

OFFICIAL



Mansfield Shire

MINUTES

Council Meeting

Tuesday 15 July 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.

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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:

Acting Chief Executive Officer:

Melissa Crane

Governance & Risk Officer:

Chelsea Young

Coordinantor Communications, Governance & Risk:

Tanya Tabone

Financial Controller:

Michael McCormack

Senior Coordinator Planning:

Nicole Embling

Strategic Property Program Manager:

Justin Hotton

3. Apologies

Kirsten Alexander, Chief Executive Officer.

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

Nil

7. Confirmation of minutes

Councillor Bonnie Clark/Councillor Mandy Treasure:

THAT the Minutes of the Mansfield Shire Council meeting held on 24 June 2025 be confirmed as an accurate record.

CARRIED

8. Representations

Nil

9. Notices of motion

Nil

10. Mayor's report

Councillor Mandy Treasure/Councillor Tim Berenyi:

THAT COUNCIL receive the Mayor's report for the period 25 June 2025 to 9 July 2025.

CARRIED

11. Reports from council appointed representatives

Councillor Mandy Treasure/Councillor Bonnie Clark:

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 from Richard Heath: Can you explain why the silent majority of Goughs Bay residents who followed the process put forward by council and voted for the playground to be built at the end of Anchorage Way as set out on the council form and work had already begun by council only to have it changed to area which had never been mentioned before but obviously pacify and help the agenda of those that the vote didn't suit. Thank you.

Response: Goughs Bay community members were asked to indicate their preferred location for the playground, with two alternative locations being Lake Valley Drive and Bayside Boulevard considered in the survey. The community engagement survey results were presented at a meeting held on 10 May 2025 at the Goughs Bay Boat Club, with a split in results (approximately 60/40) observed between the two locations and many issues raised for discussion.

At the community meeting on 10 May, it was agreed by majority vote through a show of hands that a review of the Lake Valley Drive site location was needed, and a site walk was scheduled for 31 May to look at options for moving the playground along the road/path to a location which had better support from the community.

The community meeting and reason for the site walk was widely advertised and approximately 30 community members attended. The final outcome, for which majority (but not total) community support was achieved, is a location along Lake Valley Drive approximately 100 metres to the south of the original proposed site.

This new site location on Lake Valley Drive was approved by Council as it addressed the community concerns raised during the engagement process, offering natural tree screening, shade and increased safety for children from the lake and vehicle traffic. This adjustment aimed to balance the interests and concerns of the community while ensuring equitable access to the playground for everyone in Goughs Bay.

We acknowledge that changes can sometimes be necessary to address community concerns identified during the engagement process, and the decision was made by Council with careful consideration of all the feedback received during the process.

13. Officer reports

13.1. Chief Executive Officer's report

Councillor Bonnie Clark/Councillor Mandy Treasure:

THAT COUNCIL receive and note the Chief Executive Officer's report for the period 1 June 2025 to 30 June 2025.

CARRIED

13.2. Investment and Planning

13.2.1. Administration of Grant Income Policy

Councillor Bonnie Clark/Councillor Tim Berenyi:

THAT COUNCIL endorse the Administration of Grant Income Policy 2025.

CARRIED

13.2.2. Mansfield Emergency Precinct - Grant Applications Update

Councillor James Tehan/Councillor Mandy Treasure:

THAT COUNCIL:

1. Endorses the submission made to the Federal Government's Regional Precinct and Partnerships Program for the construction of the Mansfield Emergency Resilience Centre, new State Emergency Services facility and Ambulance Victoria facility, for a total amount of \$23,006,653, including Council's in-kind contribution of land at 166-176 Maroondah Highway for site development.
2. Notes the following community co-contributions to the project:
 - Bendigo Bank Community Bank Mansfield & District - \$125,000
 - Mansfield Emergency Precinct Committee - \$11,000
 - Mansfield Community Radio Inc 99.7FM - \$20,000
3. Endorses the withdrawal of the grant submission made to the Federal Government's National Emergency Management Agency's Disaster Ready Fund – Round 3 for the construction of the Mansfield Emergency Resilience and Recovery Centre.

CARRIED

13.2.3. Planning Permit Application P002-23 - 175 Dead Horse Lane Mansfield

Councillor James Tehan/Councillor Mandy Treasure:

THAT COUNCIL resolves to issue a **Planning Permit** for Planning Permit Application P002-23 for a Multi-Lot (79 lots) staged industrial subdivision, removal and destruction of native vegetation, and creation of access to a road in the Principal Road Network at CA 39 Parish of Mansfield, commonly known as 175 Dead Horse Lane 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.
2. Prior to the commencement of works or certification of the plan of subdivision for each stage, amended plans must be submitted to and approved by the Responsible Authority. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with those submitted with the application and include:

- a. Landscaping within road reserves, in accordance with Condition 13.
- b. Landscaping and features proposed within the Reserves.
- c. An area of unencumbered land set aside as public open space reserve(s) equivalent to a minimum 5% of all land in the subdivision.
- d. Tree Protection Zones for all native trees being retained which are deemed and considered lost.

