield Shire

MINUTES

Council Meeting

Tuesday 20 September 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 5:00 pm.

2. Present

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

In Attendance:

Chief Executive Officer:

Acting General Manager Infrastructure & Planning:

General Manager Community & Corporate Services:

Coordinator Waste Management

Coordinator Statutory Planning

Manager Business & Performance

Economic Development Officer - Tourism & Events

EA Mayor & CEO

Kirsten Alexander

Melissa Crane

Dena Vlekkert

Shaun Langlands

Tim Berger

Tony Cooper

Gareth MacDonald

Chelsea Young

3. Apologies

Nil

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

Nil

7. Confirmation of minutes

Councillor Rohan Webb/Councillor Mark Holcombe:

THAT the Minutes of the Mansfield Shire Council meeting held on 16 August 2022 be confirmed as an accurate record.

CARRIED

8. Representations

Deputations listed below speaking to 13.2.3 'Planning Permit Application P057/22 - 2-4 and 8-10 Station Street Mansfield.

- Kym Lynch
- Robbie McKenzie
- Scott Dungan

9. Notices of motion

Nil

10. Mayor's report

Councillor Steve Rabie/Councillor Paul Sladdin:

THAT COUNCIL receive the Mayor's report for the period 4 August 2022 to 7 September 2022.

CARRIED

11. Reports from council appointed representatives

Councillor Rohan Webb/Councillor Steve Rabie:

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 Mark Holcombe/Councillor Steve Rabie:

THAT COUNCIL receive and note the Chief Executive Officer's report for the period 5 August 2022 to 13 September 2022.

CARRIED

13.2. Infrastructure and Planning Directorate

13.2.1. Statutory Planning Services Review - Annual Update

Councillor Mark Holcombe/Councillor Steve Rabie:

THAT COUNCIL receive and note the Statutory Planning Services Review progress update.

CARRIED

13.2.2. Resource Recovery Centre – Increase in

Commercial/Industrial Waste Charge

Councillor Steve Rabie/Councillor Mark Holcombe:

THAT COUNCIL increases the charge associated with the disposal of commercial/building waste materials at the Resource Recovery Centre from \$100 per cubic metre to \$250 per cubic metre to reflect the true cost of handling, processing and disposing of this waste stream.

CARRIED

13.2.3. Planning Permit Application P057/22 - 2-4 and 8-10 Station Street Mansfield

Councillor Steve Rabie/Councillor Mark Holcombe:

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 for Planning Application P057/22 for the development of land for food and drink premises, shops (including ancillary uses for distillery and place of assembly), sale and consumption of liquor and alteration of access to a Road in a Transport Zone 2 on Lot 1 and 2 LP145122 and Lot 2 Block 1 LP3436 Parish of Mansfield, commonly addressed as 2-4 and 8-10 Station Street, Mansfield in accordance with the endorsed plans and subject to the following conditions:

Amended Plans

1. Before the commencement of works, 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 drawn to scale and must be generally in accordance with the plans submitted to Council dated 9 May 2022, but modified to show:

- a. The changes reflected in the 'without prejudice' plans provided to Council on 16 August 2022 and dated 21 July 2022 (except where variation is specifically required as a result of other conditions of this permit).
- b. Natural timber cladding and/or windows on the eastern and western elevation upper levels.
- c. The location of external plant and equipment including but not limited to service units for heating, cooling and hot water, solar panels, service shafts, ventilation systems, waste chute, television antennae and communication devices, service metres or the like, which is to be located and designed so as not to be visually prominent from the public realm or neighbouring properties. Where visible from the public or neighbouring properties, the plant and equipment must be appropriately screened.
- d. The car parking area abutting Station Street to have landscaping strips with spacings of no more than 5 car parks per strip.
- e. One way vehicle movement through the internal car park with directional arrows at appropriate intervals.
- f. A notation that car parking spaces 55 to 59 will be for staff parking only.
- g. An acoustic fence on the boundary of the subject land between the northern side of the vehicle crossover and the start of the corner splay on the northern boundary, with minimum height of 1.5 metres.
- h. An additional bicycle space in the packing/distribution area for employees in accordance with Clause 52.34.
- i. At least 1 electric vehicle charging station in the car parking area.
- j. A solar energy facility on the roof of the development with minimum generating capacity of 15kW.

Endorsed Plans

2. The endorsed plans forming part of this permit must not be altered or modified except with the written consent of the Responsible Authority.

Landscaping

3. Concurrent with the plans required by Condition 1 of this permit, an amended landscape 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 landscaping plan must be drawn to scale must be generally in accordance with the landscaping depicted on the plan submitted May 2022, but modified to show:

- a. A mixture of lower, middle and upper storey vegetation within the front setback of the development to High Street, including provision for at least three (3) canopy trees with a minimum mature height of 8 metres.
- b. Vegetation (incorporating a mixture of lower, middle and upper storey vegetation) that will provide an effective visual screen of at least 4 metres height on the western boundary of the development.
- c. 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.
- d. 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; and
- e. Watering systems for landscaping areas, including stormwater re-use where practicable.

