

OFFICIAL



Mansfield Shire

Council Meeting

Wednesday 21 May 2025 5:00 pm
Mansfield Council Office

Notice and Agenda of meeting livestreamed via the
[Mansfield Shire Council website](#)
Commencing at 5pm

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.

Councillors

Cr Steve Rabie (Mayor)
Cr James Tehan (Deputy Mayor)
Cr Tim Berenyi
Cr Bonnie Clark
Cr Mandy Treasure

Officers

Kirsten Alexander, Chief Executive Officer
Melissa Crane, General Manager Investment & Planning
Janique Snyder, Executive Manager People, Communications & Governance
Tasman Clingan, Acting Executive Manager Capital Works & Operations
Nola Cleeland, Executive Manager Community Health & Wellbeing

Order of Business

1. Opening of the meeting

The Mayor, who chairs the meeting, will formally open the meeting and welcome all present.

2. Present

Where a meeting is held virtually, Councillors will confirm that they can see and hear each other.

3. Apologies

Where a Councillor is not present, their absence is noted in the Minutes of the meeting.

4. Statement of commitment

The Council affirms its commitment to ensuring its behaviour meets the standards set by the Model Councillor Code of Conduct.

5. Acknowledgement of Country

The Council affirms its recognition of the Taungurung people being traditional custodians of this area, and pays respect to their Elders past and present.

6. Disclosure of conflicts of interest

In accordance with the *Local Government Act 2020*, a Councillor must declare any Conflicts of Interest pursuant to sections 126 and 127 Act in any items on this Agenda.

Council officers or contractors who have provided advice in relation to any items listed on this Agenda must declare a Conflict of Interest regarding the specific item.

7. Confirmation of minutes

The minutes of the previous meeting are placed before Council to confirm the accuracy and completeness of the record.

8. Representations

Council receives or presents acknowledgements to the general public. Deputations may also be heard by members of the general public who have made submission on any matter or requested to address the Council. Council may also receive petitions from residents and ratepayers on various issues. Any petitions received since the previous Council meeting are tabled at the meeting and the matter referred to the appropriate Council officer for consideration.

9. Notices of Motion

A Motion is a request (Notice of Motion) that may be made by a Councillor for an issue not listed on the Agenda to be discussed at a Council meeting and for a decision to be made.

10. Mayor's report

The Mayor provides a report on their activities.

11. Reports from council appointed representatives

Councillors appointed by Council to external committees will provide an update where relevant.

12. Public question time

Councillors will respond to questions from the community that have been received in writing, by midday on the Monday prior to the Council meeting. A form is provided on Council's website.

13. Officer reports

13.1 Council considers a report from the Chief Executive Officer on the current operations, activities and projects undertaken with each department over the past month

13.2-13.4 Officer reports are presented to the Council, where required.

14. Council resolutions report

Council reviews the outstanding actions arising from resolutions from previous Council meetings.

15. Advisory and Special Committee reports

Council considers reports from Advisory Committees that Councillors represent Council on.

16. Authorisation of sealing of documents

Any documents that are required to be endorsed by the Chief Executive Officer under delegated authority and sealed by the Council are presented to the Council.

17. Closure of meeting to members of the public

Whilst all Council meetings are open to members of the public, Council has the power under the Local Government Act 2020 to close its meeting to the general public in certain circumstances which are noted where appropriate on the Council Agenda. Where this occurs, members of the public are excluded from the meeting while the matter is being discussed.

18. Presentation of confidential reports

19. Reopen meeting to members of the public

The Mayor will reopen the meeting to members of the public.

20. Close of meeting

The Mayor will formally close the meeting and thank all present for attending.

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Agenda

1. Opening of the meeting

2. Present

The Chair will call on any Councillor/s attending the meeting virtually and ask them to confirm verbally that they can see all Councillors and hear the proceedings.

Councillor/s attending virtually will respond to their name with: *"I can hear the proceedings and see all Councillors and Council officers"*.

The Chair will ask the Councillor/s to confirm by raising their hand that they could all hear each statement of the Councillors.

Councillors will raise their hand to acknowledge they can hear each other.

3. Apologies

The Chair will call on the CEO for any apologies.

4. Statement of commitment

The Chair will read the statement and call on each Councillor to confirm their commitment:

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

5. Acknowledgement of Country

The Deputy Mayor will recite Council's Acknowledgement of Country:

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

6. Disclosure of conflicts of interest

The Chair will call on each Councillor in turn and ask them to declare whether they have any conflicts of interest in relation to any agenda items:

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

7. Confirmation of minutes

Recommendation

THAT the Minutes of the Mansfield Shire Council meeting held on 15 April 2025 be confirmed as an accurate record.

8. Representations

9. Notices of motion

Nil

10. Mayor's report

Mayor Steve Rabie will present the monthly Mayor's report to the Council as follows:

When a new council is elected, its first job is to set its objectives and priorities over the four years of its term, in line with its long-term community vision. We are taking the many pieces of feedback we have heard lately and asking the community – what do you want Council to achieve or maintain over the next four years? From this, a panel of community members will get together and review our community vision and deliberate on the community's priorities and tell us what we should consider including in our Council Plan.

If you want to be significantly involved in steering how Council sets its priorities over its term, this is the time to step up and come along to a panel session.

We are always listening and acting on what we are hearing in the community. This is why we put forward a firm position against the ESVF as well as many other positions where we lobby other levels of government to ensure the Mansfield Shire community gets what we need.

We were actively involved with opposing the EVSF. We were united in this, on Council, and voted unanimously against it. I was so disappointed to see it passed through the upper house on Thursday 15 May. I personally wrote to the legislative council and ministers to ask them to stop the tax. Many regional councils were loud about their opposition and we were not heard. I am so sorry that we have been let down in this and at a time when we are already doing it tough. We are in severe drought and we are struggling. This tax will be crippling for many in our community and ultimately, it will take a toll on every Victorian.

