



**Mansfield Shire**

# **MINUTES**

## **Council Meeting**

**Tuesday 21 March 2023**

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**Our aspiration for our Shire and its community**

**We live, work and play in an inclusive, dynamic and prosperous place where community spirit is strong and people are empowered to engage in issues that affect their lives.**

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## 1. Opening of the meeting

Mayor James Tehan opened the meeting at 5:00 pm.

## 2. Present

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

In Attendance:

Chief Executive Officer:

General Manager Infrastructure & Planning:

General Manager Community & Corporate Services:

EA Mayor & CEO:

Manager Business & Performance:

Coordinator Statutory Planning:

Acting Manager Planning & Environment:

Interim Coordinator Governance & Risk:

Manager Field Services:

Kirsten Alexander

Melissa Crane

Dena Vlekkert

Chelsea Young

Tony Cooper

Nicole Embling

Kurt Heidecker

Jane Carter

Ari Croxford-Demasi

## 3. Apologies

Nil

## 4. Statement of commitment

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

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

## 5. Acknowledgement of Country

Councillor Steve Rabie recited Council's Acknowledgement of Country:

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

## 6. Disclosure of conflicts of interest

Nil

## 7. Confirmation of minutes

**Councillor Rohan Webb/Councillor Steve Rabie:**

THAT the Minutes of the Mansfield Shire Council meeting held on 21 February 2023 be confirmed as an accurate record.

**CARRIED**

## 8. Representations

Item 13.2.2 'P135/22 - 57 Stock Route, Mansfield

- Nick Jay on behalf of Michael Cameron
- Travis Greenwood - was unable to attend the meeting. His deputation was circulated to Councillors prior to the meeting for consideration.

## 9. Notices of motion

Nil

## 10. Mayor's report

**Councillor Mark Holcombe/Councillor Steve Rabie:**

THAT COUNCIL receive the Mayor's report for the period 22 February 2023 to 15 March 2023.

**CARRIED**

## 11. Reports from council appointed representatives

**Councillor Paul Sladdin/Councillor Rohan Webb:**

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

**CARRIED**

## 12. Public question time

Nil

## 13. Officer reports

### 13.1. Chief Executive Officer's report

**Councillor Mark Holcombe/Councillor Rohan Webb:**

THAT COUNCIL receive and note the Chief Executive Officer's report for the period 22 February 2023 to 8 March 2023.

**CARRIED**

## 13.2. Infrastructure and Planning Directorate

### 13.2.1. The Bonnie Doon Plan

**Councillor Paul Sladdin/Councillor Mark Holcombe:**

THAT COUNCIL:

1. Adopt the *Bonnie Doon Plan 2023* to inform the preparation of a planning scheme amendment to rezone land and develop local policies in accordance with the recommendations of the plan.
2. Commence preparation of a planning scheme amendment to implement the recommendations of the plan.

**CARRIED**

### 13.2.2. P135/22 - 57 Stock Route, Mansfield

**Councillor Mark Holcombe/Councillor Steve Rabie:**

THAT COUNCIL, having considered all matters under Section 60 of the *Planning and Environment Act 1987*, determine to issue a Notice of Decision to Grant a Permit for Planning Application P135/22 for a *Multi-Lot Staged Subdivision (76 Lots) of land and use and development of land for a Childcare Centre* on Lot B PS749838M Parish of Mansfield, commonly addressed as 57 Stock Route, Mansfield, subject to the pending consent of the Department of Transport and Planning and the following conditions:

#### **Amended Plans Required**

1. Prior to the commencement of works and certification of the plan of subdivision, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Once approved, the plans will be endorsed and will then form part of the permit.  
The plans must be drawn to scale and be generally in accordance with those submitted with the application, but modified to show:
  - a. Amended plan of subdivision that reconfigures lot layout to remove the battle-axe shaped lots and proposed Lots 1, 2, 3, and 4.
  - b. Proposed staging of the subdivision, including the Childcare Centre.
  - c. Provision of 36 car parking spaces for the childcare centre.
  - d. Waste storage and collection areas for the childcare centre.
  - e. All plant and equipment for the childcare centre, screened from public view and suitably baffled.
  - f. Details of all reports per Conditions 3-8 and 29-33 of this permit.
2. Prior to the commencement of works and certification, an amended Traffic Impact Assessment must be submitted in accordance with the relevant guidelines considering the closure to through traffic on Stock Route, from Maroondah Highway. This report must address traffic and access issues arising from the proposed development, the adjoining proposed development of 27 Lots and additional traffic by Heavy Vehicle Alternative Route on Dead Horse Lane / Stock Route intersection, Midland Highway/Dead Horse Lane and Maroondah Highway/Withers Lane. The report will also identify a list of any mitigation works required at the intersections.