All landscaping and associated infrastructure must be carried out and completed within three (3) months of the completion of the development or commencement of the use hereby approved.

The landscaping and associated infrastructure shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority for the life of the use and development and any dead, diseased, dying or damaged plants must be replaced with like for like replacements of the same or greater size.

Stormwater Management

4. Concurrent with the plans required by Condition 1 of this permit, a Stormwater Management Plan (SMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Once approved, the plan will be endorsed and will form part of the permit.

The Stormwater Management 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)) and must provide for the following matters:

- a. Incorporate on-site retention/infiltration, storage and re-use stormwater management techniques where practicable to reduce pollutant export and peak discharge from the site;
- b. Calculations of all stormwater detention required for the development.
- c. Filling and grading of the land to prevent stormwater discharge into adjoining properties.

Consolidation of Titles

5. Prior to the commencement of works, Lots 1 and 2 LP145122 and Lot 2 Block 1 LP3436 Parish of Mansfield must be consolidated under the *Subdivision Act 1988* and a single title issued.

Amenity

6. Noise emissions from the site must comply with the recommended noise levels as set out in *Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Values (EPA Publication 1826, March 2021)* or as amended to the satisfaction of the Responsible Authority.
7. Prior to the commencement of use of the development hereby permitted, all findings of the acoustic report prepared by Marshall Day Acoustics, dated 24 March 2022 must be implemented to the satisfaction of the Responsible Authority and maintained for the life of the development.
8. Any exterior lighting must comply with Australian Standard 4282-2019 '*Control of the obtrusive effects of outdoor lighting*' and must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.
9. All external materials and finishes must be treated so as to be muted and non-reflective to the satisfaction of the Responsible Authority.
10. All waste areas must be sited and screened so as to not be visible from the Maroondah Highway (High Street), Station Street, Curia Street or adjoining properties to the satisfaction of the Responsible Authority.
11. Waste collection must be undertaken in accordance with the Waste Management Plan prepared by Ratio (dated 24 March 2022) to the satisfaction of the Responsible Authority.
12. Loading and unloading of vehicles may only occur within the following times, except with the written consent of the Responsible Authority:
 - a. Monday to Saturday: 7am – 6pm
 - b. Sundays and public holidays: 8am – 6pm
13. No live music may be played on the premises at any time.
14. No amplified music may be played so as to be audible outside of the property boundaries to the satisfaction of the Responsible Authority.
15. The use of the development hereby approved must be conducted to the satisfaction of the Responsible Authority so that the amenity of the area is not detrimentally affected by the use or development, through the:
 - a. Transport of materials, goods or commodities to or from the land;
 - b. Appearance of any buildings, works or materials;
 - c. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; or
 - d. Presence of vermin.

Car Parking and Access

16. No delivery vehicles larger than an 8.8m rigid truck may enter the site.
17. All vehicles must enter and exit the site in a forward direction.
18. No vehicular access is to be provided between the site and the abutting site to the west (140 High Street).
19. Before the commencement of use of the development hereby approved, the areas set aside for car parking, loading and unloading of vehicles and internal access lanes as shown on the endorsed plans must be:
 - a. Constructed;

- b. Property formed to such levels that they can be used in accordance with the endorsed plans;
- c. Formed with an all-weather surface;
- d. Drained; and
- e. Clearly marked to show the direction of traffic flow along access lanes and driveways;

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

Plant and Equipment

- 20. All plant and equipment must be screened so as to not be visible from the public realm or adjoining properties to the satisfaction of the Responsible Authority.
- 21. No equipment, services, architectural features or structures of any kind, including telecommunication facilities, other than those shown on the endorsed plans may be erected above the roof level of the building unless otherwise agreed to in writing by the Responsible Authority.

Liquor Conditions

- 22. Liquor must only be sold and consumed in the red-line area shown on the endorsed plan, to the satisfaction of the Responsible Authority.
- 23. Except with the prior written consent of the Responsible Authority, the sale and consumption of liquor must only be undertaken between the following hours:
 - a. Monday to Wednesday to Monday: 10am – 10pm
 - b. Thursday to Sunday: 10am – 12am/midnight

Engineering Conditions

- 24. Before the use of the development commences, the existing road (Station Street) from High Street to Curia Street must be upgraded and the design plans must be submitted to Council for approval. The upgrade must include the following:
 - a. Kerb and Channel on Station Street along property frontage.
 - b. Stormwater pipeline connected to existing stormwater pits along property frontage.
 - c. Concrete footpath 1.5m minimum along property frontage.
 - d. The Station Street pavement to be designed by a qualified CPEng Civil Engineer on the National Engineers Register (NER) based on the additional traffic to the Station Street and constructed accordingly.

OR

An assessment to be made of the existing pavement on Station Street determining its residual life and demonstrate that additional traffic does not warrant upgrading the pavement and does not affect the maintenance cycle of the road.