Another key strategic piece of work is the budget, which we have been workshopping and finessing over the past months. We asked the community for their ideas, then we set about how we could consider each of them and incorporate what is feasible into the proposed budget. After delving deep into working out how we can get the best bang for our buck, we are pleased to present a proposed budget for another round of community feedback before it goes up for adoption.

We have been catching up on a backlog of capital works and dealing with external factors that have an impact on our bottom line. This year has been particularly challenging in the economic climate we're in. Our goals remain the same – to achieve the targets and principles that guide us in our long-term financial plan while making sure we meet the community's needs and expectations.

I know we are achieving this. For example, people stop me in the street to tell me that our roads are better than ever. This is thanks to our investment in our capital works program. We've been running this program as tightly as possible and achieving as much as we can with the limited resources we have. We've also been able to deliver a cost reduction in waste management fees with strategic collaboration and smart negotiation. That's how we're able to propose a 2.75% rate increase, which is lower than the State Government Rate Cap of 3.00%.

I encourage you to read more about the new initiatives and projects we're putting forward as part of the proposed budget. You're invited to meet with us in person to hear more about the budget in a community forum with Councillors and senior officers. You'll have a chance to hear more about our plans for the coming year, ask questions and discuss things that matter to you. You can find out more about this session or leave feedback on the budget online.

The Council Plan and the budget are two of the most significant ways you can shape how Council works with your money and we want to hear from you. Go to engage.mansfield.vic.gov.au to find out more, to have your say or to join the budget session or a deliberative panel for the Council Plan.

*Cr Steve Rabie
Mayor*

Recommendation

THAT COUNCIL receive the Mayor's report for the period 15 April 2025 to 16 May 2025.

11. Reports from council appointed representatives

Councillors appointed by Council to internal and external committees will provide a verbal update where relevant.

Committee	Responsible Councillor(s)
Australia Day Awards Committee	<ul style="list-style-type: none"> Mayor Cr Steve Rabie Cr James Tehan Cr Mandy Treasure
Goulburn Murray Climate Alliance (GMCA)	<ul style="list-style-type: none"> Cr Tim Berenyi
Hume Regional Local Government Network (HRLGN)	<ul style="list-style-type: none"> Mayor Cr Steve Rabie
Mansfield Shire Council Audit and Risk Committee	<ul style="list-style-type: none"> Mayor Cr Steve Rabie Cr Mandy Treasure
Mansfield Shire CEO Employment Matters Committee	<ul style="list-style-type: none"> Mayor Cr Steve Rabie Cr James Tehan Cr Bonnie Clark
Municipal Association of Victoria (MAV)	<ul style="list-style-type: none"> Mayor Cr Steve Rabie Substitute - Deputy Mayor Cr James Tehan
North East Local Government Waste and Recovery Forum	<ul style="list-style-type: none"> Cr Tim Berenyi
Rural Councils Victoria (RCV)	<ul style="list-style-type: none"> Cr James Tehan
Station Precinct Museum Community Asset Committee	<ul style="list-style-type: none"> Mayor Cr Steve Rabie
Taungurung-Local Government Forum	<ul style="list-style-type: none"> Mayor Cr Steve Rabie

Recommendation

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

12. Public question time

Council welcomes questions from the community. A question must be submitted by midday on the Monday prior to the Council meeting. The [‘ask a question’ form](#) is available from Council's website.

The Mayor will read out the question and answer at the meeting.

13. Officer reports

13.1. Chief Executive Officer's report

File Number: E103

Responsible Officer: Chief Executive Officer, Kirsten Alexander

Introduction

The Chief Executive Officer’s report allows a short briefing to be provided to the Council on the current operations, tasks and projects undertaken within each department over the past month.

The Chief Executive Officer report will provide information relation to:

- ▶ Customer Service
- ▶ Capital Works
- ▶ Statutory & Strategic Planning
- ▶ Waste Services
- ▶ Field Services
- ▶ Library
- ▶ Youth Services
- ▶ Communications
- ▶ Digital Transformation Project

Recommendation
THAT COUNCIL receive and note the Chief Executive Officer’s report for the period 1 April 2025 to 30 April 2025.
Support Attachments
1. CEO Monthly Report - April 2025 [13.1.1.1 - 30 pages]

13.2. Investment and Planning

13.2.1. DP002-22 Development Plan - 240 Malcolm Street, Mansfield

File Number	DP002-22	Responsible Officer	Senior Statutory Planner, Claire Wilkinson
Purpose			

This report seeks Council determination of application DP002-22, lodged for the approval of a Development Plan for Rural Living Zoned land at 240 Malcolm Street, Mansfield.

Executive Summary	
Application Details	
APPLICANT	Human Habitats
PROPOSAL	Development Plan for Rural Living Zoned Land
NOTICE AND SUBMISSIONS	Notices sent to twenty-four (24) Owners and Occupiers of surrounding and adjoining properties. Sign on site Notice in <i>Mansfield Courier</i> No objections or submissions received (24 February–18 March 2025)
Property Details	
PROPERTY ADDRESS	240 Malcom Street Mansfield
LAND DESCRIPTION	4 lots including the following: Lot 2 on LP80798, Lot 1 on TP244731, and Lot 75 on PP3056, 240 Malcom Street Lot 2 TP245258 (part), 220 Malcom Street
RESTRICTIVE COVENANTS	Nil
LAND AREA	Approximately 53 hectares
EXISTING USE	Farm land with agricultural buildings, stock yard and single dwelling on Lot 75 PP3056
Planning Provisions	
ZONE	Clause 35.03 – Rural Living Zone (RLZ1)
OVERLAYS	Clause 43.04 – Development Plan Overlay (DPO3) - Rural Living Zone <i>A permit must not be granted to use of subdivide land construct a building or construct or carry out works until a development plan has been prepared to the satisfaction of the Responsible Authority.</i>

