



Mansfield Shire

Council Meeting

Tuesday 21 September 2021

Minutes

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.

Minutes 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.....	5
7.	Confirmation of minutes	5
8.	Representations.....	5
9.	Notices of motion	6
10.	Mayor’s report.....	6
11.	Reports from Council Appointed Representatives	6
12.	Public question time	6
13.	Officer reports	7
13.1.	Infrastructure and Planning Directorate	8
13.1.1.	Mansfield Planning Scheme Amendment C47 – Planning Policy Framework Translation.....	8
13.1.2.	Statutory Planning Services Review Update	8
13.1.3.	Lake Eildon GMW Maintenance Licence Agreement	8
13.1.4.	Bonnie Doon Recreation Reserve	9
13.1.5.	P170539E/21 – 53 Highton Lane Mansfield – Application for Multi Lot Subdivision and Removal of Native Vegetation	10
13.1.6.	Purchase of Crown Allotment 2009, Brown Street (Police Paddock) Jamieson	22
13.1.7.	Mansfield Men’s Shed Lease Dispute	22
13.2.	Community and Corporate Services Directorate	23
13.2.1.	Mansfield Community Vision 2040	23
13.2.2.	Carry Forward Projects	23
13.2.3.	Performance Statements 2020-2021	23
13.2.4.	Annual Financial Report 2020-21	24
13.2.5.	Review of Mansfield Shire Council Instrument of Delegation – Schedule 6 – Council to Council Staff.....	24
13.2.6.	Governance and Management Checklist 2020-2021	25
13.2.7.	Mansfield Swimming Pool Costs of the 2020-2021 Summer Season.....	25
13.2.8.	Audit and Risk Committee Member Appointment.....	25
13.3.	Executive Services Directorate.....	26
13.3.1.	Indoor Aquatic Facility – YAFM Request.....	26

13.3.2. Council Policy – Equal Opportunity and Human Rights.....	26
14. Assemblies of Councillors	26
15. Council Resolutions Register.....	27
16. Advisory and Special Committee reports	27
17. Authorisation of Sealing of Documents.....	27
18. Close of meeting.....	27

Minutes

1. Opening of the meeting

Mayor Mark Holcombe opened the meeting at 5.06 pm.

2. Present

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

In Attendance:

- | | |
|--|-------------------|
| ▶ Chief Executive Officer: | Kaylene Conrick |
| ▶ General Manager Infrastructure & Planning: | Kirsten Alexander |
| ▶ General Manager Community & Corporate Services: | Kurt Heidecker |
| ▶ Manager Operations and Capital Works: | Kristian Burchat |
| ▶ Acting Manager Planning and Environment: | Melissa Crane |
| ▶ Property Management Officer: | Des Dunn |
| ▶ Senior Coordinator Community & Economic Development: | Saskia Van Bever |
| ▶ Coordinator Governance and Risk: | Moira Moss |

3. Apologies

Nil.

4. Statement of commitment

Mayor Holcombe read Council's Statement and called on each Councillor to confirm their commitment:

"As Councillors of Mansfield Shire we are committed to ensuring our behaviour meets the standards set by the Mansfield Shire Councillor Code of Conduct and Councillor Charter. We will, at all times, faithfully represent and uphold the trust placed in us by the community."

5. Acknowledgement of Country

Deputy Mayor James Tehan recited Council's Acknowledgement of Country:

"Our meeting is being held on the lands of the Taungurung people and we wish to acknowledge them as Traditional Owners. We would also like to pay our respects to their Elders, past and present, and Aboriginal Elders of other communities who may be here today."

6. Disclosure of conflicts of interest

Cr Sladdin declared a conflict of interest in respect of item 13.2.7. He was a founding member of the Men's Shed, Chair of Men's Shed Australia, and under delegation had signed the lease with MACE, and was a witness to the MOU with MACE and the Men's Shed.

7. Confirmation of minutes

Councillors Rabie/Sladdin:

THAT the Minutes of the Mansfield Shire Council meetings held on 17 August 2021 be confirmed as an accurate record.

