



Mansfield Shire

MINUTES

Council Meeting

Tuesday 15 August 2023

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
- Councillors Tehan
- Councillor Webb

In Attendance:

Acting Chief Executive Officer:

Melissa Crane

Acting General Manager Infrastructure & Planning:

Nick Maple

General Manager Business & Economic Development:

Julie Williams

EA Mayor & CEO:

Chelsea Young

Interim Coordinator Governance & Risk:

Jane Carter

Manager Major Projects:

Kurt Heidecker

Coordinator Statutory Planning:

Nicole Embling

Coordinator Capital Works:

Tony Morse

3. Apologies

Councillor Paul Sladdin and Kirsten Alexander

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 Steve Rabie 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

Melissa Crane declared a conflict of interest in respect of item 18.1. 'Closed Landfills Environmental Monitoring and Reporting Services'.

7. Confirmation of minutes

Councillor Mark Holcombe/Councillor Rohan Webb:

THAT the Minutes of the Mansfield Shire Council meeting held on 18 July 2023 be confirmed as an accurate record.

CARRIED

8. Representations

Item 13.2.1 'P133/22 – 1/229 Paps Lane Mansfield'

- Cemlyn Martin
- Frank Gogol
- Matt Leggett
- Jim Hilbert
- Belinda Caldow

9. Notices of motion

Nil

10. Mayor's report

Councillor Mark Holcombe/Councillor Rohan Webb:

THAT COUNCIL receive the Mayor's report for the period 19 July 2023 to 3 August 2023.

CARRIED

11. Reports from council appointed representatives

Nil

12. Public question time

Question 1

Councilwatch

Can council please advise the dollar (\$) amount of "cost shifting from State Government" they estimate they incurred in 2022/23 Financial Year?

Answer:

Cost shifting is an important issue for all councils. Mansfield Shire Council is currently not capturing data on cost shifting. While we do understand that a number of larger councils have commenced measuring the financial impact of cost shifting of services from the State Government to their Council, given Mansfield Council's systems and resources we are not in a position to complete the work required at this stage.

Council will continue to work with both State and Federal Governments to ensure the long-term, financial sustainability of Council.

13. Officer reports

13.1. Chief Executive Officer's report

Councillor Steve Rabie/Councillor Mark Holcombe:

THAT COUNCIL receive and note the Chief Executive Officer's report for the period 19 July 2023 to 9 August 2023.

CARRIED

13.2. Infrastructure and Planning Directorate

13.2.1. P133/22 - 1/229 Paps Lane Mansfield

Councillor Steve Rabie/Councillor Rohan Webb:

THAT COUNCIL issue a Notice of Decision to Grant a Planning Permit for Planning Application P133/22 to allow for the Use and development of land for a dwelling, outbuilding and group accommodation (3 Cabins) on Lot 2 on Lot Plan 90631, commonly addressed as 1/229 Paps Lane, Mansfield in accordance with the endorsed plans and subject to the following conditions:-

Amended Plans

1. Before the use and/or development commences, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application submitted, but modified to show:
 - a. A building and activity envelope for the group accommodation cabins, with an area not exceeding 1 hectare of the subject site, that comprises the extent of area available for use to guests to the site.
 - b. A nominated domestic curtilage envelope for the dwelling, not exceeding 5,000m² in area (excluding accessways), comprising area for domestic services, outbuildings, appurtenances and the like.
 - c. A minimum reserve water supply onsite for firefighting purposes of 10,000L for the dwelling and 20,000L for the Group Accommodation buildings, within close proximity to the respective buildings.
 - d. The area of Cultural Heritage Sensitivity suitably fenced and excluded from activities on the land.
 - e. Suitable stock exclusion fencing a minimum of 30 metres either side of the unnamed eroded gully waterway, in accordance with the requirements of the Goulburn Murray Water Condition No. 36.
 - f. Fencing or suitable plantings to restrict vehicle and stock access to the wastewater disposal area.
 - g. Details of all hard surface areas and finishes, including accurate dimensions for internal accessways and car parking areas.
 - h. A Landscaping Plan in accordance with Condition 3 of this permit.
 - i. Native plantings within the fenced area of the unnamed eroded gully waterway, in accordance with the requirements of the Goulburn Murray Water Condition No. 36.

Endorsed Plans

2. The use and development must be in accordance with the endorsed plans forming part of this permit and must not be altered without the prior written consent of the Responsible Authority.

Landscaping

3. Concurrent with the plans required by Condition 1 of this permit, a detailed 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 plan must be drawn to scale and fully dimensioned.