MUNICIPAL PLANNING STRATEGY	Clause 02.03-1 – Settlement (Mansfield Township) Clause 02.03-2 – Environmental and Landscape Values Clause 02.03-4 – Natural resource management (Water and Declared Special Water Supply Catchments) Clause 02.03-5 – Built Environment and Heritage Clause 02.03-6 – Housing Clause 02.03-9 – Infrastructure
PLANNING POLICY FRAMEWORK	Clause 11.01-1L-01 – Mansfield Township Clause 13.02-1S – Bushfire Planning Clause 14.02-1S - Catchment planning and management Clause 14.02-1L - Catchment planning and management Clause 15.01-3S – Subdivision Design Clause 15.01-4S – Healthy Neighbourhoods Clause 15.01-4S – Neighbourhood Character Clause 15.01-6S – Design for rural areas Clause 16.01-1L – Housing Supply in Mansfield Township Clause 19.03-1L – Development and Infrastructure Contributions Plans
PARTICULAR PROVISIONS	Clause 53.01 – Public Open Space Contribution and Subdivision

A Development Plan is required prior to any approval for subdivision or development when land is within a Development Plan Overlay, the Plan guides future uses and development, including subdivision.

Subject Land

The proposal includes 4 lots: Lot 2 on LP80798, Lot 1 on TP244731, Lot 75 on PP3056 addressed as 240 Malcom Street and part of Part of Lot 2 TP245258 addressed as 220 Malcom Street, as shown in Figure 1.

The subject site has been used for livestock grazing and includes one area of existing buildings which are located on Lot 75 of Property Parcel 3056 in the northeast corner of the site. Capital improvements include a dwelling and two farming sheds and associated stock yards. There are three watercourses traversing the Development Plan area including a section of Owens Creek.



Figure 1: Context Map of the subject land and surrounds (site shown in red line)



