

OFFICIAL



Mansfield Shire

MINUTES

Council Meeting

Tuesday 16 September 2025

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.

Agenda Contents

1. Opening of the meeting	4
2. Present	4
3. Apologies.....	4
4. Statement of commitment	4
5. Acknowledgement of Country	4
6. Disclosure of conflicts of interest.....	4
7. Confirmation of minutes	5
8. Representations	5
8.1. Deputations.....	5
8.2. External Presentations.....	5
9. Notices of motion.....	5
10. Mayor's report	5
11. Reports from council appointed representatives	5
12. Public question time	5
13. Officer reports.....	7
13.1. Chief Executive Officer's report	7
13.2. Investment and Planning	7
13.2.1. Planning Permit Application: P062-25 - 27 Hunter Street Mansfield.....	7
13.2.2. Planning Permit Application: P245-22 - 151 Monkey Gully Road Mansfield.....	9
13.2.3. Asset Plan 2025-2035	17
13.3. People, Communications and Governance	17
13.3.1. Governance and Management Checklist 2024-25	17
13.3.2. Instruments of Delegation and Appointment Authorisation - S5 & S6.....	18
13.3.3. Councillor Professional Development Policy.....	18
13.3.4. Independent Audit Member Recommendation.....	18
13.4. Executive Services Directorate	18
13.4.1. Financial Statements 2024-25.....	18
13.4.2. Performance Statements 2024-25	19
14. Council Meeting Resolution Actions Status Register	19
15. Advisory and Special Committee reports	19
15.1. Audit & Risk Committee Meeting Agenda & Minutes.....	19
15.2. Audit & Risk Committee - Chair's Report to Council.....	19
16. Authorisation of sealing of documents	19
17. Closure of meeting to members of the public.....	19
18. Confidential Reports.....	20
18.1. Tender Award: Reconstruction & Reseal Preparation Program 25-26	20
18.2. Tender Award: Mansfield Heritage Museum	20

18.3. CEO 12 Month Performance Review.....20

19. Reopen meeting to members of the public.....20

20. Close of meeting20

1. Opening of the meeting

Councillor Steve Rabie opened the meeting at 5:00 pm.

2. Present

- Councillor Rabie
- Councillor Tehan
- Councillor Treasure
- Councillor Clark
- Councillor Berenyi

In Attendance:

Chief Executive Officer:

General Manager Investment & Planning:

Manager People, Communications & Governance:

Acting Executive Manager Capital Works & Operations:

Coordinator Capital Works:

Manager Engineering Services:

Coordinator Governance & Risk:

Senior Coordinator Planning:

Coordinator Asset Management:

Financial Controller:

Kirsten Alexander

Melissa Crane

Tanya Tabone

Justin Hotton

Fabian Rukshan

Imad Khan

Chelsea Young

Nicole Embling

Sujita Sharma

Michael McCormack

3. Apologies

Nil

4. Statement of commitment

Councillor Steve Rabie 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 Model Code of Conduct. We will, at all times, faithfully represent and uphold the trust placed in us by the community."

5. Acknowledgement of Country

Councillor James Tehan recited Council's Acknowledgement of Country:

"Our meeting is being held on the traditional lands of the Taungurung people. We wish to acknowledge them as the traditional custodians and pay our respects to their Elders past and present. We extend that respect to all members of our community."

6. Disclosure of conflicts of interest

Cr Tim Berenyi declared a conflict of interest in respect of item 18.2 'Tender Award: Mansfield Heritage Museum'.

7. Confirmation of minutes

Councillor Bonnie Clark/Councillor Tim Berenyi:

THAT the Minutes of the Mansfield Shire Council meeting held on 19 August 2025 be confirmed as an accurate record.

CARRIED

8. Representations

8.1. Deputations

13.2.2. 'Planning Permit Application P245-22 - 151 Monkey Gully Road Mansfield'

- Paul Truong (Applicant)

8.2. External Presentations

Julie Aldous presented Councillors with the Medal of the Order of Timor-Leste.

9. Notices of motion

Nil

10. Mayor's report

Councillor Tim Berenyi/Councillor Bonnie Clark:

THAT COUNCIL receive the Mayor's report for the period 20 August 2025 to 10 September 2025.

CARRIED

11. Reports from council appointed representatives

Councillor Bonnie Clark/Councillor Mandy Treasure:

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

CARRIED

12. Public question time

Question 1:

From Richard Heath: The land zoning in Goughs Bay opposite properties 9,10,11,12 and 13 Lake Valley Drive between the road and the lake is zoned Public Park and Recreation Zone (PPRZ) does the CEO or Council have plans to rezone this area in any way to stop construction of any type?