When approved, the plans will be endorsed and will form part of the permit.

Staged Subdivision

3. The subdivision must proceed in the order of stages shown on the endorsed plans unless otherwise agreed in writing by the Responsible Authority.

Subdivision

4. 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.
5. 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.
6. 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.
7. 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.
8. 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.
9. Prior to the certification of the plan of subdivision for each stage, road names must be submitted to and approved by the Responsible Authority. Until such time as road names are approved, they must not be shown on any plans submitted for endorsement or certification.

Section 173 Agreement

10. Prior to the issue of a Statement of Compliance for the first stage, an agreement under Section 173 of the *Planning and Environmental Act 1987* must be entered into with the Responsible Authority for:
 - a. All buildings must have a finished floor level constructed at least 300 millimetres above the general natural surface elevation, or higher level as deemed necessary by the Responsible Authority, in accordance with Condition 71.

- b. Any fencing along a road frontage boundary must not exceed 1.2 metres in height above natural ground level, unless with the prior written consent of the Responsible Authority.
- c. Fencing along road frontage boundaries must be of a predominantly open style.
- d. No buildings are to be constructed within 30 metres of Fords Creek, as depicted by the Building Exclusion Zones.
- e. No buildings or site cut and fill works are to be undertaken in any Tree Protection Zone or Building Exclusion Zone.
- f. The following are prohibited within Tree Protection Zones:
 - i. Vehicular access
 - ii. Trenching or soil excavation
 - iii. Storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products
 - iv. Pits for underground services
 - v. Any other action that may result in adverse impacts to the health of the trees.
- g. The land must not be further subdivided unless each proposed lot provides a minimum frontage to a street of 15 metres.
- h. All signs must comply with the following:
 - i. not be located between a building line and front (road) boundary
 - ii. limited to one sign per premise
 - iii. not be internally illuminated or neon
 - iv. not be reflective
 - v. not exceed 5 metres above ground level

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

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

Public Open Space

- 11. The permit holder must make a contribution for public open space of a minimum 5% of the land, where the entire 5% is not able to be achieved in a land contribution the balance must be by monetary contribution.

Before the Statement of Compliance is issued for Stage 1 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.

Powerlines

- 12. All new powerlines within the subdivision must be underground.

Landscaping

- 13. Prior to the certification of the plan of subdivision for each stage, a detailed landscape plan must be submitted to and approved by the Responsible Authority. When approved, the landscape plan will be endorsed and will then form part of the permit. The landscape plan must be drawn to scale with dimensions must be provided. The landscape plan must be consistent with the construction plans for the development and must show:
 - a. New planting, including their layout to be provided in any road reserves and municipal reserves;
 - b. Detailed planting schedule of all proposed trees, shrubs and groundcovers, including botanical names, common names, pot sizes, sizes at maturity and quantities of each plant. The plant schedule should be based on the recommended planting schedule documented in the Revegetation Guide for the

Goulburn Broken Catchment as published by the Goulburn Broken Catchment Management Authority;

- c. The removal of all existing disused structures, foundations, pipelines or stockpiles and the eradication of weeds;
 - d. All trees planted as part of the landscape works must have a minimum height of 2.0 to 2.5m at the time of planting unless otherwise agreed by the Responsible Authority;
 - e. The supply and spread of sufficient topsoil and sub soil if required on the proposed areas of open space to provide a stable, free draining surface and hydro-seeding of proposed grass areas (including within the drainage reserve/s);
 - f. Soil quality and planting techniques in median or verge tree planting zones along roads that will support full growth of medium to large trees;
 - g. Mechanisms for the exclusion of vehicles;
 - h. All proposed open space, streetscape embellishments such as installation of pathways, garden beds, seating, shelters, tree planting, signage, retaining walls, protective fencing (temporary and permanent), and;
 - i. Detailed designs for all stormwater treatment features such as bioretention systems.
14. Prior to the issue of statement of compliance for each stage the landscaping as shown on the endorsed landscaping plan must be completed and maintained for a minimum 12-month period to the satisfaction of the Responsible Authority.
15. Prior to the issue of statement of compliance for each stage all nature strips must be seeded and fertilised and grass must be established to the satisfaction of the Responsible Authority.

Vegetation

16. Vegetation, including exotic and native trees must not be removed unless and until required to do so. Any vegetation that can be retained on the land must not be removed.
17. Prior to the certification of a plan of subdivision and any works for Stages 3 and 4, which adjoin Lakins Road, an amended plan is required to be submitted detailing the retention of trees through varied road construction.