#### **Endorsed Plans**

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

### Childcare Centre - Prior to commencement of works

4. Prior to the commencement of works, a stormwater management plan to the satisfaction of the Responsible Authority must be submitted to and approved by the responsible authority. The stormwater system must be designed to meet the objectives of Clause 53.18 of the Mansfield Planning Scheme and be designed to:
  - a. Restrict flows to pre-developed levels.
  - b. Meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999).
  - c. Contribute to cooling, improving local habitat and providing attractive and enjoyable spaces.

When approved, the plan will be endorsed and will then form part of this permit.

5. Prior to the commencement of works, a Waste Management Plan must be submitted to and approved by the Responsible Authority. When approved the WMP will be endorsed and will then form part of the permit.

The Waste Management Plan must provide for the following matters:

- a. Details on the number, volume and location of waste receptacles.
- b. How appropriate management of the waste and recycling will be ensured.
- c. Detail of the bin storage area showing path of access, hard waste areas etc.
- d. Detail of the frequency of waste collections.
- e. Swept paths demonstrating access and egress for the largest expected waste collection vehicle to the waste storage area. If waste is to be collected within car parks, collection vehicles must enter and exit forward facing.
- f. Include a notation that any drainage at bin wash areas will be to a sewerage outlet only (not stormwater).

All waste collection must be undertaken in accordance with the endorsed Waste Management Plan to the satisfaction of the Responsible Authority. No alterations to the Waste Management Plan may occur without the prior written consent of the Responsible Authority.

6. Prior to the commencement of works, a detailed landscape plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and must show:
  - a. Details of surface finishes of pathways and driveways.
  - b. A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
  - c. Landscaping and planting within all open areas of the site.
  - d. Suitable landscaping and plantings along the Stock Route (eastern) boundary.

All species selected must be to the satisfaction of the responsible authority. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the responsible authority, including that any dead, diseased or damaged plants are to be replaced.

7. Prior to the commencement of works, a construction management plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. The construction management plan must describe how the site will be managed prior to and during the construction period and set out requirements for managing:
  - a. Erosion and sediment.
  - b. Stormwater.
  - c. Litter, and other construction wastes.

d. Chemical contamination.

When approved, the plan will be endorsed and will then form part of this permit.

8. Prior to the commencement of works, a Bushfire Emergency Management Plan (BEMP) must be submitted to and approved by the Responsible Authority. Once approved, the BEMP will be endorsed and will then form part of the permit.

The BEMP must be developed in accordance with AS 3745-2010 Planning for emergencies at facilities and specifically describe the emergency management arrangements that will be implemented to reduce the risk of bushfire and should address the following matters:

- a. Describe property and business details.
- b. Identify the purpose of the BEMP stating that the plan outlines procedures for:
  - i. Closure of premises on any day with a Fire Danger Rating of Code Red.
  - ii. Evacuation (evacuation from the site to a designated safer off-site location).
  - iii. Shelter-in-place (remaining on-site in a designated building)
- c. Review of the BEMP
- d. Outline that the plan must be reviewed and updated annually prior to the commencement of the declared Fire Danger Period
- e. Include a Version Control Table
- f. Detail the staff responsibilities for implementing the emergency procedures in the event of a bushfire and the triggers for acting. For example, when the facility will be closed and the circumstances under which guests and patrons will shelter in place or evacuate.
- g. Emergency contact details
- h. Bushfire monitoring procedures
  - iv. Details the use of radio, internet and social networks that will assist in monitoring potential threats during the bushfire danger period.
  - v. Describe and show (include a map) the area to be monitored for potential bushfire activity.