Carried

8. Representations

Deputation speaking to the item P170539E/21

- ▶ Ed Adamson, Objector

Deputation from MACE speaking to the Item regarding MACE Lease-Men's Shed inc.

- ▶ Kylie Richards, MACE CEO;
- ▶ Janene Ridley, President MACE; and
- ▶ Murray Chenery, MACE Board Member.

Deputation from Mansfield Mens shed speaking to the Item regarding MACE Lease-Men's Shed inc.

- ▶ Ray Barker
- ▶ Dane Bender
- ▶ Bill Copley

Deputation speaking to the item Indoor Aquatic Facility

- ▶ Dr Emily Dirksen, Mansfield GP
- ▶ Cassie Pentony, Manager Georges Swim School

9. Notices of motion

Nil

10. Mayor's report

Councillors Tehan/Rabie:

THAT Council receive the Mayor's report for the period 17 August 2021 to 13 September 2021

Carried

11. Reports from Council Appointed Representatives

Councillors Webb/Sladdin:

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

Carried

12. Public question time

The Mayor reinforced that under the Governance Rules each person can only submit two questions. Mr Warren Shepherd had submitted five so two were answered in the hope that they covered the essence of all five.

Question 1

Mr Warren Shepherd

"If the Mansfield Shire are to manage the Bonnie Doon recreation reserve, will the facility receive a larger proportion of shire funds than are currently awarded?"

Answer:

Council has given due consideration to the funds required to managed the facility, and anticipate that additional funds will need to be allocated to this facility to support the going management of the site.

12. Public question time continued

Question 2

Mr Warren Shepherd

“If the Mansfield Shire are to be the managers of the Bonnie Doon recreation reserve what is to happen to the funds held by Bonnie Doon Recreation Reserve Committee Inc.?”

Answer:

Council will work with the existing committee and the Department of Environment, Land, Water and Planning to ensure a smooth transition of the management of the site to Council and the funds associated with the reserve are part of this.

Question 3

Ms Nola Evans

“Re Bonnie Doon Recreation Reserve - Is there any process in place to ask / inform the broader community of the planned transfer of management from local committee to Mansfield Shire?”

Answer:

Council is requesting transfer of the management of the site from the Department of Environment, Land, Water and Planning and intends to seek assistance from the Bonnie Doon community in the ongoing management of the recreation reserve, and would welcome input from all areas of the community.

13. Officer reports

Councillors Webb/Tehan:

THAT Council receive and note the Chief Executive Officer's report for the period 17 August 2021 to 8 September 2021.

Carried

13.1. Infrastructure and Planning Directorate

13.1.1. Mansfield Planning Scheme Amendment C47 – Planning Policy Framework Translation

Councillors Rabie/Sladdin:

THAT Council:

1. Endorse the proposed reformatting of the Mansfield Planning Scheme as proposed by the Department of Environment, Land, Water and Planning.
2. Consent under Section 20(5) of the *Planning and Environment Act 1987* to the Minister for Planning preparing and approving Amendment C47 to the Mansfield Planning Scheme without exhibition under Section 20(4) of the Act to approve the proposed reformatted planning scheme.

Carried

13.1.2. Statutory Planning Services Review Update

Councillors Rabie/Sladdin:

THAT Council receive and note the Statutory Planning Services Review Update, and associated updated recommendation actions.

Carried

13.1.3. Lake Eildon GMW Maintenance Licence Agreement

Councillors Sladdin/Web:

THAT Council acknowledge the final draft maintenance licence agreement with Goulburn-Murray Water attached, and authorises the CEO to execute the agreement

Carried

13.1.4. Bonnie Doon Recreation Reserve

Councillors Sladdin/Tehan

THAT Council:

1. Formally request from the Department of Environment, Land, Water and Planning that Mansfield Shire Council is appointed as the public land manager pursuant to Section 14 of the *Crown Land (Reserves) Act 1978* over the existing reservation, known as the Bonnie Doon Recreation Reserve.
2. Once it is formally advised that it is the committee of management for the Bonnie Doon Recreation reserve, establishes a community reference group to develop a terms of reference for the group to assist Council in the ongoing management of the Reserve.