- a. A planting schedule of all proposed vegetation (trees, shrubs and ground covers), which includes botanical names, common names, pot size, mature size and total quantities of each plant;
 - b. A mixture of lower, middle and upper storey vegetation, to provide an effective visual screen of at least 6 metres in height along the northern boundary and the eastern waterway for a buffer of 30 metres;
 - 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. Each individual plant shown clearly on the plan;
 - e. Features such as fencing, garden beds, paths, paving and accessways;
 - f. All planting abutting the accessway(s) to have a maximum mature height of no more than 900mm (extending at least 2 metres along the frontage road from the edge of an exit lane and 2.5 metres along the exit lane from the frontage) in accordance with the requirements Clause 52.06-9 (Design Standards for car parking) of the Mansfield Planning Scheme;
 - g. The use of drought-tolerant species, where practicable; and
 - h. An appropriate irrigation system, including stormwater re-use where practicable.
4. Before the use starts or prior to the occupancy of any of the developments approved by this permit, or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
5. The landscaping shown on the endorsed plans must be maintained for the life of the use and development to the satisfaction of the Responsible Authority, including that any dead, diseased, dying or damaged plants are to be replaced with like for like replacements of the same or greater size.

Section 173 Agreement

6. Prior to the commencement of use for Group Accommodation, the permit holder must enter into an agreement with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act 1987, to the effect that:
- a. The Group Accommodation buildings must not be used as permanent residence (Dwellings).
 - b. If the use of the land for Group Accommodation ceases for a period of more than two years, the building(s) must be removed from the land within three months or otherwise decommissioned to be non-habitable outbuildings.

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

Land Management

7. The land must be managed in accordance with the endorsed Environmental Management Plan, to the satisfaction of the Responsible Authority. This condition continues to have force and effect once the development approved is completed.
8. The area of Cultural Heritage Sensitivity must be fenced at all times and excluded from any activities relating to the Group Accommodation.

Maximum Number of Guests

9. Except with the prior written consent of the Responsible Authority, each Group Accommodation Unit must only accommodate a maximum of four (4) persons at any one time.

Land Use and Amenity

10. Noise levels associated with the use must at all times comply with the Environment Protection Regulations under the Environment Protection Act 2017.

11. The external materials of the buildings, including the roof, must be constructed of materials of muted colours to protect the aesthetic amenity of the area. No materials having a highly reflective surface must be used. For the purpose of this clause "highly reflective" includes unpainted or untreated aluminium, zinc or similar materials.
12. All waste areas must be sited and screened so as to not be visible from abutting road(s) or adjoining properties, to the satisfaction of the Responsible Authority.
13. The use 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, wastewater, waste products, grit or oil; or
 - d. Presence of vermin.
14. The outbuilding(s) must not be used for human habitation at any time.
15. The outbuilding(s) must not be used until such time as an occupancy certificate is issued for the dwelling, or at such other time as may be agreed in writing by the Responsible Authority.
16. The development must be connected to reticulated sewerage, if available. If reticulated sewerage is not available all wastewater from the dwelling must be treated and retained within the lot in accordance with the requirements of the Environment Protection Regulations under the Environment Protection Act 2017 for an on-site wastewater management system.
17. The development must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for firefighting purposes.
18. The development must be connected to a reticulated electricity supply or have an alternative energy source.

Car Parking and Access

19. The car parking spaces, access lanes, driveways and associated works and landscaping shown on the plan must be:
 - a. constructed and available for use in accordance with the plan approved by the responsible authority; and
 - b. formed to such levels and drained so that they can be used in accordance with the plan; and
 - c. treated with an all-weather seal or some other durable surface; and
 - d. line-marked or provided with some other adequate means of showing the car parking spaces; and
 - e. be of sufficient dimension to accommodate emergency vehicles.

Engineering

20. Prior to the commencement of use the existing access within the road reserve is to be sealed for a minimum of 5 metres from the edge of the existing seal. Suitable engineering design drawings must be approved by Council.
21. 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.
22. Before the commencement of use of any use permitted by this permit, 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.
23. Except with the written consent of the Responsible Authority, the use permitted must not commence until the development has been completed to the satisfaction of the Responsible Authority in accordance with the permit and endorsed plans (including, but not limited to built form and layout, access lanes, landscaping and drainage).
24. Before the development is occupied or the use commenced, any damage to Council infrastructure resulting from the development must be reinstated:
- a. At the full cost of the permit holder; and
 - b. To the satisfaction of the Responsible Authority.