### **Childcare Centre – Operating and amenity**

9. Prior to the commencement of the use authorised by this permit, all works required as per the endorsed plans (including but not limited to the built form, stormwater drainage, accessways and landscaping) must be completed to the satisfaction of the Responsible Authority.
10. Except with the prior written consent of the Responsible Authority, the Childcare Centre must only operate between:
  - a. 6:00am – 6:30pm Monday to Friday.
11. Waste collection must only be undertaken between:
  - a. 7am – 6pm Monday to Friday; and
  - b. 7am – 1pm Saturdays.
12. Prior to the commencement of use, the permit holder must implement all recommendations of the Renzo Tonin and Associates Acoustic Report, reference MD921-01F01.
13. All plant and equipment (including, but not limited to air conditioner condensers, exhaust fans and other mechanical services) must be baffled so as to comply with EPA Publication 1826 *Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues*, and must be screened from public view.

14. The use must at all times comply with EPA Publication 1826 *Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues* (or as amended).
15. Prior to the commencement of the use authorised by this permit, the area set-aside for vehicle access and movement through the site, as shown on the endorsed plans, must be:
  - a. constructed;
  - b. properly formed to such levels that they can be used in accordance with the plans;
  - c. surfaced with an all-weather coat;
  - d. drained;
  - e. line marked to indicate each car space and all access lanes; and
  - f. clearly marked to show the direction of traffic along access lanes and driveways, to the satisfaction of the Responsible Authority. Car spaces, access lanes and driveways must be kept available for these purposes at all times.
16. The loading and unloading of goods, including waste collection must be carried out entirely within the boundaries of the subject land.
17. Outdoor lighting must be designed, baffled and located to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.
18. Maintenance of all buildings surrounds and accessways within the site must be carried out so that the site is neat, tidy and clean at all times to the satisfaction of the Responsible Authority.
19. The landscaping shown on the endorsed plans must be maintained in good condition to the satisfaction of the Responsible Authority, and any dead, dying, diseased or damaged plants are to be replaced with like for like replacements of the same or greater size.
20. The stormwater management system must be maintained in good working order at all times to the satisfaction of the Responsible Authority.
21. The external materials of the Childcare Centre, including the roof, must be constructed of materials of muted colours to protect the aesthetic amenity of the area. No materials having a highly reflective surface must be used.  
For the purpose of this clause "highly reflective" includes unpainted or untreated aluminium, zinc or similar materials.

### **Subdivision Conditions – Prior to Certification**

22. 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
  - b. Any development on the land must not consist of or include:
    - i. Tiled roofing
    - ii. Colorbond fencing, or similar
    - iii. Fencing forward of the front façade of the dwelling
    - iv. Any fencing higher than 1.8m from natural ground levelThe restriction must not include provisions that allow for written consent to vary its requirements.
23. 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.



24. 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.
25. 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.
26. Prior to 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 these road names are approved, they should not be shown on any plans submitted for endorsement or certification.
27. 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, streetlights, signs and other public infrastructure fronting the property and abutting at least two properties either side of the development.
28. 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.
29. Prior to the certification of the plan of subdivision, the permit holder must either:
  - a. Demonstrate that each internal road provides sufficient width for waste collection vehicles to collect waste and turn/exit with no reversing manoeuvres; or
  - b. Create temporary turning areas (including easements over private land where required) to ensure that waste collection vehicles can service each lot with no reversing manoeuvres.If the submitted plans show that waste collection is dependent on through roads being constructed through the abutting lot (Lot A PS905370), such roads must be constructed prior to the issue of a Statement of Compliance for the subdivision.
30. Prior to the certification of the plan of subdivision, all design drawings must be submitted to Council for approval. All works must be designed in accordance with the Infrastructure Design Manual (IDM) and to the satisfaction of Council. All works constructed or carried out must be in accordance with these plans to the satisfaction of the Responsible Authority.
31. Prior to 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. A detailed drainage and detention design for the subdivision. The capacity of detention system must cater for any flows through the site and detain a 1% AEP event. The proposed design must meet current best practice performance objectives contained in *Urban Stormwater – Best Practice Environmental Management Guidelines*.
  - b. On-site detention by use of rainwater tanks or similar 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.