Carried

13.1.5. P170539E/21 – 53 Highton Lane Mansfield – Application for Multi Lot Subdivision and Removal of Native Vegetation

Councillors Rabie/Tehan:

THAT Council, having caused notice of Planning Application P170539E/21 to be given under Section 52 of the *Planning and Environment Act 1987*, and having considered all relevant matters under Section 60 of the *Planning and Environment Act 1987*, determines to issue a Notice of Decision to Grant a Permit for Planning Application P170539E/21 for the multi lot subdivision of land and removal of native vegetation on Lot 1 PS835086F, Lot 12 PS201767G and Lot 2 PS835088B, commonly known as 49, 51 and 53 Highton Lane, Mansfield in accordance with the endorsed plans and subject to the following conditions:

Amended Plans Required

1. Prior to the certification of the plan of subdivision, plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions.
The plans must be generally in accordance with the plans submitted with the application modified to show:
 - a. Road Reserve, carriageway and verge widths;
 - b. Drainage layout; and
 - c. Other information relevant to the land such as dams, wells, filled land, land subject to inundation, creeks and natural water courses etc.

Endorsed Plans

2. The endorsed plans forming part of this permit must not be altered or modified without the written consent of the Responsible Authority.
3. Prior to the commencement of works or certification of the plan of subdivision (whichever occurs first), the owner or developer must submit to the Responsible Authority a written report and photos of any existing/prior damage to public infrastructure. The report must detail the condition of kerb & channel, footpath, seal, street lights, signs and other public infrastructure fronting the property and abutting at least two properties either side of the development.

Unless identified within the written report, any damage to infrastructure will be attributed to the development. The permit holder must pay for any damage caused to the Councils assets/Public infrastructure caused as a result of the development permitted by this permit, prior to the issue of a Statement of Compliance or at a later time as may be agreed by the Responsible Authority.

13.2.5 - P170539E/21 – 53 Highton Lane Mansfield – Application for Multi Lot Subdivision and Removal of Native Vegetation - Continued

Notice of Restriction

4. The plan of subdivision submitted for certification must include a notice of restriction, to the effect that:
 - a. The land must not be further subdivided unless each proposed lot provides a minimum frontage to a street of 15 metres.

Removal of Buildings

5. Prior to the issue of a Statement of Compliance, the following must be done with the existing buildings on site:
 - a. The existing dwelling on the site must be within the boundaries of a single lot or removed to the satisfaction of the Responsible Authority.
 - b. Any outbuildings on a parcel of land without a dwelling must be removed to the satisfaction of the Responsible Authority.

Landscaping

6. Prior to the certification of the plan of subdivision, a landscape masterplan for the entire subdivision must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit.
The landscape masterplan must show:
 - a. The landscaping theme and graphical concepts to be developed for the subdivision;
 - b. The type of species to be used for street tree planting in various stages of the subdivision;
 - c. The principles and graphical concepts of the proposed treatment of the open space and drainage reserves; and
 - d. Entrance treatments.
7. Prior to the certification of the plan of subdivision, a detailed landscape plan for that stage 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;

13.2.5 - P170539E/21 – 53 Highton Lane Mansfield – Application for Multi Lot Subdivision and Removal of Native Vegetation – Continued

- 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 arterial roads (including service road nature strips) 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, picnic facilities, boardwalks, tree planting, signage, drinking fountains, irrigation systems, playgrounds, artwork, retaining walls, protective fencing (temporary and permanent), wetlands and ornamental water bodies (including within the drainage reserve); and
 - i. Detailed designs for all stormwater treatment features such as bio-retention systems consistent with the submitted Stormwater MUSIC modelling.
8. Prior to the issue of a Statement of Compliance, all nature strips must be seeded and fertilised and grass must be established to the satisfaction of the Responsible Authority.
 9. Prior to the issue of a Statement of Compliance, all landscaping works (including street trees) shown on the endorsed plan must be carried out and completed to the satisfaction of the Responsible Authority.
 10. The landscaping shown on the endorsed plans including street trees must be maintained for a period of twelve months from the date of practical completion of the works to the satisfaction of the Responsible Authority. Formative pruning must be undertaken to the satisfaction of the Responsible Authority prior to the end of the 12 month period. Any dead, diseased or damaged plants are to be replaced within 12 months of the date of practical completion for the works.