Response: There are currently no plans to rezone the land opposite 9 to 13 Lake Valley Drive, Goughs Bay.

Question 2:

From Richard Heath: In the Council Report related to the Goughs Bay Playground (File number E12087), why has it not been noted for Councillor consideration that an offer was made to erect a playground fence for free by a local resident around the community's chosen spot?

Response: The report lists a range of factors that were taken into consideration for the final site location. The offer of the fence at the initial site on Lake Valley Drive was welcomed by Council officers. However, it preceded the final site selection and did not address the other concerns raised by community members as discussed at the site walk on 31 May.

Question 3:

From Donna Heath: The CEO acknowledged that the community consultation process did not follow Council's standard practice. Did the following engagement processes take place as a result of this initial engagement not following process?

Response: Council's community engagement policy and processes outline the importance of transparent community consultation. We ask for feedback from the community, listen to concerns and act in the best interests of our community. We take community feedback into account when weighing up the many factors that go into making a decision. In this case, Council officers did not send direct letters to those who lived near the playground, which would be what Council would consider standard process. At the same time, it became evident that there was division in the community around where the playground should be located. For these reasons, Council took a lead role in facilitating the community consultation process to better understand the issues and concerns being raised by community members.

Question 4:

From Donna Heath: Given that the planning scheme states there is no need for a planning permit and therefore notification to the community is not required, are the Councillors going to reevaluate their decision to move the playground back to where the community voted for it to be in the first place?

Response: Council has decided on an appropriate location which considers community feedback as well as a range of other factors, such as safety, proximity to the water, traffic, views, accessibility to visitors, natural shade and other infrastructure and attractions in the area. The notification process required as part of the planning scheme is not required in this instance, due to its size and the zone it is in, as noted in the question. While a planning permit is not required, the requirement to notify the community under the planning scheme is not the only reason Council engages and consults with community in accordance with its policy.

13. Officer reports

13.1. Chief Executive Officer's report

Councillor James Tehan/Councillor Tim Berenyi:

THAT COUNCIL receive and note the Chief Executive Officer's report for the period 1 August 2025 to 31 August 2025.

CARRIED

13.2. Investment and Planning

13.2.1. Planning Permit Application: P062-25 - 27 Hunter Street Mansfield

Councillor Tim Berenyi/Councillor Bonnie Clark:

THAT COUNCIL resolves to issue a Planning Permit for Application P062-25 for a Three (3) Lot Re-Subdivision at Lot 1 on Plan of Subdivision 821313A and Lot 2 on Plan of Subdivision 821313A, commonly known as 27 Hunter Street and 2/27 Hunter Street Mansfield, subject to the following conditions:

Endorsed Plans

1. The subdivision approved under this permit must be undertaken in accordance with the plans endorsed and forming part of this permit.

Subdivision Conditions

2. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities and electricity services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time
3. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created
4. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.
5. The owner of the land must enter into an agreement with:
 - a. a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
 - b. a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
6. Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:
 - a. a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
 - b. a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

Engineering

7. Prior to the issue of Statement of Compliance, a new sealed crossover for Lot 1 and Lot

2 must be constructed in accordance with Councils Infrastructure Design Manual to the satisfaction of the Responsible Authority. A design drawing must be submitted to Council for review before the construction starts and all the works must be done according to the approved drawing.

8. Prior to any works proceeding within the road reserve, an application for Works Within Roads Reserve Permit shall be made.
9. Prior to the issue of Statement of Compliance, an agreement under Section 173 of the *Planning and Environmental Act 1987* must be entered into with the Responsible Authority for a rainwater tank to be connected to any dwellings connected on Lots 1 and 2 with a capacity not less than 5,000 litres, or as agreed with the Council. The tanks must be installed and connected to toilet system, laundry washing machine taps and garden watering.

The Section 173 Agreement must be prepared by Councils Solicitors, and all associated costs borne by the permit holder.

A written request to commence the Section 173 Agreement must be submitted to Council.

10. Interrupted overland flow from this development must not impact on the adjacent lots.
11. Any damage to Council assets such as roads and stormwater infrastructure, must be repaired at the cost of the developer to the satisfaction of the Responsible Authority.
12. All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).