Engineering – External Road Infrastructure

18. Prior to certification of Stage 1 development hereby permitted starts all design drawings must be submitted to Council for approval of the upgrade of Dead Horse Lane along the frontage of the property and the intersection of Dead Horse Lane and Midland Highway. The preliminary design drawings for the road and intersection will be provided by Council. The final design must be approved by Council and must be of the same or improved standard as the recently upgraded Dead Horse Lane. The design vehicle must be B-double and check vehicle B-Triple to design for turning movements. All works carried out must be in accordance with those plans to the satisfaction of the Responsible Authority.
19. Prior to the issue of Statement of Compliance for Stage 1 the upgrade of Dead Horse Lane along the southern boundary of the property must be completed to the satisfaction of the Responsible Authority.
20. Prior to the issue of a Statement of Compliance for Stage 1, a Left /Right Turning Lane Treatment at the eastern access to Dead Horse Lane works must be completed to the satisfaction of and at no cost to the Responsible Authority.
21. Prior to the issue of a Statement of Compliance for Stage 2, a Left /Right Turning Lane Treatment at the western access to Dead Horse Lane works must be completed to the satisfaction of and at no cost to the Responsible Authority.
22. Prior to certification of Stages 3 and 4 all design drawings must be submitted to Council for approval of the upgrade of Lakins Road along the frontage of the property including turning lanes for accesses.

All works carried out must be in accordance with Infrastructure Design Manual and approved drawings to the satisfaction of the Responsible Authority.

23. Prior to the issue of Statement of Compliance for Stage 3 the upgrade of Lakins Road along the northern boundary of the property must be completed to the satisfaction of the Responsible Authority.
24. Prior to the issue of a Statement of Compliance for Stages 3 and 4, Left /Right Turning Lane Treatments at the accesses to Lakins Road must be completed to the satisfaction of and at no cost to the Responsible Authority.
25. Prior to the issue of a Statement of Compliance for each relevant stage a 2.5m shared path along the frontage of the property must be constructed on Dead Horse Lane, Midland Highway and, Lakins Road.

Engineering – Internal Road Infrastructure

26. Prior to the issue of a Statement of Compliance, industrial crossovers must be constructed for each lot in accordance with the Infrastructure Design Manual (IDM).
27. Before the use and/or development hereby permitted starts all design drawings must be submitted to Council for approval. All roads, road reserve, court bowls, footpaths, on street parking, kerb and channeling are to be designed in accordance with the Infrastructure Design Manual (IDM) and to the satisfaction of the Council.
28. All pavement is to be constructed in accordance with the Infrastructure Design Manual (IDM) and by a suitably qualified CPEng, National Engineering Registered (NER) engineer, to the satisfaction of the Responsible Authority.
29. Concrete footpaths must be provided on both sides of all the internal roads and must be connected to shared paths on Dead Horse Lane, Midland Hwy, and Lakins Road, unless adjacent to a shared path to the satisfaction of the Responsible Authority.
30. Traffic calming treatments must be installed in accordance with Austroads.
31. Temporary court bowls or road dead ends shall be fully fenced, appropriately signed, shaped, drained, and be of all-weather construction, with a minimum turning radius of 15 metres. Prior to installation of a temporary court bowl, formal agreement with the neighbouring property will be achieved if applicable. Maintenance of the temporary court bowl will remain the responsibility of the developer.
32. 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.
33. All road, road related areas and public open spaces / reserves within the new subdivision shall be provided with public lighting in accordance with the requirements of the relevant Australian Standards. All public lighting must incorporate the use of energy efficient globes.
34. All roads and intersections shall be signed, and line marked to be compliant with VicRoads Traffic Engineering Manual Volume 2.
35. Prior to the certification of the plan of subdivision for each stage, a Road Safety Audit must be submitted to and approved by the Responsible Authority. The road safety audit must be undertaken by a suitably qualified road safety auditor.
36. Prior to the issue of a Statement of Compliance for each stage a secondary Road Safety Audit must be submitted to and approved by the Responsible Authority. The road safety audit must be undertaken by a suitably qualified road safety auditor. All identified rectification works must be completed to the satisfaction of the Responsible Authority.

Engineering - Earthworks

37. 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.
38. Where the depth of fill exceeds 300mm, the fill is to be compacted in accordance with the Compaction Requirements of VicRoads Technical Specification.

Engineering - Drainage

39. Before the certification of the plan of subdivision, construction and 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 plans must include:

- a. On-site detention system(s) designed by a suitably qualified engineering consultant to ensure no net increase in stormwater discharge from predevelopment 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.
- c. A maintenance plan for all stormwater treatment assets.
- d. The detention and treatment system must be designed to allow access for maintenance vehicles.

40. Altered overland flow paths must pass through the designed routes within reserves for municipal purposes or within easements. No overland flow shall impact on adjacent lots.

Engineering – Asset Protection

41. Prior to commencement of works, a Site Management Plan (SMP) is to be submitted and approved by Council. The SMP will contain at minimum:

- a. Protection of 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*.

42. 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.

43. All services must avoid root zones of existing trees. Where services cannot be placed to avoid the root zone, boring and/or hand digging must be undertaken to minimise root damage to the satisfaction of the Responsible Authority.