Public Open Space

11. Prior to the issue of Statement of Compliance under the *Subdivision Act* 1988 for the subdivision, the permit holder must pay to the Responsible Authority:
 - a. A sum equivalent to 5 per cent of the site value of all the land in the subdivision; and
 - b. Any costs associated with valuation of the land including valuers fees.The permit holder must make a request to Council to commence the process involved with this condition.

13.2.5 - P170539E/21 – 53 Highton Lane Mansfield – Application for Multi Lot Subdivision and Removal of Native Vegetation - Continued

Telecommunications Conditions

12. 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.

13. 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 Conditions

14. Prior to the issue of a Statement of Compliance, a sealed Basic Right Turn (type BAR) must be provided on Highton Lane at North approach of James St / Highton Lane junction at the cost of the developer to the satisfaction of the Council.

15. All pavement is to be constructed in accordance with the Infrastructure Design Manual (IDM) and a suitably qualified CPEng, National Engineering Registered (NER) engineer, to the satisfaction of the Responsible Authority.

16. All road intersections, shall be signed and line marked to be compliant with VicRoads Traffic Engineering Manual Volume 2.

17. Prior to the certification of the plan of subdivision, all design drawings must be submitted to Council for approval. All roads, road reserve, court bowls, footpaths, on street parking, kerb and channelling must be designed in accordance with the Infrastructure Design Manual (IDM) and to the satisfaction of Council.

18. Prior to the issue of a Statement of Compliance, concrete footpaths and kerb and channel must be provided on both sides of all roads created as part of the subdivision, and connect to existing infrastructure to the satisfaction of the Responsible Authority.

13.2.5 - P170539E/21 – 53 Highton Lane Mansfield – Application for Multi Lot Subdivision and Removal of Native Vegetation - Continued

19. Traffic calming treatments must be installed in accordance with Austroads and the Traffic Impact Assessment Report requirements to achieve a target speed of 50km/hr.
20. Temporary court bowls or road dead ends shall be fully fenced, appropriately signed, shaped, drained, and be of all-weather construction (minimum pavement thickness 100mm, class 4 FCR), with a minimum turning radius of 10m. Prior to installation of a temporary court bowl, formal agreement with the neighbouring property must be achieved if applicable. Maintenance of the temporary court bowl will remain the responsibility of the developer during the applicable maintenance period.
21. All road, road related areas and public open spaces / reserves within the new subdivision shall be provided with public lighting in accordance with the minimum requirement for Category P lighting guidelines and light technical parameters in AS/NZS 1158.3.1 and as approved by the Responsible Authority. All public lighting must incorporate the use of energy efficient globes (i.e. T5).
22. All road intersections, shall be signed and line marked to be compliant with VicRoads Traffic Engineering Manual Volume 2.
23. The extent and depth of any 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.
24. Where the depth of fill exceeds 300mm, the fill is to be compacted in accordance with the requirements of Table 204.131 Compaction Requirements Scale C of VicRoads Technical Specification 204 and shaped to match existing site levels. Geotechnical test results are to be submitted to Council's Engineering Department for confirmation that the required compaction has been achieved.
25. Where fill is imported onto the site, written records are to be provided to Council's Engineering Department to confirm the source of the fill and to provide evidence that the soil is not contaminated.
26. Prior to the commencement of works or certification of the plan of subdivision (whichever occurs first), an amended Stormwater Management Strategy must be submitted to and approved by the Council. A revised volume report will be required to be submitted with the following inclusions:
 - a. Calculations for Predevelopment Site Discharge (PSD) and confirm the data source of downstream outfall of 1.459m³/s.
 - b. Clearly state that bio-retention system proposed will treat the entire catchment under consideration in section 'Upstream Catchment'.
 - c. Elaborate the report and make it self-explanatory with reference to calculations and assumptions.
 - d. Demonstrate that the downstream network is capable of taking additional water from the development and restrict the flow if required