- c. Measures to enhance stormwater discharge quality from the development including output from “MUSIC” with design calculation summaries of the treatment elements.
  - d. A maintenance plan for all stormwater treatment assets.
32. Prior to the certification of the plan of subdivision, a Site Management Plan (SMP) is to be submitted and approved by Council. The SMP must 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*.
33. Prior to the certification of the plan of subdivision, 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 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.

### **Subdivision Conditions – Works requirements**

34. The extent and depth of any proposed lot filling must be denoted on the design plan. Where depths of fill on allotments exceed 300 mm, those areas are to be clearly differentiated from areas where the depths of fill are less than 300 mm.

35. Where the depth of fill exceeds 300mm, the fill is to be compacted in accordance with the 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.
36. 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.
37. All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).
38. All services must avoid root zones of existing retained 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.
39. Temporary barriers must be erected around the drip line of existing trees and maintained during construction to the satisfaction of the Responsible Authority.
40. 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.
41. 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.
42. All design plans and specifications must be detailed in accordance with the IDM to the satisfaction of the Responsible Authority and will be 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.
43. Traffic calming treatments must be installed within the subdivision in accordance with Austroads and the Traffic Impact Assessment Report requirements to achieve a target speed of 50km/hr.
44. 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.
45. 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).
46. All road intersections must be signed and line marked to be compliant with VicRoads Traffic Engineering Manual Volume 2.
47. All new powerlines within the subdivision must be underground.

### **Subdivision Conditions – Prior to Statement of Compliance**

48. 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.

#### *External Road Infrastructure*

49. Prior to the issue of a Statement of Compliance, the permit holder must construct the Stock Route, where Stock Route adjoins the subject land, to a minimum standard of Access Street – per IDM standard, including:
  - a. Sealed 2 way carriageway with minimum 7.3m lane width;
  - b. A Basic Left Turn and Basic Right Turn lane into Stockmans Rise and the proposed Childcare Centre;
  - c. On-street car parking on the western side of the Stock Route; and
  - d. Provision of a 1.5m footpath on the western side of the Stock Route
50. Prior to the issue of a Statement of Compliance, the remainder of Stock Route on the North side of the development connecting to Dead Horse Lane will remain an unsealed road, but must be upgraded with improved horizontal and vertical alignments, widened, re-sheeted with drainage improvements to the satisfaction of the responsible authority.
51. The Stock Route, south of the subject land, is to be closed to through traffic from Maroondah Highway. The closure will be completed by the relevant authorities, at the request of the permit holder.
52. Prior to the issue of a Statement of Compliance appropriate signage is to be placed at the intersection of Stock Route and the new internal road to identify the road closure, or no-through traffic, to the satisfaction of the Responsible Authority

#### *Internal Road Infrastructure*

52. Before the use and development hereby permitted starts, all design drawings must be submitted to Council for approval.
  - a. 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.
53. 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.
54. Concrete footpaths must be provided on both sides of all the roads and must be connected to existing footpaths.
55. Traffic calming treatments must be installed in accordance with Austroads.
56. 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).
57. All road intersections, shall be signed and line marked to be compliant with VicRoads Traffic Engineering Manual Volume 2.
58. 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
59. The landscaping shown on the approved landscaping plan must either:
  - a. Be established prior to the issue of the Statement of Compliance and maintained for a twelve (12) month period thereafter to the satisfaction of the responsible authority; or

- b. A monetary contribution as determined by the responsible authority made to provide for the above-mentioned landscaping and maintenance.
60. Prior to the issue of Statement of Compliance under the Subdivision Act 1988 for the subdivision, the permit holder must provide to the Responsible Authority:
  - a. A contribution in accordance with Clause 53.01 (Public Open Space and Subdivision) of the Mansfield Shire Planning Scheme at time of payment, or Certification of the plan in the case of a land contribution; 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.
61. Prior to the issue of a Statement of Compliance, the permit holder must enter into an agreement with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act 1987, to the effect that:
  - a. Any dwelling constructed must provide a rainwater tank with a capacity not less than 15,000 litres. The rainwater tanks must be installed and connected to the toilet cistern, laundry and garden taps.
  - b. The floor level of any new dwelling must be a minimum of 300mm above the 1% AEP (100yr) flood level as specified by the Goulburn Broken Catchment Management Authority.  
The permit holder must pay reasonable costs of the preparation, review, execution and registration of the Section 173 Agreement by Council's preferred solicitors.
62. The waste pad shown on any approved construction plans must be installed to the satisfaction of the Responsible Authority.
63. 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.
64. All stormwater infrastructure such as retardation and treatment facilities must be completed to the satisfaction of the Responsible Authority.  
All infrastructure will remain the responsibility of the developer for a period of two (2) years following the issue of a Statement of Compliance for the subdivision. The stormwater infrastructure must be maintained to a standard acceptable to the Responsible Authority.
65. 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.
66. Prior to the issue of a Statement of Compliance, the permit holder must 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.
67. 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.
68. 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.
69. 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.