44. Temporary barriers must be erected around the drip line of existing trees and maintained during construction to the satisfaction of the Responsible Authority.

Engineering – Administration, Permits, Fees and Charges

45. 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.

46. Prior to the issue of a Statement of Compliance for each stage, the developer is required to pay to The Responsible Authority a cash contribution of:

- a. 0.75% of the total actual documented cost of the engineering works for the checking of engineering plans associated with the development approved herewith.
- b. 2.50% of the total actual documented cost of the engineering works for the supervision of works associated with the development approved herewith.

47. Prior to the issue of Certificate of Practical Completion and subsequent Statement of Compliance for each stage, the Developer is to lodge a security bond to the Responsible Authority for 5% of the total actual documented cost of the engineering works based on actual tender fees.

This bond will be released following a satisfactory inspection and after completion of the defects liability period of 12 months.

The Defects Liability Period will commence from the issue to Council of the title(s) for roads created within the Plan of Subdivision (when Council is deemed to be the Road Manager under the Road Management Act), or at another time as agreed to in writing by the Responsible Authority, whichever is later.

48. Prior to the issue of Certificate of Practical Completion and subsequent Statement of Compliance for each stage, the Developer is to lodge a security bond to the Responsible Authority for 50% of the total actual documented cost of the landscaping works based on actual tender fees. This bond will be released following a satisfactory inspection and after completion of the maintenance period of 24 months.
49. Following completion of all works, and prior to issuing of the Statement of Compliance, "as constructed" drawings relating to drainage assets and assets with the road reserve must be submitted to Council in AutoCAD format. In addition, as constructed measurements as digital data in a GIS ready format must be provided relating to drainage assets and assets with the road reserve in accordance with the current version of D-SPEC and R-SPEC.

AusNet Electricity Services

50. The applicant must:
 - a. Enter in an agreement with AUSNET ELECTRICITY SERVICES PTY LTD for supply of electricity to each lot on the endorsed plan.
 - b. Enter into an agreement with AUSNET ELECTRICITY SERVICES PTY LTD for the rearrangement of the existing electricity supply system.
 - c. Enter into an agreement with AUSNET ELECTRICITY SERVICES PTY LTD for rearrangement of the points of supply to any existing installations affected by any private electric power line which would cross a boundary created by the subdivision, or by such means as may be agreed by AUSNET ELECTRICITY SERVICES PTY LTD.
 - d. Provide easements satisfactory to AUSNET ELECTRICITY SERVICES PTY LTD for the purpose of "Power Line" in the favour of "AUSNET ELECTRICITY SERVICES PTY LTD" pursuant to Section 88 of the Electricity Industry Act 2000, where easements have not been otherwise provided, for all existing AUSNET ELECTRICITY SERVICES PTY LTD electric power lines and for any new power lines required to service the lots on the endorsed plan and/or abutting land.
 - e. Obtain for the use of AUSNET ELECTRICITY SERVICES PTY LTD any other easement required to service the lots.
 - f. Adjust the position of any existing AUSNET ELECTRICITY SERVICES PTY LTD easement to accord with the position of the electricity line(s) as determined by survey.
 - g. Set aside on the plan of subdivision Reserves for the use of AUSNET ELECTRICITY SERVICES PTY LTD for electric substations.
 - h. Provide survey plans for any electric substations required by AUSNET ELECTRICITY SERVICES PTY LTD and for associated power lines and cables and executes leases for a period of 30 years, at a nominal rental with a right to extend the lease for a further 30 years. AUSNET ELECTRICITY SERVICES PTY LTD requires that such leases are to be noted on the title by way of a caveat or a notification under Section 88 (2) of the Transfer of Land Act prior to the registration of the plan of subdivision.
 - i. Provide to AUSNET ELECTRICITY SERVICES PTY LTD a copy of the plan of subdivision submitted for certification that shows any amendments that have been required.

- j. Agree to provide alternative electricity supply to lot owners and/or each lot until such time as permanent supply is available to the development by AUSNET ELECTRICITY SERVICES PTY LTD. Individual generators must be provided at each supply point. The generator for temporary supply must be installed in such a manner as to comply with the Electricity Safety Act 1998.
- k. Ensure that all necessary auditing is completed to the satisfaction of AUSNET ELECTRICITY SERVICES PTY LTD to allow the new network assets to be safely connected to the distribution network.

Hydrants

51. 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. Hydrants must be no more than 120 metres apart. This distance must be measured as a hose would be laid on the ground. Not over obstructions and obstacles, such as fences, or over side and rear boundaries.
 - b. The hydrants must be identified with marker posts, blue road reflectors and white road triangles (as applicable).