13.2.5 - P170539E/21 – 53 Highton Lane Mansfield – Application for Multi Lot Subdivision and Removal of Native Vegetation - Continued

27. Prior to the issue of a Statement of Compliance the developer must upgrade the existing retardation basin at Stewart Street, including the provision of treatment within that system at the cost of the developer to the satisfaction of the Council.
28. The detention basin, bio-retention and litter traps must be designed to allow access for maintenance vehicles. The area must be designed so that it is safe enough to be maintained without fencing, regardless of whether fencing is installed.
29. Prior to the issue of a Statement of Compliance, any fencing around the retardation basin as determined by Council after the update works required by this permit must be provided at the full cost of the developer and to the satisfaction of the Responsible Authority. Any fencing must provide access for maintenance purposes with lockable gates.
30. Altered overland flow paths must pass through the designed routes within reserves for municipal purposes or within easements to the satisfaction of the Responsible Authority.
31. All stormwater infrastructure such as retardation and treatment facilities will remain the responsibility of the developer until Statement of Compliance is issued for the final stage of the subdivision. The stormwater infrastructure must be maintained to a standard acceptable to the Responsible Authority.
32. All street signs and furniture must meet Mansfield Shire Council, VicRoads and Australian Standards.
33. A Site Management Plan (SMP) is to be submitted and approved by Council prior to the commencement of any works or certification of the plan of subdivision (whichever occurs first). The SMP must contain at minimum:
 - a. Protection of significant native vegetation (except vegetation permitted to be removed) during the construction of roads, reticulated services and other infrastructure, including any on the adjoining road reserve.
 - 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. Details of how the proposal complies with EPA Victoria Publication 960 *Doing it right on subdivisions: Temporary environmental protection measures for subdivision construction sites*.
34. All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).

13.2.5 - P170539E/21 – 53 Highton Lane Mansfield – Application for Multi Lot Subdivision and Removal of Native Vegetation - Continued

35. 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.
36. Temporary barriers must be erected around the drip line of existing trees and maintained during construction to the satisfaction of the Responsible Authority.
37. Prior to the commencement of works, the permit holder must provide to the Responsible Authority the name of the project coordinator appointed to oversee the works and notification of commencement date of the works
38. Prior to the issue of a Statement of Compliance, 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.
39. Prior to the issue of Certificate of Practical Completion and subsequent Statement of Compliance, 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, 52 weeks after a Certificate of Practical Completion is issued.
40. Following completion of all works, and prior to issuing of the Statement of Compliance, “as constructed” drawings must be submitted and accepted by the Council. The preferred format of the drawings are AutoCAD *.DWG or *.DXF. Drainage drawings to DSpec requirements must also be provided prior to issuing of the Statement of Compliance.
41. All design plans and specifications must be detailed in accordance with the IDM to the satisfaction of the Responsible Authority and will valid for a period of 12 months only after approval. Following the expiry date design plans must be resubmitted for review and accepted prior to works commencing.

AusNet Electricity Pty Ltd

42. 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*.

13.2.5 - P170539E/21 – 53 Highton Lane Mansfield – Application for Multi Lot Subdivision and Removal of Native Vegetation - Continued

43. 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.

13.2.5 - P170539E/21 – 53 Highton Lane Mansfield – Application for Multi Lot Subdivision and Removal of Native Vegetation - Continued

Country Fire Authority

44. 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 120 metres and the hydrants must be no more than 200 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.
45. Roads 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:
- a. 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 metres. Dups must have no more than a 1 in 8 (12%) (7.1 degree) entry and exit angle.
 - b. Curves must have a minimum inner radius of 10 metres
 - c. Have a minimum trafficable width of 3.5 metres and be clear of encroachments for at least 0.5 metres on each side and 4 metres above the access way.