Ausnet Electricity Services

13. The plan of subdivision submitted for certification must be referred to AusNet Electricity Services Pty Ltd in accordance with Section 8 of the subdivision Act 1988.
14. The applicant must –
15. Enter into an agreement with AusNet Electricity Services Pty Ltd for the extension, upgrading or rearrangement of the electricity supply to lots on the plan of subdivision. A payment to cover the cost of such work will be required.
16. Provide electricity easements internal and external to the subdivision in favour of AusNet Electricity Services Pty Ltd to service the lots on the plan of subdivision and/or abutting lands as required by AusNet Electricity Services Pty Ltd. The provision of reserves for electricity substations may also be required.

Goulburn Valley Water

17. Payment of new customer contribution charges for water supply to the development, such amount being determined by the Corporation at the time of payment.
18. Provision of a reticulated water supply and associated construction works to each allotment within the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation. (If water supply concept plan is adopted).
19. Provision of one water tapping per Lot at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation.
20. Any existing water service that crosses any of the proposed allotment boundaries within the proposed development must be disconnected and re-located at the developer's expense, to be wholly within one allotment only, including notification of the proposed lot to be serviced by the existing water meter, to the satisfaction of the Goulburn Valley Region Water Corporation.
21. Payment of new customer contributions charges for sewerage services to the development, such amount being determined by the Corporation at the time of payment.
22. Provision of sewerage connection points with an inspection opening to each allotment within the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water

Corporation.

23. Provision of easements in favour of the Goulburn Valley Region Water Corporation over all existing and proposed gravity sewer mains located within private property.
24. The operator under this permit shall be obliged to enter into an Agreement with Goulburn Valley Region Water Corporation relating to the design and construction of any sewerage or water works required. The form of such Agreement shall be to the satisfaction of Goulburn Valley Water. A copy of the format of the Agreement will be provided on request. (If water supply concept plan is adopted).
25. The plan of subdivision lodged for certification is to be referred to the Goulburn Valley Region Water Corporation pursuant to Section 8(1) of the Subdivision Act 1988.

Permit Expiry

26. This permit will expire if one of the following circumstances applies:
 - a. The plan of subdivision is not certified within three (3) years of the date of this permit.
 - b. The subdivision is not completed within five (5) years of the date of certification of the plan of subdivision.

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.

CARRIED

13.2.2. Planning Permit Application: P245-22 - 151 Monkey Gully Road Mansfield

Councillor James Tehan/Councillor Mandy Treasure:

THAT COUNCIL issue a **Notice of Decision to Grant a Permit** for *development of land for twenty-one (21) Warehouses, twenty-two (22) lot subdivision, removal and destruction of native vegetation, and reduction of car parking (3 spaces)* at 151 Monkey Gully Road, Mansfield, subject to the following conditions:

Endorsed Plans

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

External Cladding

3. The external materials of the buildings and associated infrastructure, including the roof of buildings and water tanks, must be constructed of materials of muted colours. No materials having a highly reflective surface are to be used. For the purpose of this clause "highly reflective" includes unpainted or untreated aluminium, zinc or similar materials.

Landscaping

4. Prior to the certification of the plan of subdivision and commencement of works, a landscaping plan must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will form part of the permit. The plans must be drawn to scale with dimensions. The plans must include:
 - a. Landscaping within the front boundary abutting Monkey Gully Road.
 - b. Landscaping within the development.
 - c. Canopy Trees, where appropriate.

Once approved the plans will be endorsed to form part of this permit.

5. Prior to the issue of a Statement of Compliance, or completion of works, whichever occurs first, the landscaping must be completed to the satisfaction of the Responsible Authority.

Subdivision

6. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
7. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
8. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.
9. The owner of the land must enter into an agreement with:
 - a. telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
 - b. a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
10. Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:
 - a. telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
 - b. suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

Public Open Space

11. The permit holder must make a contribution for public open space of a minimum 5% of the land.

Before the Statement of Compliance is issued under the Subdivision Act 1988, the monetary contribution must be paid. The Responsible Authority may delay the time for payment of the monetary contribution by agreement in writing with the permit holder.

Amenity

12. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
 - a. transport of materials, goods or commodities to or from the land
 - b. appearance of any building, 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
 - d. presence of vermin.to the satisfaction of the responsible authority.
13. At all times noise emanating from the land must comply with the requirements of the Environment Protection Regulations 2021 (as amended from time to time) as measured in accordance with the Noise Protocol to the satisfaction of the responsible authority. Noise Protocol means the Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues, published by the Environment Protection Authority on its website, as in force from time to time.
14. 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.