### **Ausnet Services**

70. 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.
71. 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.

### **Country Fire Authority**

72. 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.

### **Goulburn Valley Water**

73. Payment of new customer contribution charges for water supply to the development, such amount being determined by the Corporation at the time of payment;
74. 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; (The works may include, but not be limited to water main upgrade/extension, construction of a water booster pumping station, storage or tanks and trunk mains);
75. Water Supply network augmentation works are required;
76. Provision of one water tapping per lot at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation;
77. Payment of new customer contributions charges for sewerage services to the development, such amount being determined by the Corporation at the time of payment;
78. 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 sewer main upsizing/duplication and pump station upgrades);
79. Provision of easements in favour of the Goulburn Valley Region Water Corporation over all existing and proposed sewer mains located within private property;

80. Pursuant to Section 36 of the Subdivision Act, if the Corporation considers that, for the economical and efficient subdivision and servicing of the land covered by the Application for Permit, it requires the owner of the land to acquire an easement over other land in the vicinity. That is, any land not owned by the Developer through which a sewerage extension servicing the development is to be located, easements shall be created in favour of the Corporation;
81. 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;
82. The plan of subdivision lodged for certification is to be referred to the Goulburn Valley Region Water Corporation pursuant to Section 8(1) of the Subdivision Act, 1988.

### **Permit Expiry**

83. This permit as it relates to subdivision will expire if one of the following circumstances applies:
  - a. The plan of subdivision for the first stage is not certified within two (2) years of the date of this permit.
  - b. The plan of subdivision for each subsequent stage is not certified under the Subdivision Act 1988 within two (2) years of the previous stage.
  - c. The subdivision is not completed within five (5) years of the date of certification. 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*.
84. This permit as it relates to use and development will expire if one of the following circumstances applies:
  - a. The development has not commenced within two (2) years of the date of this permit.
  - b. The development is not completed and the use commenced within four (4) years of the date of this permit.
  - c. The use ceases for a period of two (2) or more years. The Responsible Authority may extend the periods referred to if a request is made in writing in accordance with Section 69 of the *Planning and Environment Act 1987*.

**CARRIED**

### **13.2.3. Planning Permit Application P179016BA/21 - Multi lot staged subdivision - 57 Stock Route Mansfield**

#### **Councillor Rohan Webb/No Seconder**

THAT COUNCIL, having considered all matters under Section 60 of the *Planning and Environment Act 1987*, determine to issue a Notice of Decision to Amend a Permit for Planning Application P179016BA/21 to allow a Multi-Lot Staged Subdivision (27 Lots) of land on Lots A and C on Plan of Subdivision 905370, Parish of Mansfield, commonly addressed as 57 Stock Route, 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.



## Public Open Space

2. Prior to the issue of Statement of Compliance under the *Subdivision Act 1988* for each stage of the subdivision, the permit holder must provide to the Responsible Authority:
  - a. A contribution in accordance with Clause 53.01 (Public Open Space Contribution and Subdivision) of Mansfield Planning Scheme at time of payment, or Certification of the plan in the case of a land contribution; 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.

## Telecommunications

3. 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.
4. 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.

## Landscaping

5. 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 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, where applicable;
  - 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 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, where appropriate; and
  - i. Detailed designs for all stormwater treatment features such as bio-retention systems consistent with the submitted Stormwater MUSIC modelling.
6. 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.
  7. 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.
  8. 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.

### **Engineering conditions**

9. 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.