Figure 2: Site showing parcels

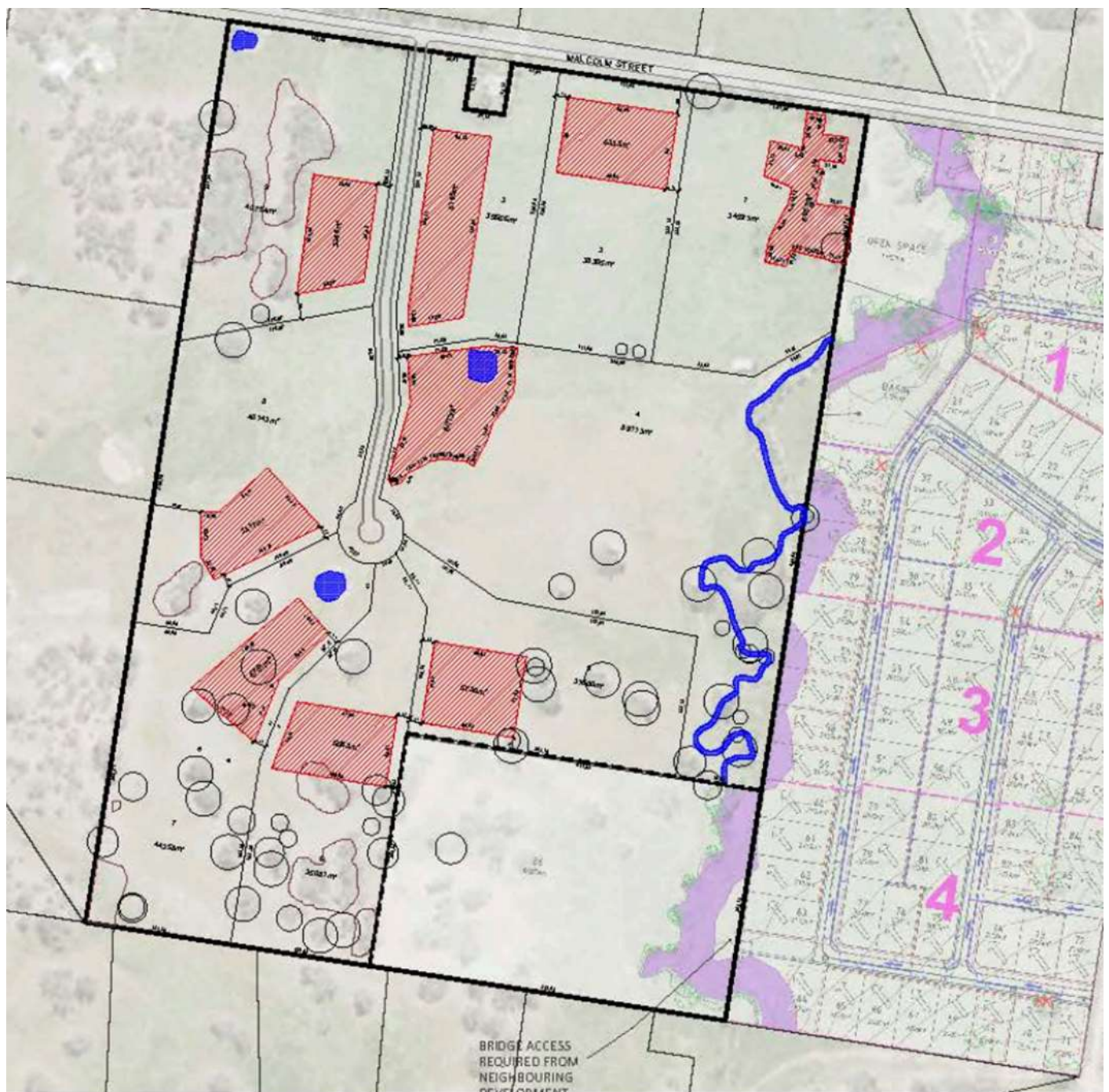


Figure 3: Development Plan – Building Envelopes shown in hatched red



Figure 4: Drone photo supplied by applicant looking south across subject site

The site contains several patches of remnant native vegetation (refer Figure 4). A detailed Flora and Fauna report submitted by the applicant suggests that there are 63 large native scattered trees located across the study area. A number of these are large, scattered remnant trees located near the creek in the east of the subject site area. More are also located along the western boundary and scattered throughout the topographically steep country in the southern half of the study area. The vegetation report highlights that a number of these trees have a variety of hollow sizes and therefore provide good habitat for hollow-dependent fauna species.

The submitted Development Plan includes measures to protect remnant native vegetation, retaining patches in the north-western corner and many large paddock trees within the Owens Creek riparian area. Significant eucalypt trees have also been incorporated into lot layout designs, with building envelopes allowing for vegetation retention.

It is acknowledged that all vegetation within 4 meters of a boundary would be considered lost and will be required to be offset through any future planning permit application process. Some vegetation loss is expected as part of the proposed Development Plan layout particularly in the three southernmost lots (refer Figure 3 & Figure 5). While some vegetation will be 'deemed lost' and consequently offset the Development Plan provides for the retention of significant amounts of native vegetation and will likely require formal protection of these trees through any permit issued for subdivision.

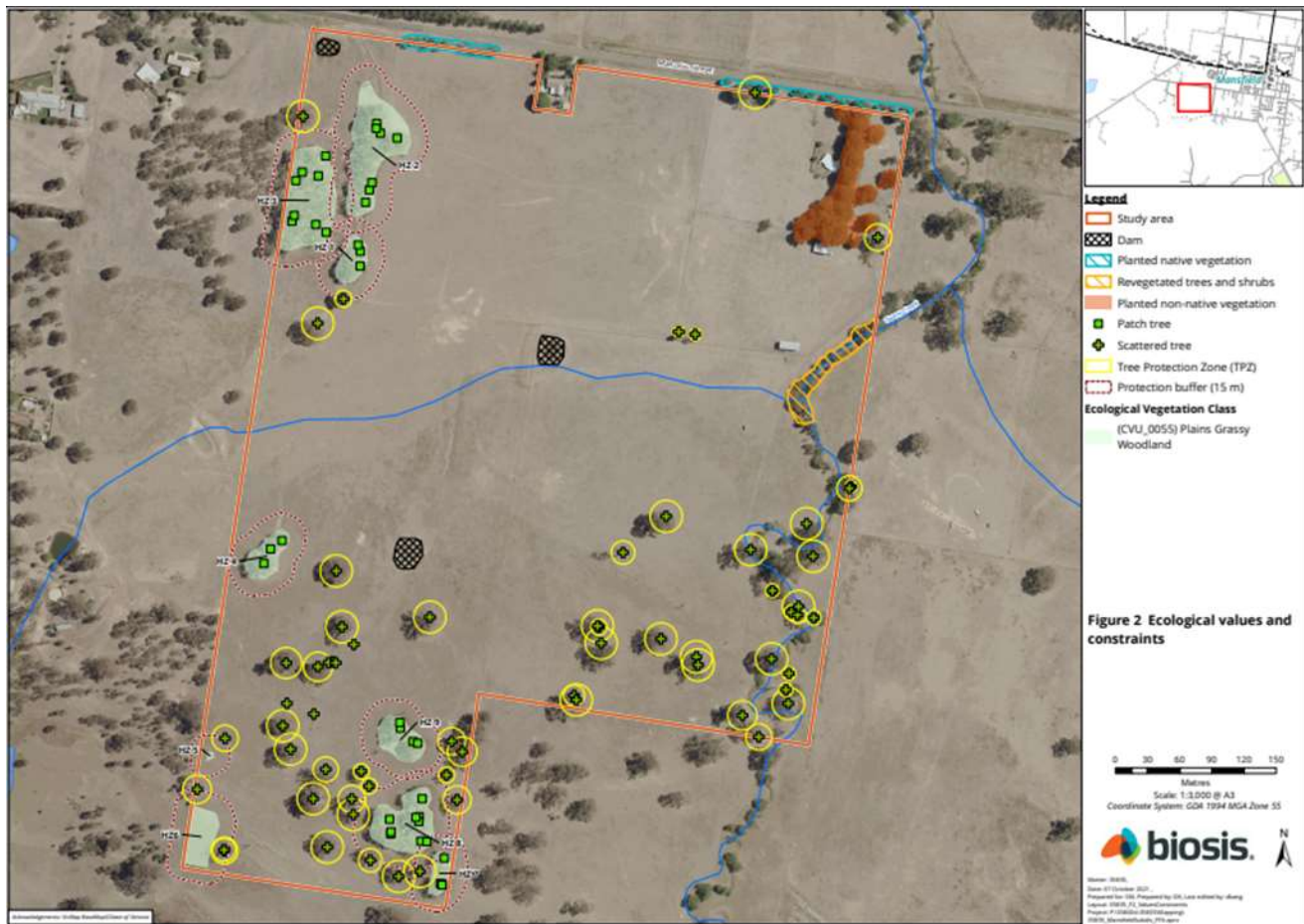


Figure 5: Map showing trees from Flora and Fauna Assessment

There are 3 dams situated across the site and waterways including a section of Owens creek. The submitted Development Plan has been referred to the Catchment Management Authority and to Goulburn Murray Water who have provided supportive responses.