Department of Environment, Land, Water and Planning

46. Before works start, the permit holder must advise all persons undertaking the vegetation removal works on site of all permit conditions pertaining to native vegetation protection.
47. Before works start, a native vegetation protection fence must be erected around all native vegetation to be retained within 15 metres of the works area. This fence must be erected at:
- a. A radius of 12 times the diameter of the tree trunk at a height of 1.4 metres to a maximum of 15 metres but no less than 2 metres from the base of the trunk of the tree; and
 - b. Around the patch(es) of native vegetation at a minimum distance of 2 metres from retained native vegetation.

The fence must be constructed of star pickets and paraweb or similar, to the satisfaction of the responsible authority and the Department of Environment, Land, Water and Planning. The protection fence must remain in place until all works are completed to the satisfaction of the department.

13.2.5 - P170539E/21 – 53 Highton Lane Mansfield – Application for Multi Lot Subdivision and Removal of Native Vegetation - Continued

48. Except with the written consent of the department, within the area of native vegetation to be retained and any tree protection zone associated with the permitted use and/or development, the following is prohibited:
- a. vehicular or pedestrian access;
 - b. trenching or soil excavation;
 - c. storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products;
 - d. construction of entry and exit pits for underground services; or
 - e. any other actions or activities that may result in adverse impacts to retained native vegetation.
49. The total area of native vegetation permitted to be removed is 1.204 hectares, comprised of:
- a. 1.095 hectares of patch native vegetation including 2 large trees, with a strategic biodiversity value of 0.465.
 - b. 1 scattered large tree.
 - c. 2 scattered small trees.
50. To offset the removal of 1.204 hectares of native vegetation the permit holder must secure a native vegetation offset(s) that meets all the following:
- a. A general offset of 0.288 general habitat units located within the Goulburn Broken Catchment Management Authority boundary or Mansfield Shire Council municipal district;
 - b. have a Strategic Biodiversity Value score of at least 0.372;
 - c. provide protection for at least 3 large trees;
 - d. must be in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (DELWP, 2017).
51. 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 an established first party offset site. This must include:
- a. a security agreement signed by both parties, and
 - b. a management plan detailing the 10-year management actions and ongoing management of the site to the satisfaction of the Department of Environment, Land, Water and Planning and approved by the Responsible Authority. Every year, for ten years, after the responsible authority has approved the offset management plan, the applicant must provide notification of the management actions undertaken towards implementing the offset management plan, to the department. An offset site condition statement, including photographs must be included in this notification;
and/or
 - c. credit extract(s) allocated to meet the requirements of the permit from the Native Vegetation Credit Register.

A copy of the offset evidence must be endorsed by the responsible authority and form part of this permit.

13.2.5 - P170539E/21 – 53 Highton Lane Mansfield – Application for Multi Lot Subdivision and Removal of Native Vegetation - Continued

52. Within 30 days of endorsement of the offset evidence by the responsible authority, the permit holder must provide a copy of the endorsed offset evidence to the Department of Environment, Land, Water and Planning at loddonmallee.planning@delwp.vic.gov.au.

Goulburn Murray Water

53. All works within the subdivision must be done in accordance with EPA Publication 960 "Doing It Right on Subdivisions, Temporary Environmental Protection Measures for Subdivision Construction Sites", September 2004.

54. 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*.

55. Each lot must be provided with connection to the reticulated sewerage system in accordance with the requirements of the relevant urban water authority.

56. 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.

Goulburn Valley Water

57. Prior to the issue of a statement of compliance (unless otherwise specified), the permit holder must arrange:

- a. Payment of new customer contribution charges for water supply to the development, such amount being determined by the Corporation at the time of payment;
- b. 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;
- c. 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;
- d. Payment of new customer contributions charges for sewerage services to the development, such amount being determined by the Corporation at the time of payment;
- e. 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);
- f. Disconnection and relocation of any existing house connection drain, and each allotment to be independently and directly connected to a sewer main of the Goulburn Valley Region Water Corporation;

13.2.5 - P170539E/21 – 53 Highton Lane Mansfield – Application for Multi Lot Subdivision and Removal of Native Vegetation - Continued

- g. Provision of easements in favour of the Goulburn Valley Region Water Corporation over all existing and proposed sewer mains located within private property;
- h. 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;
- i. 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*.