### **External Road Infrastructure**

10. Prior to the issue of Statement of Compliance for the final stage of the development, Stock Route must be sealed and upgraded to "Access Street" as per IDM standard with one footpath on the development side. This upgrade is required only along the frontage of the development up to (along Lot 18) and must be connected to the internal road and footpath of the development.
11. The Stock Route, south of the subject land, is to be closed to through traffic from Maroondah Highway. The closure will be completed by the relevant authorities, at the request of the permit holder.  
Prior to the issued of a Statement of Compliance appropriate signage is to be placed at the location of the closure to identify the road closure, or no-through traffic, to the satisfaction of the Responsible Authority.

### **Internal road infrastructure**

12. Prior to the certification of the plan of subdivision, road names must be submitted to and approved by the Responsible Authority. Until such time as these road names are approved, they must not be shown on any plans submitted for endorsement or certification.
13. Before the certification of the plan of subdivision or commencement of works (whichever occurs first), all design drawings must be submitted to and approved by the Responsible Authority. All roads, road reserve, court bowls, footpaths, on street parking, kerb and channelling are to be designed in accordance with the Infrastructure Design Manual (IDM) and to the satisfaction of the Council. These plans must include the following details:
  - a. 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.
  - b. Demonstrate in the design that road pavement will not be adversely affected by the creek.
  - c. Concrete footpaths must be provided on both sides of all roads and must be connected to existing footpaths.
  - d. Traffic calming treatments must be installed in accordance with Austroads standards.
  - e. Removal and clearing of existing temporary court bowl at the east of Stockmans Drive, reinstatement of the nature strip and connection to the new road and associated footpaths.
14. Prior to the issue of statement of compliance, the existing temporary court bowl at the East end of Stockmans Drive must be removed, cleared and reinstate nature strip. Connections to the new road and footpath must be established
15. All road, road related areas and public open spaces / reserves within the new subdivision must 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).
16. All road intersections must be signed and line marked to be compliant with VicRoads Traffic Engineering Manual Volume 2.
17. 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.
18. All road intersections must be signed and line marked to be compliant with VicRoads Traffic Engineering Manual Volume 2.

### **Earthworks**

19. 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. 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, to the satisfaction of the Responsible Authority.

### **Drainage**

20. 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 by use of rainwater tanks or similar 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, STORM updated 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.
- e. Altered overland flow paths must pass through the designed routes within reserves for municipal purposes or within easements. No overland flow shall be allowed to impact on the adjacent lots.
- f. Demonstrate that the proposed lots are flood free in a 1 % AEP storm event.
- g. Rainwater tanks must be provided for each lot with a capacity as per IDM requirement and agreed with the Council. The tanks must be installed and connected to toilet system, laundry washing machine taps and garden watering. Plumbing details must be provided with the design drawings.

21. Prior to the issue of a Statement of Compliance, the permit holder must enter into an agreement with the Responsible Authority pursuant to Section 173 of the *Planning and Environment Act 1987*, to the effect that:

- a) A rainwater tank with a minimum capacity as per the approved construction and drainage plan must be provided to each dwelling and connected to internal toilets and laundries and include an outlet for garden watering to the satisfaction of the Responsible Authority.

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

### **Signage, Street Furniture and Services**

22. All street signs and furniture must be installed prior to the issue of a Statement of Compliance, and must meet Mansfield Shire Council, VicRoads and Australian Standards to the satisfaction of the Responsible Authority.

### **Asset Protection**

23. Prior to the certification of the plan of subdivision, 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.

24. 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
25. All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).
26. 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.
27. Temporary barriers must be erected around the drip line of existing trees and maintained during construction to the satisfaction of the Responsible Authority.

#### **Administration, Permits, Fees and Charges**

28. 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.
29. 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.
30. 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 4 fees. This bond will be released following a satisfactory inspection, 52 weeks after a Certificate of Practical Completion is issued.
31. 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.
32. Drainage drawings to DSpec requirements (or any other acceptable format by the Council) must be provided prior to issuing of the Statement of Compliance.
33. All design plans and specifications must be detailed in accordance with the IDM to the satisfaction of the Responsible Authority and will be 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**

34. 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.
35. 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.

### **Country Fire Authority**

36. 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.