The subject land is situated within a Bushfire Prone Area but not within a Bushfire Management Overlay (BMO). The Country Fire Authority has reviewed the Development Plan and provided consent, subject to a future Section 173 Agreement requiring provisions for firefighting water supply, site access, and road construction standards suitable for emergency vehicles.

Much of the subject site has areas of identified Cultural Heritage Sensitivity. A Cultural Heritage Management Plan (CHMP) has been prepared and submitted by the applicant in accordance with the requirements of the Aboriginal Heritage Regulations 2018 and the *Aboriginal Heritage Act 2006*. The CHMP was sent to and approved by the Taungurung Land and Waters Council.

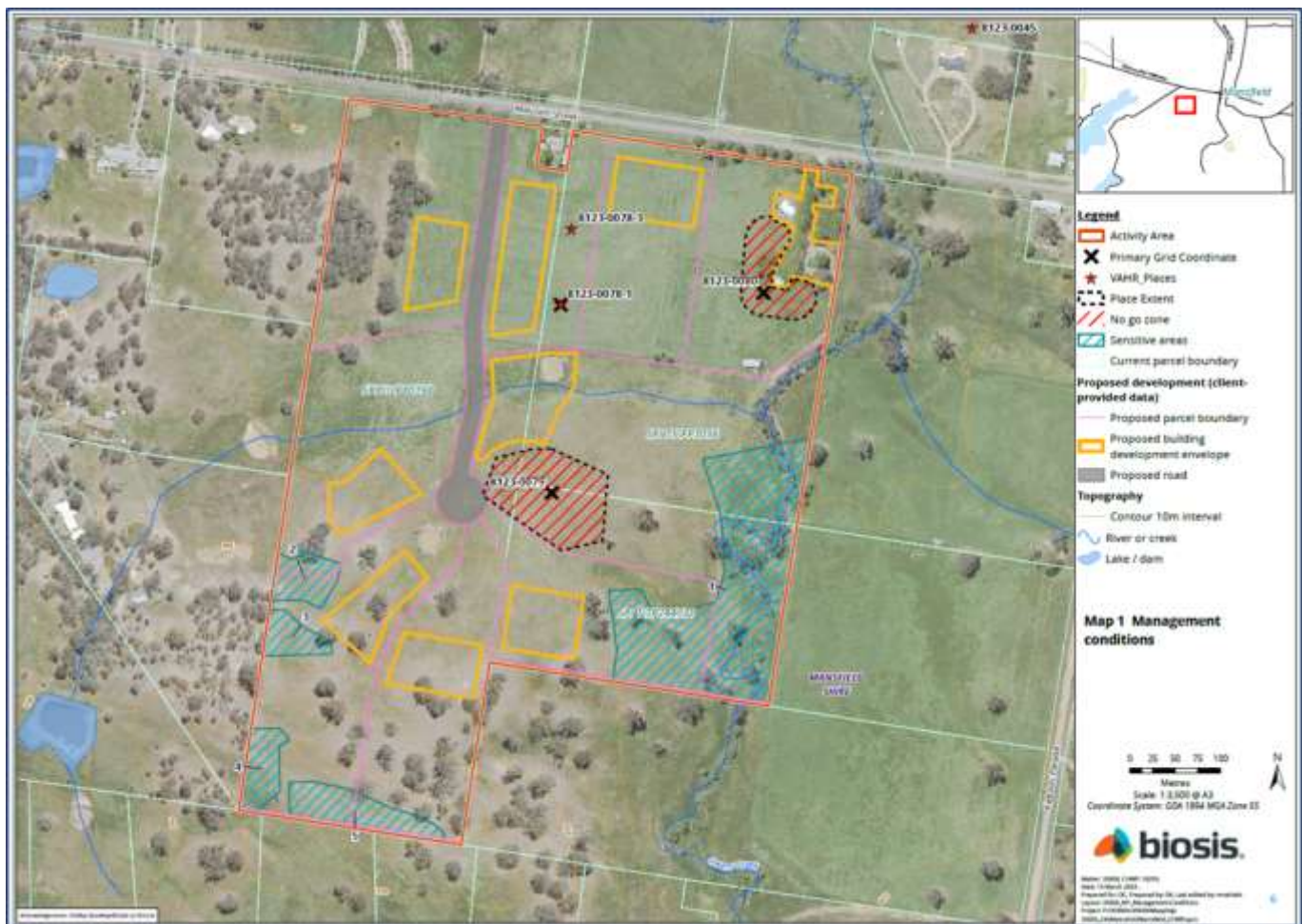


Figure 6: Cultural Heritage Management Plan Map

Approval of this Development Plan would allow future consideration of any planning permit applications in accordance with this Plan without the need for further notice and review by the broader public. The process of approving a Development Plan does not enable any appeal rights to the Victorian Civil and Administrative Tribunal (VCAT). However, Council officers have undertaken extensive public notice with the local community, who have been given an opportunity to provide their comments and feedback, which have been included in the consideration of this plan.

Key Issues

Through (road) Connection

The applicant has provided details relating to the significant findings of the Cultural Heritage assessment and how the overall layout of the development plan has been designed around the highly sensitive areas of cultural heritage. The Cultural Heritage Management Plan which has been prepared by Biosis and approved by Taungurung Land and Waters Council (TLWC) identifies protection of highly sensitive areas, including a large buffer around Owens Creek, protection of the higher elevations and a particular area where numerous aboriginal artefacts were discovered and left in place, identified as No Go Zones in Figure 6.

An additional consideration for the layout of the road and building envelopes is the protection of the native remnant trees which are prominent across the site and are fairly dense on the higher elevations.