- 25. Prior to the commencement of works on the development hereby approved, design plans in accordance with the requirements of Condition 22 must be submitted to and approved by the Responsible Authority.
- 26. No industrial or commercial waste liquids are to be allowed to enter the drainage system. An EPA approved waste collection system must be installed on site to collect such waste and if required, a trade waste agreement entered into with the relevant authority.
- 27. Prior to the commencement of works, application must be made to Council to obtain a Legal Point of Stormwater Discharge.
- 28. Prior to the issue of Certificate of Practical Completion for required engineering works, the Developer is to lodge a security bond to the Responsible Authority for 5% of the total actual documented cost of the engineering works (external infrastructure) based on

actual tender fees. This bond will be released following a satisfactory inspection, 52 weeks after a Certificate of Practical Completion is issued.

29. Following completion of all works, and prior to commencement of use of the development hereby permitted, "as constructed" drawings for Council Assets must be submitted and accepted by the Council. The preferred format of the drawings are AutoCAD *.DWG or *.DXF.
30. Any damage to Council assets such as street trees, roads and stormwater infrastructure, must be repaired at the cost of the developer to the satisfaction of the Responsible Authority, prior to the commencement of use of the development hereby permitted.
31. All construction and ongoing activities must be in accordance with sediment control principles outlined in '*Construction Techniques for Sediment Pollution Control*' (EPA, 1991).

Department of Transport Conditions

32. No access will be permitted from the subject land to the Maroondah Highway. All access is to be provided via Station Street as shown on the plan appended to the application.
33. Prior to the commencement of the use the following must be completed to the satisfaction of and at no cost to Head, Transport for Victoria:
 - a. A Functional Layout Plan must be submitted to and approved by the Head, Transport for Victoria. When approved by the Head, Transport for Victoria, the plans must be endorsed by the Responsible Authority and will then form part of the permit. The plans must show:
 - i. Details of information signage for westbound traffic on Maroondah Hwy to alert motorists to the service road
 - b. All the works must be undertaken in accordance with the approved Functional Layout Plan.

Goulburn Valley Water Conditions

34. 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;

35. 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 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

36. This permit as it relates to the development of land will expire if any of the following circumstances arise:
 - a. the development does not start within two (2) years of the date of issue of the permit;
or
 - b. the development is not completed within four (4) years of the date of issue of the permit.

This permit as it relates to the sale and consumption of liquor will expire if any of the following circumstances arise:

- c. the use does not commence within two (2) years of the completion of the development; or
- d. the use ceases for a period of two (2) or more years.

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

13.3. Community and Corporate Services Directorate

13.3.1. Annual Financial Statements 2021-22

Councillor Steve Rabie/Councillor Rohan Webb:

1. Approves in principle the Financial Statements of Mansfield Shire Council for the year ended 30 June 2022; and
2. Authorises Cr James Tehan and Cr Mark Holcombe to certify the Mansfield Shire Council Financial Statements for the year ended 30 June 2022 on behalf of Council, subject to any amendments or changes made as required by the Victorian Auditor General's Office.

CARRIED

13.3.2. Performance Statements 2021-2022

Councillor Mark Holcombe/Councillor Steve Rabie:

1. Approves in principle the Performance Statements of Mansfield Shire Council for the year ended 30 June 2022; and
2. Authorises Cr James Tehan and Cr Mark Holcombe to certify the Performance Statements of Mansfield Shire Council for the year ended 30 June 2022, subject to any amendments or changes made as required by the Victorian Auditor General's Office.

CARRIED

13.3.3. TNE Quarter Four Report

Councillor Rohan Webb/Councillor Mark Holcombe:

THAT COUNCIL receives and notes the Quarter 4 report from Tourism North East for 2021-22.

CARRIED

13.3.4. Rural Councils Transformation Program - MOU and Governance Structure

Councillor Mark Holcombe/Councillor Steve Rabie:

THAT COUNCIL:

1. Notes the receipt of a grant of \$1million for the Rural Council Transformation Program (RCTP) entitled 'Lifting Service Performance Through Shared Technology and Collaboration project' from the Department of Jobs, Precincts and Regions.
2. Authorises the Chief Executive Officer to sign the Memorandum of Understanding between Mansfield Shire Council (the lead Council) and the Rural City of Benalla, Murrindindi Shire Council and Strathbogie Shire Council.

CARRIED

13.3.5. Nomination of Substitute: MAV State Council Meeting 14 October 2022

Councillor Steve Rabie/Councillor Rohan Webb:

THAT COUNCIL appoint Councillor Paul Sladdin as the substitute representative to the Association for the State Council Meeting to be held on Friday 14 October 2022.

CARRIED

14. Council Meeting Resolution Actions Status Register

Councillor Mark Holcombe/Councillor Rohan Webb:

THAT COUNCIL receive and note the Council Resolutions Register as at 15 September 2022.

CARRIED

15. Advisory and Special Committee reports

15.1. Audit & Risk Committee Meeting Agenda & Minutes

Councillor Steve Rabie/Councillor Rohan Webb:

THAT COUNCIL receive the Agenda & Minutes of the Mansfield Shire Audit and Risk Committee meeting held 14 September 2022.

CARRIED

16. Authorisation of sealing of documents

Nil

18. Close of meeting

The Council Meeting Agenda - 20 September 2022 was closed at 6:49 pm.

CONFIRMED this **eighteenth** day of **October 2022**



Mayor