15. 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 Venues (EPA Publication 1826, March 2021) or as amended to the satisfaction of the Responsible Authority.

Signs

16. Business identification signage is to have a total area no larger than 8 square metres per premises/lot and must not be illuminated in any way.

Environment

17. The Tree marked 'B' in the NVRID 382_20250310_OH9 within the Monkey Gully Road Reserve is to be retained. Any required pruning or maintenance will require a Works Within a Road Reserve Permit from Council prior to the commencement of any works.

Environmental Health

18. Any Onsite Wastewater Management Systems are to be decommissioned. Existing septic tanks will need to be deslugged, holed and backfilled with inert materials. Evidence of completion is required through the lodgement of a Plumbers Industry Certificate.
19. At all times noise emanating from the land must comply with the requirements of the Environment Protection Regulations 2021 as measured in accordance with the Noise Protocol to the satisfaction of the responsible authority.
Noise Protocol means the Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues, published by the Environment Protection Authority on its website, as in force from time to time.

Engineering

20. All design work must be conducted by a suitably qualified CPEng, RPEng or National Engineering Registered (NER) engineer, to the satisfaction of the Responsible Authority.

Engineering - Road Infrastructure

21. Prior to any works proceeding within the road reserve, an application for Works Within Roads Reserve Permit shall be made.
22. Before any works associated with the development commences, detailed design drawings in accordance with Councils Infrastructure Design Manual (IDM) must be provided and approved to the satisfaction of the Responsible Authority. All works carried out must be in accordance with the approved design drawings to the satisfaction of the Responsible Authority.
23. Before any works associated with the development commences the internal common property access pavement must be designed by a suitably qualified engineer to the satisfaction of the responsible authority. All works carried out must be in accordance with the approved design drawings to the satisfaction of the Responsible Authority.
24. Prior to the commencement of works and certification of the plan of subdivision, a Traffic Impact Assessment Report must be submitted to Council for review. The report must check if BAL/BAR are warranted on Monkey Gully Road by the development. The report must also consider the affects of nearby intersections and additional traffic by the IMPACT route project. Must include turning movements for the design vehicle in and out of the development and within the development. Any improvement measures required as per TIAR must be provided by the developer and at no cost to Council.
25. All road intersections, must be signed and line marked to be compliant with VicRoads Traffic Engineering Manual Volume 2.
26. Prior to the commencement of works, a Site Management Plan is to be submitted and approved by Council. The Plan must contain at minimum:
 - a. Protection of any significant native vegetation during the construction of roads, reticulated services and other infrastructure.
 - b. Prevention of adverse environmental impacts on existing waterways including

through run-off and siltation.

- c. Procedures to ensure access by construction vehicles during the construction does not impact the amenity of the surrounding neighbourhood.
- d. Measures in accordance with EPA Victoria Publication 960 Doing it right on subdivisions: Temporary environmental protection measures for subdivision construction sites

- 27. Prior to the issue of a Statement of Compliance, a 1.5-metre-wide concrete footpath must be constructed along one side of the road within the development in accordance with IDM and to the satisfaction of the Responsible Authority.
- 28. Prior to the issue of a Statement of Compliance a 2.5-metre-wide sealed shared path must be constructed along the frontage of the land within the Monkey Gully Road Reserve and must continue to the north-east, to connect with the existing path network along Highton Lane.
- 29. Disabled car parking spaces must be provided in accordance with the Disability Discrimination Act 1992.

Engineering - Drainage

- 30. Prior to commencement of any building and civil works, application must be made to Council to obtain a Legal Point of Stormwater Discharge.
- 31. Interrupted overland flow from this development must not impact on the adjacent lots.
- 32. Before any works associated with the development commences, a Stormwater Management Plan, drainage plans and computations to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. All works constructed or carried out must be in accordance with those plans to the satisfaction of the Responsible Authority.

The drainage plans must include:

- a. An on-site detention system designed by a suitably qualified engineering consultant to ensure no net increase in stormwater discharge from pre-development levels by the proposed development.
 - b. Measures to enhance stormwater discharge quality from the development including output from MUSIC, Stormupdated or similar with design calculation summaries of the treatment elements.
- 33. No industrial or commercial waste liquids are to be allowed to enter the drainage system. An EPA approved waste collection system shall be installed on site to collect such waste.

Engineering - Earthworks

- 34. The extent and depth of all proposed lot filling is to be denoted on the design plan. Where depths of fill on allotments exceed 300 mm, those areas are to be clearly differentiated from areas where the depths of fill are less than 300 mm.
- 35. Where the depth of fill exceeds 300mm, the fill is to be compacted in accordance with the Compaction Requirements of VicRoads Technical Specification.