Environmental Health

25. Prior to the commencement of works, an Application for a Permit to Install a septic tank system must be submitted and approved by Council prior to any installation.
26. The onsite wastewater disposal system must be developed in accordance with the Land Capability Assessment prepared by Geoplan – Geoscience + Planning (dated May 2022), or otherwise amended with the written consent of the Responsible Authority.
27. 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.
28. The wastewater disposal area must be kept free of stock, buildings, driveways, car parking and service trenching and must be planted with appropriate vegetation to maximise its performance. Unless wastewater disposal is by subsurface irrigation methods, 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.
29. All sewage and sullage shall be treated in accordance with the requirements of the Responsible Authority. All effluent shall be disposed of and contained within the curtilage of the property in accordance with the EPA Code of Practice On Site Wastewater Management and the Australian Standards AS 1547 - 2000 Disposal Systems for Effluent from Domestic Premises and AS/NZS 1547:2000/2012 On-site Domestic- Wastewater Management.
30. Prior to the commencement of any works the permit holder must ensure that any obligations or duties that arise under the Environment Protection Act 2017 are met. This may include obtaining an EPA permission, approval, or exemption in accordance with the Environment Protection Regulations 2021.

Goulburn Broken Catchment Management Authority

31. The finished floor levels of the proposed dwelling and group accommodation must be constructed at least 300 millimetres above the highest existing ground level underneath the building footprint or higher level deemed necessary by the responsible authority. In terms of the building footprint, it excludes all associated non-habitable areas such as the garage, carport, patio, verandah areas and the like.
32. The proposed buildings, including sheds must achieve setbacks consistent with the requirements of Guidelines for the Protection of Water Quality (NEPRC, 2016).
33. The proposed septic system, including effluent fields (if required) must achieve setbacks consistent with the requirements of Guidelines for the Protection of Water Quality (NEPRC, 2016).

34. A Works on Waterways Permit (obtained from the Goulburn Broken CMA) will be required prior to the commencement of any works in or within the surrounds of a Designated Waterway

Goulburn Murray Water

35. No buildings are to be constructed within 30 metres of any waterways or within 50 metres of Full Supply Level (288.9 metres AHD) of Lake Eildon.
36. A 30 metre wide buffer strip of native vegetation must be established and maintained either side of the unnamed eroded gully waterway that runs from Paps Lane to Lake Eildon through the subject land. Stock must be prevented from having access to this area.
37. All construction and ongoing activities must be in accordance with sediment control principles outlined in EPA Publication 275, Construction Techniques for Sediment Pollution Control (May 1991). There must be no transport of sediment or other materials off-site either during or following construction.
38. All wastewater from the dwelling and each of the cabins must be treated to a standard of at least 20mg/L BOD and 30mg/L suspended solids using a package treatment plant(s) or equivalent. The system(s) must be an EPA approved system, installed, operated and maintained in accordance with the relevant EPA Code of Practice and Certificate of Conformity.
39. The wastewater disposal area must be at minimum setback distances of 300 metres from the Full Supply Level (288.9 m AHD) of Lake Eildon, 100 metres from the nearest waterway, 60 metres from any dams, 20 metres from any bores and 40 metres 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.
40. The wastewater disposal area must be kept free of stock, buildings, driveways, car parking and service trenching and must be planted with appropriate vegetation to maximise its performance. Stormwater must be diverted away.
41. Any works across a waterway such as crossings or wastewater pipework must be in accordance with any relevant Works on a Waterway permit required by the Goulburn Broken Catchment Management Authority.

Permit Expiry

42. This permit will expire if one of the following circumstances applies:
- a. The development is not commenced within two (2) years of the date of this permit; or
 - b. The development is not completed within four (4) years of the date of this permit; or
 - c. The use is not commenced within two (2) years of the completion of the development; or
 - d. The use ceases for a period of two (2) or more years.

In accordance with Section 69 of the *Planning and Environment Act 1987*, an application may be submitted to the Responsible Authority for an extension of the periods referred to in this condition.

Notations

1. This permit does not authorise the commencement of any building works. Building approval must be obtained prior to the commencement of any approved works.
2. Before any earthworks are undertaken, it is recommended that you contact 'Dial Before You Dig' on 1100.
3. A site assessment for determining the bushfire attack level (BAL) in relation to the construction of a building has not been considered as part of this planning permit.

4. An application for works within a road reserve is required to be made prior to commencing any works on the road reserve and must comply with the requirements of the Road Management Act 2004.
5. The permit holder acknowledges and accepts that the possibility of nuisance from adjoining or nearby agricultural operations may occur. The possible off-site impacts include but are not limited to dust, odour, waste, vibration, soot smoke, or the presence of vermin, from animal husbandry, animal waste, spray drift, agricultural machinery, pumps, trucks and associated hours of operation. In acknowledging the existence of the agricultural operations being conducted from adjoining or nearby land, the permit holder and guests of the accommodation shall not make complaint against lawful agricultural activities on the adjoining or nearby land.
6. Any failure to comply with the conditions of this permit may result in action being taken to have an Enforcement Order made against some or all persons having an interest in the land and may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.