With the applicant, Officers explored any possibility to gain a through road access to the east however, due to the significant constraints, being Owens Creek, flooding areas, native vegetation and cultural heritage areas of sensitivity, a connection has been deemed as not suitable.

In relation to the isolated piece of land in the south-east corner (in separate ownership) the adjoining land to the east can provide through-access across Owens Creek. There is an adjoining parcel of land to the south-east which is identified as the 'Owens Creek Water Frontage', this land was kept free from development as part of Owens Creek Drive to be retained for a Drainage Reserve, further exploration will be required should access through the Reserve be proposed. For the purpose of the Development Plan the isolated parcel of land is considered to have suitable options for future legal and practical access.

Pedestrian Connectivity

The Development Plan confirms that a shared path along one side of Malcolm Street for the frontage of the subject land and within the development will be developed, winding through proposed landscaping street trees which could connect in future to the existing paths along Kidston Parade and Malcolm Street. The Development Plan has been updated to include the path and any future planning permit issued for subdivision would include conditions requiring the developer to complete the paths.

Reticulated Water

Officers have met with Goulburn Valley Water (GVW) and have discussed with the applicant the requirement for the development to be connected to reticulated water and not sewer. The applicant and GVW have confirmed that there is an existing private water main connection to the existing dwelling on the land. At the request of the developer GVW have agreed for this main to be upgraded and continued to service the proposed 9-lot subdivision. The applicant advised Officers that the connection for mains water in a Rural Living development will benefit the future landowners to ensure water security.

GVW have confirmed that reticulated sewage will not be able to be provided to this development due to the significant distance from the existing main line and the overall topography and size of the development is not suitable for a mains connection.

The Development Plan has been supported by a detailed Land Capability Assessment, providing that each lot has ample space for large onsite wastewater treatment systems, which would be subject to future approvals by Councils Environmental Health Team.

Onsite Rainwater Storage

The submitted Development Plan has been amended to include a requirement for each future dwelling to have a suitably sized rainwater storage tank. Due to the large size of the proposed lots there will be sufficient space for each lot to retain stormwater flows to an acceptable standard.

The development plan application has been considered by Council's Engineering Team who are satisfied with the proposal in relation to stormwater management and will provide condition requirements for any future subdivision planning permit issued to include rainwater tanks through a Section 173 Agreement on Title for each new dwelling.

Fencing

The applicant has confirmed their commitment as part of the development to complete all of the internal fencing, including a new post and rail fence along the Malcolm Street frontage. This commitment has been included in the amended Development Plan.

Conservation Area for Owens Creek

The applicant has advised that the Officer request for a specific Conservation Area/Buffer for Owens Creek aligns with the requirements of the approved Cultural Heritage Management Plan and will be able to be enforced through a Section 173 Agreement for the future lot created. It is noted that the layout of the development puts the entire creek frontage (within the subject land) into one proposed lot. This will enable consistent management of the creek and its surrounding environment. The Development Plan has been updated to include a Riparian Area and management actions, including suggested native plantings.

Mansfield Shire Planning Scheme

A review of the Rural Living Zone, the Development Plan Overlay Schedule 3 (DPO3) as well as the Municipal Planning Strategy and Planning Policy Provisions of the Mansfield Shire Planning Scheme is provided in the Assessment against Planning Scheme, attached.

External Authorities

The application has been referred to the following authorities for comment, noting that any future application for subdivision in accordance with an approved Development Plan would require formal referrals in accordance with the requirements of the Mansfield Planning Scheme and *Planning and Environment Act 1987*.

Referral Authority	Comments
AusNet Electricity Services	No Objection subject to conditions for a future planning permit
Country Fire Authority (CFA)	No Objection subject to conditions for a future planning permit
Goulburn Murray Water (GMW)	No Objection
Goulburn Broken Catchment Management Authority (GBCMA)	No Objection subject to conditions for a future planning permit
Goulburn Valley Water (GVW)	No Objection

Internal Referrals

The Development Plan application has been provided to Council's Strategic Planning, Environment and Engineering Teams for specialist advice and comments. All responses have been supportive of the proposal.

Recommendation
<p>THAT COUNCIL approves the submitted Development Plan DP002-24 for Rural Living Zoned land on Lot 1 on LP80798, Lot 1 on TP244731, Lot 75 on PP3056 addressed as 240 Malcom Street and part of Part of Lot 2 TP245258 addressed as 220 Malcom Street.</p>
Support Attachments
<ol style="list-style-type: none"> 1. Assessment against Planning Scheme [13.2.1.1 - 15 pages] 2. Updated submitted Development Plan [13.2.1.2 - 37 pages] 3. Cultural Heritage Management Plan [13.2.1.3 - 213 pages]

Considerations and Implications of Recommendation

Sustainability Implications

The application has been assessed against the provisions of the Mansfield Planning Scheme, including all relevant sustainability principles and policies.

Community Engagement

The Development Plan has been subject to notification to nearby and adjoining owners, by way of a sign on site and a public notice in the Mansfield Courier. As part of this process no objections were received.

It is noted that approval of this Development Plan would allow future consideration of any planning permit applications in accordance with this Plan without the need for further notice and review by the broader public. The process of approving a Development Plan does not enable any appeal rights to the Victorian Civil and Administrative Tribunal (VCAT). Through the extensive public notice as detailed in the previous paragraph, the local community has been given an opportunity to provide their comments and feedback, which have been included in the consideration of this plan.

Collaboration

Not Applicable

Financial Impact

The application has been assessed as part of the operations of the Statutory Planning team with existing council resources, an application fee of \$1,360.80 was received.

Legal and Risk Implications

This Development Plan is being undertaken in accordance with the requirements of the *Planning and Environment Act 1987*.