Engineering - Lighting

- 36. The common property areas must be provided with suitable outdoor lighting that provides adequate illumination to the common property without affecting the general amenity of the area and of any nearby residents, to the satisfaction of the Responsible Authority.

Engineering - Asset Protection

- 37. Any damage to Council managed assets such as roads, footpaths, street trees and stormwater infrastructure, must be repaired at the cost of the developer to the satisfaction of the Responsible Authority.
- 38. All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).

Engineering - Administration, Permits, Fees and Charges

- 39. The Responsible Authority for plan checking and supervision must obtain, in writing, the

name of the Project Coordinator appointed to oversee the works and notification of commencement date prior commencing works.

40. Prior to the issue of a Statement of Compliance, the developer is required to pay to The Responsible Authority a cash contribution of:
0.75% of the total actual documented cost of the engineering works for the checking of engineering plans associated with the development approved herewith.

Country Fire Authority (CFA)

41. Hydrants

Prior to the issue of a Statement of Compliance under the Subdivision Act 1988 the following requirements must be met to the satisfaction of the CFA:

- a. Above or below ground operable hydrants must be provided. The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of building envelopes, the rear of the lots) must be 90 metres and the hydrants must be no more than 120 metres apart. These distances must be measured around lot boundaries.
- b. The hydrants must be identified with marker posts and road reflectors as applicable to the satisfaction of the Country Fire Authority.

Note –CFA’s requirements for identification of hydrants are specified in ‘Identification of Street Hydrants for Firefighting Purposes’ available under publications on the CFA web site (www.cfa.vic.gov.au).

42. Common Property Access

- a. Access must be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable road width
- b. The average grade must be no more than 1 in 7 (14.4%) (8.1 degrees) with a maximum of no more than 1 in 5 (20%) (11.3 degrees) for no more than 50 meters. Dips must have no more than a 1 in 8 (12%) (7.1 degree) entry and exit angle.
- c. Curves in driveway must have a minimum radius of 10 metres.
- d. Must provide a minimum trafficable width of 3.5 metres, be clear of encroachments 4 metres vertically and have no obstructions within 0.5 metres either side of the formed width of the road, to the satisfaction of the Responsible Authority.

Department of Energy, Environment and Climate Action (DEECA)

43. Notification of Permit Conditions

Before works start, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and associated statutory requirements or approvals.

44. Native vegetation permitted to be removed, destroyed or lopped

The native vegetation identified in NVRID ID 382_20250310_OH9 (dated 10/03/2025) and permitted to be removed, destroyed or lopped under this permit is 0.152 hectares of native vegetation, which is comprised of:

- a. 0.011 hectares patches of native vegetation
- b. 0.141 hectares of scattered trees, including 2 large trees

45. Native vegetation offsets

To offset the removal of 0.152 hectares of native vegetation, the permit holder must secure a native vegetation offset in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017). The permit holder must secure the following offsets:

- a. A general offset of 0.032 general habitat units:
 - i. located within the Goulburn Broken Catchment Management boundary or Mansfield Shire municipal area

- ii. with a minimum strategic biodiversity value of at least 0.272
- b. The offset(s) secured must provide protection of two (2) large trees.

46. Offset evidence

- a. Before any native vegetation is removed, evidence that the required offset for the project has been secured must be provided to the satisfaction of the responsible authority. This evidence must be one or both of the following:
 - i. an established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10-year management actions and ongoing management of the site,
 - ii. credit extract(s) allocated to the permit from the Native Vegetation Credit Register.
- b. A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit.

47. Protection of vegetation to be retained

- a. Before works start, a native vegetation protection fence must be erected around all patches of native vegetation and scattered trees to be retained on site. This fence must be erected around any retained patch of native vegetation at a minimum distance of two (2) metres from retained native vegetation and/or at a radius of 12 × the diameter at a height of 1.3 metres to a maximum of 15 metres but no less than 2 metres from the base of the trunk of tree. The fence must be constructed of star pickets/chain mesh/or similar to the satisfaction of the Responsible Authority. The fence must remain in place until all works are completed to the satisfaction of the Responsible Authority.
- b. Except with the written consent of the Responsible Authority, within the area of native vegetation to be retained and any tree or vegetation protection zone associated with the permitted use and/or development, the following is prohibited:
 - i. vehicular access
 - ii. trenching or soil excavation
 - iii. storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products
 - iv. entry and exit pits for the provision of underground services
 - v. any other actions or activities that may result in adverse impacts to retained native vegetation.