Expiry

58. This permit will expire if one of the following circumstances applies

- a. The plan of subdivision is not certified under the Subdivision Act 1988 within two (2) years of the date of this permit.
- b. The registration of the plan of subdivision is not completed within five (5) years of the date of certification under the Subdivision Act 1988.

The Responsible Authority may extend the periods referred to if a request is made in writing in accordance with Section 69 of the *Planning and Environment Act 1987*.

Planning Notes

Department of Environment, Land, Water and Planning

- 1. The Department advises that works or other activities on public land, which may affect protected native plants, will require a Protected Flora Licence or Permit under the Flora and Fauna Guarantee Act 1988 (FFG). All native vegetation likely to be affected should be checked against the Protected Flora List (DELWP 2017) to determine whether FFG approvals are required. Protected Flora Permits can be obtained from the regional DELWP office p&a.north@delwp.vic.gov.au.
- 2. Offset requirements are determined in accordance with DELWP (2017) Guidelines for the removal, destruction or lopping of native vegetation. Proposed offset sites must meet eligibility requirements including land use, bushfire risk, quality of vegetation and size of revegetation site. Please visit <https://www.environment.vic.gov.au/native-vegetation/native-vegetation> for further information.

Carried

13.1.6. Purchase of Crown Allotment 2009, Brown Street (Police Paddock) Jamieson

Councillors Rabie/Sladdin:
<p>THAT Council</p> <ol style="list-style-type: none"> 1. Approve the acquisition of the land known as Crown Allotment 2009, Parish of Jamieson, Brown Street, Jamieson, from the Department of Treasury, at the cost in the 2014 Valuer General’s Valuation of \$25,000 +GST. 2. Approve the additional expenditure of \$1066.05 to support the purchase of this land.

Carried

13.1.7. Mansfield Men’s Shed Lease Dispute

As noted in Item 6 Disclosure of conflicts of interest, Cr Sladdin had declared a conflict of interest in this item and exited the meeting

Councillors Rabie/Tehan:
<p>THAT Council:</p> <ol style="list-style-type: none"> 1. Receive and note the status of the lease as legally being in over-holding 2. Agrees with the Men’s Shed Incorporated’s interpretation of the original intent of the auspice agreement between MACE and Men’s Shed Inc. signed in 2003. That being, upon the incorporation of The Men’s Shed (or Community Shed) as an entity, the lease would be handed over to the Men’s Shed Incorporated including the assets and that further lease agreements would be between Council and Men’s Shed Inc. 3. Writes to MACE and Men’s Shed Inc. advising Council’s position on the intent of the original auspice agreement and urges MACE to honour the intent of the agreement which was to support the Men’s Shed Inc. in the construction, upgrades and maintenance of the building and then to hand over the project to the Men’s Shed Inc. 4. Receives a further report on this matter at its October 2021 Council meeting. 5. Takes no further action on the MACE-Council lease until Council receives the further report and leave the existing Lease in an over-holding arrangement until such time.

Carried

Cr Sladdin returned to the meeting at 6.53PM

13.2. Community and Corporate Services Directorate

13.2.1. Mansfield Community Vision 2040

Councillors Webb/Rabie:

THAT Council endorses the draft Mansfield Shire Community Vision 2040 and releases it for community consultation until 8 October 2021.

Carried

13.2.2. Carry Forward Projects

Councillors Sladdin/Webb:

That Council approve carry forward funds from the 2020-21 budget to the 2021-22 budget for the completion of the projects listed in this report, totalling \$959,360 in operating (net of income) and \$2,670,193 in capital (net of income).

Carried

13.2.3. Performance Statements 2020-2021

Councillors Webb/Rabie:

THAT Council:

1. adopt in principle the Performance Statements of Mansfield Shire Council for the year ended 30 June 2021; and
2. authorise Mayor Mark Holcombe and Deputy Mayor Cr James Tehan to certify the Performance Statements of Mansfield Shire Council for the year ended 30 June 2021 as adopted in principle by Council, subject to any changes required by the Victorian Auditor General's Office.