Department of Energy, Environment and Climate Action

52. 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.
53. Native vegetation permitted to be removed, destroyed or lopped
The native vegetation identified in NVRID 382_20250312_F2L and permitted to be removed, destroyed or lopped under this permit is 1.152 hectares of native vegetation, which is comprised of:
- a. 0.046 hectares patches of native vegetation including 1 large tree within a patch
 - b. 13 scattered large trees
 - c. 7 scattered small trees.
54. Native vegetation offsets
To offset the removal of 1.152 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 0.2760 general habitat units:
 - i. located within the Goulburn Broken Catchment Management boundary or Mansfield municipal area
 - ii. with a minimum strategic biodiversity value of at least 0.4714
 - b. The offset(s) secured must provide protection of at least 14 large trees.
55. Offset evidence
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:
OR
Before the issue of a Statement of Compliance, evidence that the required offset by this permit/ for each stage of the subdivision/project has been secured must be provided to the satisfaction of Mansfield Shire Council. This evidence must be one or both of the following:
- a. 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, and/or

b. credit extract(s) allocated to the permit from the Native Vegetation Credit Register. A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit.

56. Construction Environmental Management Plan

Before any works start, including removal of native vegetation, a Construction Environmental Management Plan (CEMP) must be prepared to the satisfaction of the responsible authority and submitted to and approved by the responsible authority. When approved, the CEMP will form part of this permit. The CEMP must include (but not necessarily be limited to) details regarding the following:

- a. A detailed description of the measures to be implemented to protect the native vegetation to be retained during construction works, and the person/s responsible for implementation and compliance. These measures must include the erection of a native vegetation protection fence around all native vegetation to be retained on site, to the satisfaction of the responsible authority, including the tree protection zones of all native trees to be retained. All tree protection zones must comply with AS 4970-2009 Protection of Trees on Development Sites, to the satisfaction of the responsible authority.
- b. A site plan, drawn to scale with dimensions and georeferences (such as VicGrid94 coordinates), that clearly shows:
 - i. The location and identification of the land affected by this permit, including standard parcel identifiers for freehold land
 - ii. The location and area of all native vegetation present, including scattered trees, that are permitted to be removed under this permit
 - iii. All areas of native vegetation to be retained
- c. Details for the implementation of the recommendations, methods and techniques in accordance with the Arboricultural Impact Assessment Report (March 2025, Oldmeadow Arboriculture) to avoid and minimise impacts of construction works on retained trees, including works within Structural Root Zones (SRZs) and Tree Protection Zones (TPZs).

The CEMP should also include details and requirements regarding fauna management:

- a. Pre-clearance surveys must be undertaken by a qualified ecologist and within an appropriate timeframe, before impacts occur, e.g. 3 months or less, in accordance with advice from a qualified ecologist.
- b. Native fauna salvage, handling or relocation to be conducted by an appropriated qualified, experienced and licenced handler.
- c. Details pertaining to timing of works to avoid impacts during key times such as breeding and nesting periods.
- d. Monitoring and reporting requirements for all aspects and actions identified in the endorsed CEMP.
- e. Identification of persons responsible for all aspects and actions identified in the endorsed CEMP.
- f. All persons undertaking works on site must be fully briefed on all aspects and requirements of the endorsed CEMP.
- g. All works constructed or carried out must be in accordance with the endorsed CEMP, to the satisfaction of the responsible authority.

57. Protection of native vegetation to be retained

Before works start, native vegetation protection fencing must be erected around or along native vegetation to be retained on and in the direct vicinity of the work site/footprint. This fencing must be erected in accordance with the AS 4970-2009 Protection of Trees on

Development Sites. The fence must be constructed of highly visible, durable materials to the satisfaction of the responsible authority. The protective fence must remain in place until all works are completed to the satisfaction of the responsible authority.

58. 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:
- vehicular or machinery access
 - trenching or soil excavation
 - storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products
 - entry and exit pits for the provision of underground services
 - any other actions or activities that may result in adverse impacts to retained native vegetation.
59. All allotments containing large (native) trees to be retained must include building envelopes which clearly delineates the developable areas, avoiding the large trees and the Tree Protection Zone (TPZ). A notation on the plan for each affected lot needs to be included, clearly explaining that no buildings are to be constructed outside of the designated building envelope area.
- Note: Although a reported loss, Tree 38 located (lot 49) was considered for protection under a Section 173 agreement on title. The area of the lot has been reduced and unlikely conducive for development and include the required building envelope. The amalgamation of lots 48 and 49 would offer a more practical outcome in this situation.*
60. Revegetation of the proposed subdivision reserves (Reserve 1 and 3) must be undertaken using indigenous plant species appropriate to the Ecological Vegetation Class (EVC) and completed prior to Statement of Compliance. Plant survival rates must be checked after two years, and any dead trees replaced.
- Note: The use of non-native streetscape species that have the potential to spread and become environmental weeds need to be avoided in the reserve areas.*