Regional, State and National Plans and Policies

This application has been assessed in accordance with the *Planning and Environment Act 1987* and the future subdivision of the land will be done in accordance with the requirements of the Mansfield Planning Scheme.

Innovation and Continuous Improvement

Not Applicable

Alignment to Council Plan

Theme 1: Connected and Healthy Community Strategic Objective 1: The health and wellbeing of families and communities is maximised

Theme 2: Vibrant Liveability Strategic Objective 3 Future focused: Intelligent land use and infrastructure

- ▶ Strategy 3.2 Enhance township character
- ▶ Strategy 3.3 Improve roads, drainage and footpaths

Theme 3: A Trusted, Effective and Efficient Council Strategic Objective 8 A consultative Council that represents and empowers its community

- ▶ Strategy 8.1 Increase community trust in Council to make informed decisions with “no surprises”

Governance - Disclosure of Conflicts of Interest

The author of this report and officers providing advice in relation to this report do not have a conflict of interest to declare in this matter, in accordance with the Local Government Act 2020.

13.2.2. P017-25 Planning Permit Application - 215 Dead Horse Lane Mansfield

File Number	P017-25	Responsible Officer	Senior Coordinator Planning, Nicole Embling
Purpose			

This report seeks Council's determination of planning permit application P017-25, lodged for the display of an externally illuminated (double-sided) Major Promotion Sign. This application is being referred to Council for determination as there are five (5) outstanding objections, exceeding Officer delegation, and the Officer recommendation is to issue a notice of decision to refuse to grant a permit.

Executive Summary	
<i>Application Details</i>	
APPLICANT	Gawk Outdoor
PROPOSAL	Display of an externally illuminated (double-sided) Major Promotion Sign
NOTICE AND SUBMISSIONS	Notice was provided to the owners and occupiers of adjoining and nearby properties, a total of 94 letters were sent. Two signs were placed on site and a notice was in the <i>Mansfield Courier</i> . The notice period was 8 to 29 April 2025. A total of five (5) objections have been received.
<i>Property Details</i>	
PROPERTY ADDRESS	215 Dead Horse Lane Mansfield
LAND DESCRIPTION	Lot 1 PS126001
RESTRICTIVE COVENANTS	Nil
LAND AREA	4.04 hectares
EXISTING USE	Multiple industrial-type business including the Elgas depot and shipping container storage
<i>Planning Provisions</i>	
ZONE	Clause 33.01 - Industrial 1 Zone
OVERLAYS	Nil
MUNICIPAL PLANNING STRATEGY	Clause 02.03-1 – Settlement, Mansfield Township Clause 02.03-2 – Environmental and Landscape Values Clause 02.03-7 – Economic development
PLANNING POLICY FRAMEWORK	11.01-1L-01 - Mansfield Township 12.01-1S - Protection of Biodiversity 12.05-2L - Significant Landscapes, Ridgelines and Alpine Approaches 14.01-1S – Protection of Agricultural Land 15.01-5L - Mansfield Township Approaches 17.03-1L - Industrial Development

PARTICULAR PROVISIONS	52.05 - Signs
<i>Permit Triggers</i>	
Clause 52.05-12	<i>A permit is required for an externally illuminated sign A permit is required for a major promotion sign</i>
<i>Other</i>	
CULTURAL HERITAGE SENSITIVITY	The subject land is not within an area of Cultural Heritage Sensitivity and is therefore exempt from the requirements of obtaining a Cultural Heritage Management Plan.

The permit applicant, Gawk Outdoors, seeks approval for an externally illuminated Major Promotion Sign on the land at 215 Dead Horse Lane Mansfield, facing the Midland Highway.

Subject Land

The subject land is irregular in shape and has dual road frontage to Dead Horse Lane to the south and Midland Highway to the west.

The land and its adjoining properties to the east south and west are in the Industrial 1 Zone, the land to the north (Racecourse) is in the Public Park and Recreation Zone, and the Midland Highway is in the Transport Zone 2 (VicRoads managed road). The nearest residentially zoned land is approximately 280 metres to the south, at Cambridge Drive.

Although no overlays apply to the land currently, it is noted that the Design and Development Overlay (DDO3) is proposed to be applied to the subject land through C56mans.



Figure 1: Aerial imagery of the subject land and surrounds

History of the Land

The land is occupied with multiple buildings and businesses, including Elgas and some shipping container storage, the land is also subject to another planning permit application VS005-25 which is for a 24-hour fuel bowser to be accessed from Dead Horse Lane. The permit applicants for the two applications are not related and the applications are being assessed separately and on their merits.

Previous planning permits issued on the land include:

- P144/14 - Change of use to Motor Bike Club Rooms (restricted place of assembly)
- PD/98/00164 - Storage of recycled materials
- 201/90 - Development and use of a fuel and bottled gas depot

Proposal

The proposal is for the erection and display of a freestanding, double-sided, externally illuminated major promotion sign, including the display of third-party advertising. Third-party advertising would include the promotion of businesses, events, or products not on the land.

Each side of the sign is proposed to have a display of 18.26 square metres, with an additional 0.27 square metres 'Gawk' business identification sign on each side. The height of the sign would have a maximum of 5.15 metres from natural ground level.