Goulburn Broken Catchment Management Authority (GBCMA)

- 48. The finished floor levels of the proposed warehouses are to be set at least 300 mm above the highest ground elevation under each warehouse floor foot-print.
- 49. Stormwater treatment must be in accordance with the Infrastructure Design Manual, version 5.50IDM 2025.

Goulburn Murray Water (GMW)

- 50. Any Plan of Subdivision lodged for Certification must be referred to Goulburn Murray Rural Water Corporation pursuant to Section 8(1)(a) of the Subdivision Act.
- 51. The Plan of Subdivision submitted for Certification must show a building exclusion zone to prevent any future buildings being located within 15m of any waterways.
- 52. All stormwater discharged from the site must meet the urban run-off objectives and Standard C25 as specified in Clause 56.07-4 of the Victorian Planning Provisions. All infrastructure and works to manage stormwater must be in accordance with the requirements of the Responsible Authority.
- 53. Each lot must be provided with connection to the reticulated sewerage system in accordance with the requirements of the relevant urban water authority.
- 54. Prior to the Statement of Compliance being issued any existing onsite wastewater management systems must be decommissioned to the satisfaction of Council's Environmental Health Department.

55. All construction and ongoing activities must be in accordance with EPA Publication 1834.1 Civil Construction, Building and Demolition Guide (September 2023).
56. No buildings are to be constructed within 15 metres of any waterways or on any drainage lines.
57. All wastewater from the warehouses must be disposed of via connection to the reticulated sewerage system in accordance with the requirements of the relevant urban water authority.
58. All stormwater must be discharged to a legal point as nominated by the Responsible Authority. All infrastructure and works to manage stormwater must be in accordance with the requirements of the Responsible Authority.

Goulburn Valley Water

59. Payment of new customer contribution charges for water supply to the development, such amount being determined by the Corporation at the time of payment.
60. Provision of a reticulated water supply and associated construction works to each allotment within the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation. Potential water network augmentation works are required, which could include but are not limited to water main upgrade/extension, construction of a water booster pumping station, storage or tanks and trunk mains etc. This will be confirmed during liaison with the Developer's engineering Consultant.
61. Decommission section of Private Line fronting this property.
62. Provision of water tapping in Common Property with manifold meter assembly to service each Lot at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation.
63. Provision of separate water supply meters to each tenement within the development, located at the property boundary and to the satisfaction of Goulburn Valley Region Water Corporation.
64. Payment of new customer contributions charges for sewerage services to the development, such amount being determined by the Corporation at the time of payment.
65. Provision of reticulated sewerage and associated construction works to each allotment within the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation. The works may include, but not be limited to the construction of a sewerage pumping station, rising mains and gravity mains etc. This will be confirmed during liaison with the Developer's engineering Consultant.
66. Provision of sewerage connection points and/or combined sewer drains with an inspection opening to each allotment within the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation.
67. 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 department.
68. Provision of easements in favour of the Goulburn Valley Region Water Corporation over all existing and proposed gravity sewer mains located within private property.
69. A notation is to be placed on the plan of subdivision to note that pursuant to Section 12(2) of the Subdivision Act 1988, there exists "implied easements" over all of the allotments and the common property within the development.
Alternatively, the developer is to provide a two metre wide sewerage easement over the common portion of the house connection drain, in favour of the benefiting land, to the

satisfaction of the Goulburn Valley Region Water Corporation.

70. The operator under this permit shall be obliged to enter into an Agreement with Goulburn Valley Region Water Corporation relating to the design and construction of any sewerage or water works required. The form of such Agreement shall be to the satisfaction of Goulburn Valley Water. A copy of the format of the Agreement will be provided on request.
71. The plan of subdivision lodged for certification is to be referred to the Goulburn Valley Region Water Corporation pursuant to Section 8(1) of the Subdivision Act 1988.

Permit Expiry

72. This permit will expire if one of the following circumstances applies:
- a. The plan of subdivision is not certified within three (3) years of the date of this permit.
 - b. The subdivision is not completed within five (5) years of the date of certification of the plan of subdivision.
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.
73. This permit will expire if one of the following circumstances applies:
- a. The buildings and works have not commenced within three (3) years of the date of this permit.
 - b. The development is not completed within eight (8) years of the date of this permit.
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.