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

37. 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 meters. Dips 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.
- d. Roads more than 60m in length from the nearest intersection must have a turning circle with a minimum radius of 8m (including roll-over kerbs if they are provided) T or Y heads of dimensions specified by the CFA may be used as alternatives.

### **Goulburn Valley Water**

38. The applicant 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. Provision of one water tapping per lot at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation;
- 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;
- f. Provision of easements in favour of the Goulburn Valley Region Water Corporation over all existing and proposed sewer mains located within private property;
- g. 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;
- h. 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.

### **Goulburn Murray Water**

- 39. 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.
- 40. Each lot must be provided with connection to the reticulated sewerage system in accordance with the requirements of Goulburn Valley Water.
- 41. 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.
- 42. The plan of subdivision submitted for Certification must show a building exclusion zone to prevent future buildings being located within 30m of any waterway contained within the reserve.
- 43. All works within the subdivision must be done in accordance with EPA Publication 1834 Civil Construction, Building and Demolition Guide (November 2020).

**Expiry**

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

- a. The plan of subdivision for the first stage is not certified under the Subdivision Act 1988 within two (2) years of the date of this permit.
- b. The plan of subdivision for each subsequent stage is not certified under the Subdivision Act 1988 within two (2) years of the previous stage.
- c. The 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*.

<b>Date of amendment</b>	<b>Brief description of amendment</b>	<b>Responsible Authority</b>
dd/mm/yyyy	<p>This permit has been amended pursuant to Section 74 of the <i>Planning and Environment Act 1987</i>, having regard to the following:</p> <ul style="list-style-type: none"> <li>a) Amend what the permit allows to include staging.</li> <li>b) Condition 2, contribution for Public open space to be in accordance with Clause 53.01 of Mansfield Planning Scheme.</li> <li>c) Addition of two conditions (10 &amp; 11) related to upgrade of Stock Route and closure of access from Maroondah Highway.</li> <li>d) Revision of condition requiring design drawings: requirement to show removal of temporary court bowl; reinstatement of nature strip; road and footpath connection to Stockmans Drive (previously Condition 11b).</li> <li>e) Deletion of conditions requiring a temporary court bowl (previously Conditions 11e and 11f).</li> <li>f) Additional Condition (13g) to require the existing temporary court bowl be returned to a natural state.</li> <li>g) Amended Condition requiring maintenance of temporary court bowl, to instead remove the existing temporary court bowl (previously Condition 12).</li> <li>h) Revision of two drainage conditions associated with drainage plans and computations; and requiring rainwater tank through section 173 agreement (previously Condition 19).</li> <li>i) Revision of condition requiring site management plan (previously Condition 21).</li> <li>j) Addition of a new sub-condition as per Goulburn Valley Water’s revised consent to the amendment (Condition 38c).</li> <li>k) Revision of a condition as per Goulburn Murray Water’s revised consent to the amendment (previously Condition 37).</li> <li>l) Amend permit expiry to allow for staging of the development.</li> <li>m) Renumbered all the conditions pertaining to the addition of new conditions.</li> </ul>	Mansfield Shire Council

**LAPSED**



Councillor Mark Holcombe proposed an alternative motion to the recommendation.

**Councillor Mark Holcombe/Councillor Steve Rabie:**

THAT the matter be adjourned and presented to Council at the April meeting.

**CARRIED**

#### **13.2.4. Amendment C56mans Alpine Approaches**

**Councillor Paul Sladdin/Councillor Rohan Webb:**

THAT COUNCIL:

1. Request under Section 8A (2) and (3) of the Planning and Environment Act 1987 that the Minister for Planning authorise Mansfield Shire Council to prepare Amendment C56 to the Mansfield Planning Scheme.
2. Notify the Minister for Planning that when it exhibits Amendment C56, Mansfield Shire Council intends to give full notification of the amendment under Section 19 of the Planning and Environment Act 1987 for a minimum statutory exhibition period of one month.
3. When authorised by the Minister for Planning, exhibit Amendment C56 to the Mansfield Planning Scheme under Section 19 of the Planning and Environment Act 1987.