CARRIED

13.3. Community and Corporate Services Directorate

13.3.1. Petitions Policy

Councillor Mark Holcombe/Councillor Rohan Webb:

THAT COUNCIL revokes the Petitions Policy and notes that the Petitions Procedure will be publicly available on Council's website.

CARRIED

13.3.2. Commemorative Plaques and Other Markers Policy

Councillor Mark Holcombe/Councillor Rohan Webb:

THAT COUNCIL endorse the Commemorative Plaques and Other Markers Policy.

CARRIED

13.3.3. Insurance and WorkCover Premiums

Councillor Steve Rabie/Councillor Rohan Webb:

THAT COUNCIL:

1. Authorises the Chief Executive Officer to approve payment of invoices relating to Mansfield Shire Council's 2023-24 insurance renewal for a total amount of \$427,581.80 (ex GST), and
2. Authorises the Chief Executive Officer to approve payment of Mansfield Shire Council's 2023-24 Work Cover premium for an amount not exceeding \$237,984.07 (ex GST).

CARRIED

13.3.4. Independent Audit Member Recommendation

Councillor Mark Holcombe/Councillor Steve Rabie:

THAT COUNCIL appoints Ms Moh-Lee Ng to the Mansfield Shire Council Audit and Risk Committee for a second three-year term commencing 13 November 2023.

CARRIED

13.4. Executive Services Directorate

13.4.1. Proposed Motion for the Municipal Association of Victoria State Council Meeting

Councillor Steve Rabie/Councillor Rohan Webb:

THAT COUNCIL endorse the following motion and supporting rationale for submission to the MAV State Council Meeting on 13 October 2023:

- That the MAV advocates to the Victorian Government to not implement IBAC Recommendations 10 and 11 from the Operation Sandon Report due to fact that this would take away the ability of local communities to exercise their democratic rights on local planning matters that may impact on them. The Minister currently has the power to call in planning items and there is an established Planning Panel process.

CARRIED

14. Council Meeting Resolution Actions Status Register

Councillor Rohan Webb/Councillor Mark Holcombe:

THAT Council receive and note the Mansfield Shire Council Meeting Resolution Actions Status Register as at 9 August 2023.

CARRIED

15. Advisory and Special Committee reports

Nil

16. Authorisation of sealing of documents

Nil

17. Closure of meeting to members of the public

Councillor Rohan Webb/Councillor Mark Holcombe:

THAT COUNCIL close the meeting to members of the public under Section 66(2)(a) of the Local Government Act 2020 to consider Confidential Reports in accordance with section 66(2) of the Local Government Act 2020 for reasons defined in section 18 below.

CARRIED

The Council Meeting Agenda 15 August 2023 was closed to the public at 7:15 pm.

Melissa Crane left the meeting at 7:15 pm.

18. Confidential Reports

18.1. Closed Landfills Environmental Monitoring and Reporting Services

Councillor Steve Rabie/Councillor Rohan Webb:

THAT COUNCIL:

1. Awards SMEC a three-year fixed price contract for quarterly ground water, surface water and land fill gas sampling, testing and reporting services for the closed landfills for a total sum of \$315,148.00 (ex GST).
2. Authorises the Chief Executive Officer to execute the contract.
3. Makes this resolution public by including it in the public minutes of the meeting.

CARRIED

Melissa Crane returned to the meeting at 7:20 pm.

18.2. Tender Award: Apollo & High St Drainage Works

Councillor Mark Holcombe/Councillor Rohan Webb:

THAT COUNCIL:

1. Award a lump sum contract to Alpine Civil for the total amount of \$652,070.00 (ex. GST) for the construction of Stormwater Drainage Works: Corner Apollo Street and High Street.
2. Approves an additional 10% construction contingency of \$65,207.00 (ex. GST).
3. Authorises the Chief Executive Officer to execute the contract.
4. Makes this resolution public by including it in the public minutes of the meeting.

CARRIED

18.3. Award of Contract: Infrastructure Plan

Councillor Mark Holcombe/Councillor Rohan Webb:

THAT COUNCIL

1. Award Tomkinson a fixed price contract for the preparation of the Mansfield Township Infrastructure Plan in the amount of \$349,000 (ex GST).
2. Authorises the Chief Executive Officer to execute the contract.
3. Makes this resolution public by including it in the public minutes of the meeting.

CARRIED

19. Reopen meeting to members of the public

Councillor Mark Holcombe/Councillor Rohan Webb:

THAT COUNCIL reopen the meeting to the public and resume transmission and this resolution be made public.

CARRIED

Council re-opened the meeting at 7:39 pm.

20. Close of meeting

The Council Meeting Agenda 15 August 2023 was closed at 7:40 pm.

CONFIRMED this **nineteenth** day of **September 2023**

Mayor