Permit Notes

- 1) This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.
- 2) Before any earthworks are undertaken, it is recommended that you contact Dial Before You Dig on 1100.
- 3) Where the land is to be developed in stages, the above conditions will, in general, apply to any subsequent stage of the subdivision.
- 4) Country Fire Authority (CFA)
 - a. Based on available information, the nearest fire hydrant to the subject land is approximately 500 metres away (Opposite 14 Ogilives Road). The area is serviced by reticulated water (150mm water main running along Rifle Butts Road) and whilst there appears to be a 20mm private water main running along Monkey Gully Road, this will not be suitable for fire hydrant coverage.
 - b. CFA requests that a copy of any permit and a copy of any notice given under section 64 or 65 of the Act be sent to CFA pursuant to section 66 of the Act.
- 5) Department of Energy, Environment and Climate Action (DEECA)
 - a. The applicant has indicated they will establish a First Party offset site for the removal of Native Vegetation on site. To deliver a first party offset you must agree to protect and manage native vegetation on your property in perpetuity. This method requires the applicant to enter into a legally binding offset agreement with a statutory authority. This includes management of the offset area for conservation purposes forever. Information on how to set up a first party offset can be found on DEECA's website. If you choose this method of offset, your application must include the written consent of the statutory authority you will be entering into a security agreement with.
 - b. All native wildlife in Victoria is protected under the Wildlife Act 1975, and approval to remove native vegetation does not exempt the works from other statutory obligations under the Wildlife Act 1975. Where works may impact on native fauna,

and or habitat used by native fauna, the applicant must ensure that measures are implemented, and to act in a manner that does not harm, injure or kill wildlife. Prior to removal of vegetation, project managers are advised to determine whether a Wildlife Act authorisation is required. For further information please visit <https://www.vic.gov.au/wildlife-licences-and-permits>.

Works or other activities on public land, which may affect protected native plants, may require a Protected Flora Permit under the Flora and Fauna Guarantee (FFG) Act 1988. All native vegetation likely to be affected should be checked against the most up to date Protected Flora List (DEECA) to determine whether FFG approvals are required. Protected Flora Permits can be obtained from the regional DEECA office (Hume_NEP@deeca.vic.gov.au).

- c. The granting of this permit does not exempt the holder of a permit from the requirements of other Commonwealth and State legislation or policy.
- 6) Goulburn Broken Catchment Management Authority (GBCMA)
The 1 in 100 AEP flood is not the maximum possible flood. There is always a possibility that a flood larger in height and extent, than the 1 in 100 AEP flood, may occur in the future.
- 7) Goulburn Valley Water (GVW)
 - a. All structures must be constructed clear of any future easement in favour of the Corporation, and one metre laterally clear of future Corporation's assets. In addition, structure foundations must be appropriate to not impose loads onto Corporation assets and comply with Corporation requirements. It is recommended that you engage a licensed surveyor to confirm the location and alignment of any existing sewer assets. Goulburn Valley Water will assist on site with accessing sewer maintenance structures, upon request.
 - b. Goulburn Valley Water do not allow water connections to traverse under driveways/crossovers. This includes developer supplied (non-GVW) conduit. This is in line with Section 145 of the Water Act 1989 – Control Over Connections.

CARRIED

13.2.3. Asset Plan 2025-2035

Councillor James Tehan/Councillor Tim Berenyi:

THAT COUNCIL adopts the Mansfield Shire Council Asset Plan 2025-2035.

CARRIED

13.3. People, Communications and Governance

13.3.1. Governance and Management Checklist 2024-25

Councillor Tim Berenyi/Councillor Bonnie Clark:

THAT COUNCIL authorise Mayor Cr Steve Rabie and Chief Executive Officer, Kirsten Alexander, to certify the 2024-25 Governance and Management Checklist.

CARRIED

13.3.2. Instruments of Delegation and Appointment Authorisation - S5 & S6

Councillor Tim Berenyi/Councillor Mandy Treasure:

THAT COUNCIL:

1. Revoke the existing:
 - a. Schedule 5 – Instrument of Delegation from Council to the Chief Executive Officer (CEO) previously endorsed by Council on 18 March 2025.
 - b. Schedule 6 - Instrument of Delegation from Council to Members of Council Staff previously endorsed by Council on 24 June 2025.
2. Endorse the following dated 16 September 2025:
 - a. Schedule 5 – Instrument of Delegation from Council to the Chief Executive Officer (CEO).
 - b. Schedule 6 - Instrument of Delegation from Council to Members of Council Staff.
3. Approve Mayor Cr Steve Rabie to sign the endorsed instruments as listed in point 2 and Deputy Mayor Cr James Tehan to witness the signing.