Department Transport and Planning; Head, Transport for Victoria

61. Vehicular access to the Midland Highway from the subject land must be limited to two (2) access points only, as shown on the plans appended to the application.
- The southern access point must operate as a left-in only entry from the Midland Highway.
 - The northern access point must operate as a left-out only exit to the Midland Highway.
62. Prior to certification of the Plan of Subdivision for stage 1, 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 (but not limited to the following):
- Proposed (southern) inbound access point to the subject land from the Midland Highway.
 - Appropriate treatment/s to prevent right turn access from the Midland Highway to the proposed (southern) inbound access point.
 - Channelised Right Turn (CHR) treatment at the intersection of Dead Horse Lane and Midland Highway.
 - Short Auxiliary Left Turn (AUL(s)) treatment at the intersection of Dead Horse Lane and Midland Highway.
63. Prior to certification of the Plan of Subdivision for stage 1, a Functional Layout Stage Road Safety Audit must be submitted to and approved by the Head, Transport for

- Victoria. The Road Safety Audit must be undertaken by a suitably qualified Road Safety Auditor.
64. Prior to the issue of a Statement of Compliance for stage 1, the following works must be completed to the satisfaction of and at no cost to the Head, Transport for Victoria:
- a. Proposed (southern) inbound access point to the subject land from the Midland Highway.
 - b. Appropriate treatment/s to prevent right turn access from the Midland Highway to the proposed (southern) inbound access point.
 - c. Channelised Right Turn (CHR) treatment at the intersection of Dead Horse Lane and Midland Highway.
 - d. Short Auxiliary Left Turn (AUL(s)) treatment at the intersection of Dead Horse Lane and Midland Highway.
 - e. Any works identified in the Road Safety Audit.
 - f. Any other works required.
65. Prior to certification of the Plan of Subdivision for stage 3, 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 (but not limited to the following):
- a. Proposed (northern) outbound access point from the subject land to the Midland Highway.
 - b. Appropriate treatment/s to prevent right turn movements from the proposed (northern) outbound access point to the Midland Highway.
 - c. Channelised Right Turn (CHR) treatment at the intersection of Lakins Road and Midland Highway.
 - d. Basic Left Turn (BAL) treatment at the intersection of Lakins Road and Midland Highway.
66. Prior to certification of the Plan of Subdivision for stage 3, a Functional Layout Stage Road Safety Audit must be submitted to and approved by the Head, Transport for Victoria. The Road Safety Audit must be undertaken by a suitably qualified Road Safety Auditor.
67. Prior to the issue of a Statement of Compliance for stage 3, the following works must be completed to the satisfaction of and at no cost to the Head, Transport for Victoria:
- a. Proposed (northern) outbound access point from the subject land to the Midland Highway.
 - b. Appropriate treatment/s to prevent right turn movements from the proposed (northern) outbound access point to the Midland Highway.
 - c. Channelised Right Turn (CHR) treatment at the intersection of Lakins Road and Midland Highway.
 - d. Basic Left Turn (BAL) treatment at the intersection of Lakins Road and Midland Highway.
 - e. Any works identified in the Road Safety Audit.
 - f. Any other works required.
68. Prior to certification of the Plan of Subdivision for stage 4, 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 (but not limited to the following):
- a. Short Auxiliary Left Turn (AUL(s)) treatment at the intersection of Lakins Road and Midland Highway.
69. Prior to certification of the Plan of Subdivision for stage 4, a Functional Layout Stage Road Safety Audit must be submitted to and approved by the Head, Transport for

Victoria. The Road Safety Audit must be undertaken by a suitably qualified Road Safety Auditor.

70. Prior to the issue of a Statement of Compliance for stage 4, the following works must be completed to the satisfaction of and at no cost to the Head, Transport for Victoria:
 - a. Short Auxiliary Left Turn (AUL(s)) treatment at the intersection of Lakins Road and Midland Highway.
 - b. Any works identified in the Road Safety Audit.
 - c. Any other works required.

Goulburn Broken Catchment Management Authority

71. The finished floor level of the any proposed buildings must be constructed at least 300 millimetres above the general natural surface elevation, or higher level deemed necessary by the responsible authority.
72. Any proposed buildings and works must be located a minimum distance of 30 metres from the top of the bank of Ford Creek (5/1-186-22).
73. Designated waterway 5/1-186-22 shall have an effective waterway corridor/exclusion zone of 60 metres.
74. The section of designated waterway 5/1-186-22 that runs parallel to Midland HWY shall have a minimum setback for works of 10 metres from top of bank.
75. New access routes, or works, on designated waterways are subject to permit, from the Goulburn Broken Catchment Management Authority, under Bylaw No. 4 Waterways Protection 2024.
76. The subdivision must meet best practice for water sensitive urban design principles in accordance with "Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999".