Carried

13.2.4. Annual Financial Report 2020-21**Councillors Sladdin/Webb**

THAT Council:

1. adopt in principle the Financial Report of Mansfield Shire Council for the year ended 30 June 2021; and
2. authorise Mayor Mark Holcombe and Deputy Mayor Cr James Tehan to certify the Mansfield Shire Council Financial Report for the year ended 30 June 2021 as adopted in principle by Council, subject to any changes required by the Victorian Auditor General's Office.

Carried

13.2.5. Review of Mansfield Shire Council Instrument of Delegation – Schedule 6 – Council to Council Staff**Councillors Webb/Rabie:**

THAT Council:

In the exercise of the powers conferred by section 11 of the *Local Government Act 2020* (the Act) and the other legislation referred to in the attached Instrument of Delegation, Mansfield Shire Council (Council) resolves that:

1. There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached Instrument of Delegation by Council to members of Council staff (Schedule 6), the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument;
2. The Mayor sign the S6 Instrument of Delegation – Council to Council staff – on behalf of the Council;
3. The Instruments come into force immediately upon endorsement by the Council;
4. On the coming into force of the Instrument all previous delegations to members of Council staff (other than the Chief Executive Officer), referred to in this report, are revoked; and
5. The duties and functions set out in the Instruments must be performed, and the powers set out in the Instrument must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.
6. A Register of Delegations be placed on the Mansfield Shire Council website to be publicly available.

Carried

13.2.6. Governance and Management Checklist 2020-2021

Councillors Tehan/Webb:

THAT Council:

1. Receive and note the Governance and management Checklist 2020-21, and
2. authorise the Mayor and CEO to sign the Governance and Management Checklist 2020-21 for the purposes of the 2020-2021 Annual Report.

Carried

13.2.7. Mansfield Swimming Pool Costs of the 2020-2021 Summer Season

Councillors Rabie/Webb:

THAT Council note the report

Carried

13.2.8. Audit and Risk Committee Member Appointment

Councillors Webb/Rabie:

THAT Council:

1. Appoint Mr Peter Johnson as an independent member on the Audit and Risk Committee for a term of three years commencing 13 November 2021;
2. Write to all applicants to inform them of Council's decision and thank them for their application.

Carried

13.3. Executive Services Directorate

13.3.1. Indoor Aquatic Facility – YAFM Request

Councillors Rabie/Webb

THAT Council:

1. Provide in-principle support for the land A8658 34 Bellview Court to be designated as land for an indoor aquatic facility for a period of up to five years;
2. Collaborates with Year Round Aquatic Facility for Mansfield Inc. (YAFM) to undertake an assessment of community need to determine demand and identify facility components, as the first step in planning for an indoor aquatic facility;
3. Develops a collaboration agreement with YAFM outlining each party's commitment, roles and responsibilities;
4. Notes that collaboration with YAFM means an in-kind Council contribution only at this stage, understanding that Council has not provided a budget amount for an indoor aquatic facility project; and
5. Receives a report on each stage in the planning process.

Carried

13.3.2. Council Policy – Equal Opportunity and Human Rights

Councillors Webb/Sladdin

THAT Council:

Endorse the updated Equal Opportunity and Human Rights Policy July 2021 (Version 5).

Carried

14. Assemblies of Councillors

Councillors Webb/Tehan:

THAT Council receive and note the Assembly of Councillors report for the period 11 August 2021 to 15 September 2021.

Carried

15. Council Resolutions Register

Councillors Sladdin/Webb:

THAT Council receive and note the Council Resolutions Register as at 17 August 2021

Carried

16. Advisory and Special Committee reports

Councillors Rabie/Tehan:

THAT Council receive the Minutes of the Advisory Committee meeting as follows:
Mansfield Audit and Risk Advisory Committee, held on 23 August 2021

Carried

17. Authorisation of Sealing of Documents

Nil

18. Close of meeting

There being no further business the meeting concluded at 7.45pm

CONFIRMED this **nineteenth** day of **October 2021**



Mayor