**CARRIED**

### **13.3. Community and Corporate Services Directorate**

#### **13.3.1. Audit and Risk Committee Charter Review 2023**

**Councillor Mark Holcombe/Councillor Steve Rabie:**

THAT COUNCIL endorse the updated Audit and Risk Committee Charter.

**CARRIED**

#### **13.3.2. Review of Mansfield Council Instrument of Delegation - S6**

**Councillor Steve Rabie/Councillor Paul Sladdin:**

THAT COUNCIL:

1. Revokes the existing Schedule 6 - Instrument of Delegation from Council to Members of Council Staff previously endorsed by Council on 21 September 2021.
2. Endorses the Schedule 6 – Instrument of Delegation from Council to Members of Council Staff dated 21 March 2023.
3. Approves Mayor Cr James Tehan to sign and Deputy Mayor Cr Steve Rabie to witness the signing of Schedule S6 Instrument of Delegation - Members of Staff.

**CARRIED**

### **14. Council Meeting Resolution Actions Status Register**

**Councillor Rohan Webb/Councillor Steve Rabie:**

THAT COUNCIL receive and note the Mansfield Shire Council Meeting Resolution Actions Status Register as at 14 March 2023.

**CARRIED**

## 15. Advisory and Special Committee reports

### 15.1. Audit & Risk Committee Meeting Agenda & Minutes

**Councillor Steve Rabie/Councillor Mark Holcombe:**

THAT COUNCIL receive the Agenda & Minutes of the Mansfield Shire Audit and Risk Committee meeting held 27 February 2023.

**CARRIED**

## 16. Authorisation of sealing of documents

Nil

## 17. Closure of meeting to members of the public

**Councillor Paul Sladdin/Councillor Rohan Webb:**

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 21 March 2023 was closed to the public at 6:45 pm.

## 18. Confidential Reports

### 18.1. Award of Waste and Recycling Collection & Processing Contract(s)

**Councillor Steve Rabie/Councillor Paul Sladdin:**

THAT COUNCIL:

1. Receives and notes the outcome of the tender assessment process for Contracts completed as part of the Hume Region Collaborative Waste Tender:
  - a. CM 2223.025 – Kerbside Collection
  - b. CM 2223.026 – Landfill Disposal
  - c. CM 2223.027 – Commingled Recycling Processing
  - d. CM 2223.028 – FOGO Organics Processing
  - e. CM 2223.029 – Glass Processing;
2. Awards the tender for a schedule of rates contract number CM 2223.025 to Cleanaway Pty Ltd, with a contract term of 7.5 years;
3. Awards the tender for a schedule of rates contract number CM 2223.027 Commingled Recycling Processing to Cleanaway Pty Ltd, with a contract term of 7.5 years;
4. Award the tender for a schedule of rates contract number CM 2223.028 FOGO Organics Processing to Biomix Pty Ltd, with a contract term of 7.5 years;
5. Award the tender for a schedule of rates contract number CM 2223.029 Glass Processing to Cleanaway Pty Ltd, with a contract term of 7.5 years;
6. Contract number CM 2223.025 Landfill Disposal tender is set aside and not awarded at this time.
7. Authorises the Chief Executive Officer to execute the schedule of rates Contracts approved by Council, by signing and affixing the Common Seal of Mansfield Shire Council.
8. Makes this resolution public by including it in the public minutes of the meeting.

**CARRIED**

## 18.2. Tender Award: Tipper Truck and Water Cart

**Councillor Steve Rabie/Councillor Paul Sladdin:**

THAT COUNCIL:

1. Awards the tender for the supply and delivery of one new rigid 6 x 4 tipper truck, with slip-on water cart to Whitehorse Trucks Pty Ltd for the sum of \$283,890.76, excluding GST, Registration, Compulsory Third-Party Insurance, and stamp duty.
2. Makes this resolution public by including it within the public minutes of the Council meeting.

**CARRIED**

## 18.3. Purchase of Land for Car Park Access

**Confidential**

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

## 19. Reopen meeting to members of the public

**Councillor Steve Rabie/Councillor Paul Sladdin:**

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

**CARRIED**

Council re-opened the meeting at 7:18 pm.

## 20. Close of meeting

The Council Meeting Agenda 21 March 2023 was closed at 7:20 pm.

CONFIRMED this **eighteenth** day of **April 2023**

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**Mayor**