Goulburn Murray Water

77. 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.
78. The plan of subdivision submitted for Certification must show all roads setback 30m from the waterway.
79. The plan of subdivision submitted for Certification must show the stormwater retardation basins and swales setback 10 from the waterway.
80. The plan of subdivision submitted for Certification must show a building exclusion zone to prevent future buildings being located within 30m of the waterway.
81. Each lot must be provided with connection to the reticulated sewerage system in accordance with the requirements of the relevant urban water authority.
82. 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.
83. The existing wastewater system(s) on proposed Lots 27 and/or 28 must be decommissioned to the satisfaction of council's Environmental Health Department. If either existing dwelling is to be retained, prior to the Statement of Compliance being issued, the existing dwelling(s) located on proposed Lots 27 and 28 must be connected to the reticulated sewerage system.
84. All works within the subdivision must be in accordance with EPA Publication 1834.1 Civil Construction, Building and Demolition Guide (September 2023).

Goulburn Valley Water

85. Payment of new customer contribution charges for water supply to the development, such amount being determined by the Corporation at the time of payment.
86. 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; (Water network augmentation works have been identified as being required, which may include but not be limited to: Water main upgrade /extension/realignment/removal; Construction of a water booster pumping station, storage or tanks and trunk mains). This will be confirmed during liaison with the Developer's engineering Consultant.

87. Based on GVW standard, for the purpose of water supply security, a second connection point will be required when the number of lots serviced exceed 40 lots. Water network augmentation works may be required to facilitate the second connection point.
88. 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.
89. Provision of easement for water supply purposes over existing water mains located within private property.
90. Before the issue of Statement of Compliance for stage 4, the 100 AC water reticulation main which traverses this land to service the neighbouring property, will be required to be removed from all private property and all water service line/s reconnected to new reticulation mains as required and to the satisfaction of the Goulburn Valley Region Water Corporation.
91. Payment of new customer contributions charges for sewerage services to the development, such amount being determined by the Corporation at the time of payment.
92. 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).
93. Reserves for sewage pump stations to be in favour of Goulburn Valley Region Water Corporation. The reserve must be adequately sized to enable unrestricted access to the sewage pump station for operation and maintenance purposes. The reserve must not be encumbered by any easements.
94. The land to be included in an extension of the Sewer Supply District and the owner agree to contribute to the actual cost to extend the District Boundary necessary to provide reticulated sewer to this development. Such amount being determined by the Corporation at the time of payment.
95. Provision of easements in favour of the Goulburn Valley Region Water Corporation over all existing and proposed gravity sewer mains located within private property.
96. 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,
97. 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.
98. The subdivision must proceed in the order of stages as shown on the approved and endorsed plan. Goulburn Valley Water may consent in writing to vary this requirement.

Permit Expiry

99. This permit will expire if one of the following circumstances applies:
 - a. The plan of subdivision for Stage 1 is not certified within three (3) years of the date of this permit.
 - b. Each stage of the subdivision is not completed within five (5) years of the date of the respective certification of the plan of subdivision.

- c. Each consecutive stage is not certified within three (3) of the previous stage having been completed and Statement of Compliance being issued.

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) Country Fire Authority

- a. CFA's requirements for identification of hydrants are specified in 'Identification of Street Hydrants for Firefighting Purposes' available under 'About us' then 'Publications' on the CFA website (www.cfa.vic.gov.au).
- b. CFA does not consent under Section 9 of the Subdivision Act 1988 to the Certification of the Plan of Subdivision. CFA requests that the Plan of Subdivision for this planning permit application is referred under Section 8 of the Subdivision Act 1988.
- c. CFA does not consent to the issuing of Statement of Compliance.

2) Department of Energy, Environment and Climate Action

- a. Before any works on public land start, if any flora species listed as protected under the Flora and Fauna Guarantee (FFG) Act 1988 are to be removed, a permit to take protected flora will be required. To obtain a permit to take protected flora or for further information, please contact, Hume Natural Environment Program - Hume_NEP@deeca.vic.gov.au.
- b. The granting of this permit does not exempt the holder of a permit from the requirements of other Commonwealth and State legislation or policy.

3) Goulburn Valley Water

Where the land is to be developed in stages, the above conditions will, in general, apply to any subsequent stage of the estate development. However, as any future stages of the development will be connected to the Corporation's water supply and sewerage systems independently of this stage, the Corporation reserves the right to revise any conditions applicable to any subsequent stages lodged.

4) Department of Transport and Planning, Head, Transport for Victoria

Separate consent for works within the road reserve and the specifications of these works is required under the Road Management Act 2004. For the purposes of this application the works will include provision of:

- Channelised Right Turn (CHR) treatments.
- Auxiliary Left Turn (AUL(s)) treatments.
- Basic Left Turn (BAL) treatment.
- Proposed (southern) inbound access point.
- Proposed (northern) outbound access point.
- Any other works required.