CARRIED

13.3.3. Councillor Professional Development Policy

Councillor Bonnie Clark/Councillor Tim Berenyi:

THAT COUNCIL endorses the Councillor Professional Development Policy 2025.

CARRIED

13.3.4. Independent Audit Member Recommendation

Councillor James Tehan/Councillor Mandy Treasure:

THAT COUNCIL appoints Ms Jane Watson to the Mansfield Shire Council Audit and Risk Committee for a second three-year term commencing 13 November 2025.

CARRIED

13.4. Executive Services Directorate

13.4.1. Financial Statements 2024-25

Councillor Bonnie Clark/Councillor Mandy Treasure:

THAT COUNCIL:

1. Approves in principle the Financial Statements of Mansfield Shire Council for the year ended 30 June 2025; and
2. Authorises Mayor Cr Rabie and Deputy Mayor Cr Tehan to certify the Mansfield Shire Council Financial Statements for the year ended 30 June 2025 on behalf of Council, subject to any amendments or changes made as required by the Victorian Auditor-General's Office.

CARRIED

13.4.2. Performance Statements 2024-25

Councillor Tim Berenyi/Councillor Bonnie Clark:

THAT COUNCIL:

1. Approves in principle the Performance Statements of Mansfield Shire Council for the year ended 30 June 2025; and
2. Authorises Mayor Cr Rabie and Deputy Mayor Cr Tehan to certify the Performance Statements of Mansfield Shire Council for the year ended 30 June 2025, subject to any amendments or changes made as required by the Victorian Auditor General's Office (VAGO).

CARRIED

14. Council Meeting Resolution Actions Status Register

Councillor Bonnie Clark/Councillor Tim Berenyi:

THAT COUNCIL receive and note the Mansfield Shire Council Meeting Resolution Actions Status Register as at 9 September 2025.

CARRIED

15. Advisory and Special Committee reports

15.1. Audit & Risk Committee Meeting Agenda & Minutes

Councillor James Tehan/Councillor Tim Berenyi:

THAT COUNCIL receive the Agenda & Minutes of the Mansfield Shire Audit and Risk Committee meeting held 25 August 2025.

CARRIED

15.2. Audit & Risk Committee - Chair's Report to Council

Councillor Tim Berenyi/Councillor James Tehan:

THAT COUNCIL receives and notes the Mansfield Shire Audit and Risk Committee report describing the activities, findings and recommendations for the six months ending 30 June 2025.

CARRIED

16. Authorisation of sealing of documents

Nil

17. Closure of meeting to members of the public

Councillor James Tehan/Councillor Bonnie Clark:

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 - 16 September 2025 was closed to the public at 6:13 pm.

18. Confidential Reports

18.1. Tender Award: Reconstruction & Reseal Preparation Program 25-26

Councillor Bonnie Clark/Councillor James Tehan:

THAT COUNCIL:

1. Awards a lump sum contract for the Reconstruction and Reseal Preparation Program to Central Vic Stabilising in the amount of \$ 340,347.38 (ex. GST).
2. Approves a 10% construction contingency amount of \$34,034.74 (ex. GST).
3. Authorises the Chief Executive Officer to execute the contract.
4. Makes this resolution public by including it within the public minutes of the Council meeting.

CARRIED

Councillor Tim Berenyi left the meeting at 6:21pm.

18.2. Tender Award: Mansfield Heritage Museum

Confidential

This report contains confidential information pursuant to the provisions of Section 66(2) of the Local Government Act 2020 under Section 3(a) - Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.

Councillor Tim Berenyi returned to the meeting at 6:25pm.

Chief Executive Officer, Kirsten Alexander, left the meeting at 6:25pm.

18.3. CEO 12 Month Performance Review

Confidential

This report contains confidential information pursuant to the provisions of Section 66(2) of the Local Government Act 2020 under Section 3(f) - personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.

Chief Executive Officer, Kirsten Alexander, returned to the meeting at 6:34pm.

19. Reopen meeting to members of the public

Councillor Tim Berenyi/Councillor Mandy Treasure:

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

CARRIED

Council re-opened the meeting at 6:34 pm.

20. Close of meeting

The Council Meeting Agenda – 16 September 2025 was closed at 6:35pm.

CONFIRMED this **twenty first** day of **October 2025**



Mayor