CARRIED

13.2.4. Planning Reform Impacts on Mansfield Shire

Councillor Bonnie Clark/Councillor Tim Berenyi:

THAT COUNCIL:

1. Note the Department of Planning and Transport is proposing to review the *Planning and Environment Act 1987* as part of its planning reform program.
2. Note the Municipal Association of Victoria's submission 'Reforming Victoria's Planning System: Local Government Sector Submission – April 2025' to the State Government's proposed revision of the *Planning and Environment Act 1987* and thanks the MAV Working Group for their valuable and insightful submission on how planning is supposed to enable wide community involvement in decision making.
3. Note the report from the Select Committee Inquiry into Victorian Planning Provisions amendments VC257, VC2677 and VC274.
4. Calls on the Victorian Government to ensure that the review of the *Planning and Environment Act 1987* has due regard for rural Victoria and maintains the ability of Local Government to do the following:
 - a. Keep it Country - Ensure that any changes allow Council to continue to manage and protect local vision, values and character, including the protection of large trees.
 - b. Keep it Local – Ensure that any changes allow Council to continue to make decisions for the community at a local level and that Council is not removed as the determining authority.
 - c. Keep it Transparent – Ensure that any changes allow Council to continue to provide the community with information and the ability to advertise planning proposals and consider and respond to community input.
 - d. Keep it Fair – Ensure that any changes allow our community to participate in the planning process and the right to have decisions reviewed at the Victorian Civil and Administrative Tribunal.
 - e. Keep it Simple - Ensure that any changes to the Act minimise complexity so that anyone can engage in the planning system without undue cost.
5. Submit this position for consideration and adoption to the Hume Region Local Government Network.
6. Submit this position for consideration and adoption to Rural Councils Victoria
7. Provide this position to the Municipal Association of Victoria.
8. Authorises the CEO and Mayor to advocate for and communicate this position both to the Mansfield Shire community, and with the State Government.
9. Notes that the current Victorian planning system works well, and is a fair, balanced system that empowers community members to participate in regional and local planning.

CARRIED

13.3. Capital Works and Operations

13.3.1. Township Reserves Maintenance (Non-Council Land) Policy

Councillor Tim Berenyi/Councillor Mandy Treasure:

THAT COUNCIL endorses the Township Reserves Maintenance (Non-Council Land) Policy 2025.

CARRIED

13.4. People, Communications and Governance

13.4.1. LG Community Satisfaction Survey 2025

Councillor Tim Berenyi/Councillor Mandy Treasure:

THAT COUNCIL receives and notes the 2025 Local Government Community Satisfaction Survey report.

CARRIED

13.4.2. Work Cover Renewal

Councillor Bonnie Clark/Councillor Mandy Treasure:

THAT COUNCIL authorises the Chief Executive Officer to approve payment relating to Mansfield Shire Council's 2025-26 Work Cover renewal for a total amount of \$299,932.65 (excl. GST).

CARRIED

13.5. Executive Services Directorate

13.5.1. Financial Strategy Policy

Councillor Mandy Treasure/Councillor Bonnie Clark:

THAT COUNCIL endorses the Financial Strategy Policy 2025.

CARRIED

13.5.2. Revenue and Debt Recovery Policy

Councillor Bonnie Clark/Councillor Tim Berenyi:

THAT COUNCIL endorses the Revenue and Debt Recovery Policy 2025.

CARRIED

13.5.3. Municipal Charge

Councillor Tim Berenyi/Councillor Mandy Treasure:

THAT COUNCIL:

1. Pursuant to the provisions of Section 159 of the *Local Government Act 1989* declare the municipal charge in the sum of \$353 for each rateable land (or part) in respect of which a municipal charge may be levied is declared in respect of the 2025-26 financial year.
2. Confirm that the municipal charge is declared in respect of all rateable land within the municipal district of which a municipal charge may be levied.
3. Authorises the Chief Executive Officer to update the municipal charge amount within the 2025-26 Budget document.

CARRIED

13.5.4. Native Title Claim

Councillor James Tehan/Councillor Tim Berenyi:

THAT COUNCIL approves the Chief Executive Officer to give notice of intention for Mansfield Shire Council to become a party to a native title determination application and notes that Council can choose to withdraw at any time during the process.

CARRIED

Question from Councillor James Tehan taken on Notice:

What are the implications if the native title claim was successful in terms of who we would be dealing with in those parts of our Shire or what the ramifications could be?

14. Council Meeting Resolution Actions Status Register

Councillor Bonnie Clark/Councillor Mandy Treasure:

THAT COUNCIL receive and note the Mansfield Shire Council Meeting Resolution Actions Status Register as at 4 July 2025.

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 Tim Berenyi/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 - 15 July 2025 was closed to the public at 6:17 pm.

18. Confidential Reports

18.1. Land Disposal: 2597 Mt Buller Road, Merrijig

Confidential

This report contains confidential information pursuant to the provisions of Section 66(2) of the Local Government Act 2020 under Section 3(h) - confidential meeting information, being the records of meetings closed to the public under section 66(2)(a);

19. Reopen meeting to members of the public

Councillor Tim Berenyi/Councillor Bonnie Clark:

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

CARRIED

Council re-opened the meeting at 6:31 pm.

20. Close of meeting

The Council Meeting Agenda - 15 July 2025 was closed at 6:31 pm.

CONFIRMED this **nineteenth** day of **August 2025**



Mayor