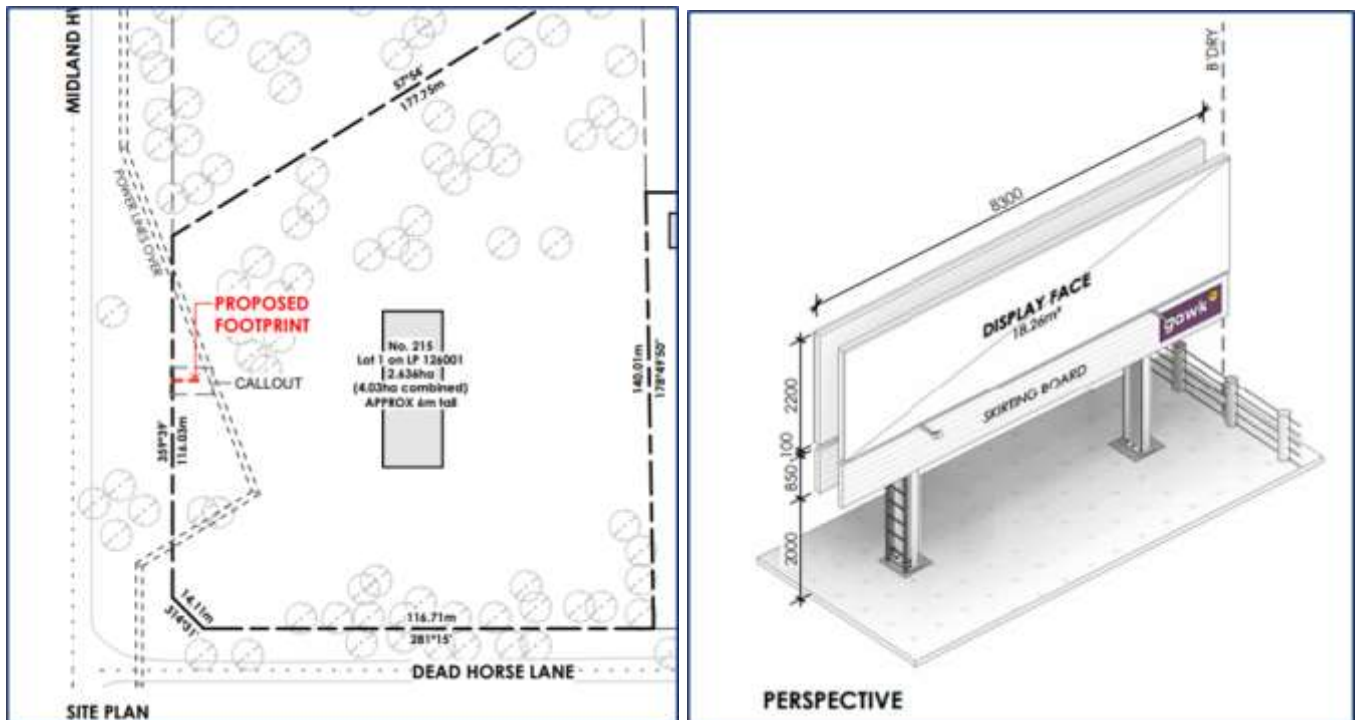


Figure 2: submitted Site Plan and 3D plan



Figure 3: indicative sign in place

Referral Authorities

Referral Authority	Type of Referral	Response
Department Transport and Planning	Section 52 – for Comment	No objection, with Conditions
Goulburn Murray Water (GMW) Clause 66.02-5	Section 55 - Determining	No objection
Councils Economic Development Team	For Comment	No objection
Councils Engineering Team	For Comment	Objection
Council's Environment Team	For Comment	Objection
Council's Strategic Planning Team	For Comment	Objection
Council's Tourism Team	For Comment	No objection

The application has been referred to Goulburn Murray Water (GMW) as a determining authority as the land is within the Special Water Supply Catchment, and a request for comments has been sent to Department of Transport and Planning (Head, Transport for Victoria) as the sign would be viewed along a VicRoads managed road.

The Head, Transport for Victoria has provided a response, raising no objection to the proposal and requesting two conditions be included in any permit issued. The permit conditions requested relate to the external lighting being able to be adjusted and to restrict reflective and glossy surfaces. GMW responded and raised no objection.

The objections received from Council's Engineering, Environment and Strategic Planning Teams raise the following summarised concerns:

Engineering

- Nearby intersection of Dead Horse Lane and Midland Highway is identified as high risk and a *Black Spot Intersection*
- Impact traffic safety
- Application did not include a Functional Layout Plan to ensure the sign would not impede sight lines
- Unknown impact to the Heavy Vehicle Alternative Route
- Unknown safety impacts from the illumination

Environment

- Artificial lighting disrupting natural behaviours of nocturnal animals
- Artificial lighting creating habitat fragmentation
- A report addressing potential biodiversity impacts has not been provided
- Infestation of Chilean Needle Grass, which could be spread during construction with traffic movements through the site

Strategic Planning

- Proposal is inconsistent with the objectives of the *Mansfield Township Approaches Planning Controls and Guidelines Study 2018*:
 - Application does not provide for a 'generous setback' or landscaping
 - Is not compatible with the preferred character of the approach
 - Design does not incorporate signage with a building facade
 - Will create visual clutter
 - Will not provide for business identification
 - Will likely diminish key views along the township approach
 - Additional light spill along approach
 - Lighting could impact on safety of road users
- Planning Scheme Amendment C56mans Part 1 implements the *Mansfield Township Approaches Planning Controls and Guidelines Study 2018* through a Design and Development Overlay (DDO3) which is proposed to be applied to the subject land. The proposal does not comply with proposed DDO3:
 - Proposal will not integrate colours and finishes of the surrounding landscape
 - Adds visual clutter and visual bulk to the approach
- Proposal does not align with the *Mansfield Planning Strategy 2022*

Public Notice

Advertising was carried out in accordance with the requirements of the *Planning and Environment Act* including 94 Public Notice letters being sent to owners and occupiers of the adjoining and nearby properties, two signs were onsite for the period of 8 to 29 April 2024.

Following the public notice period a total of five (5) objections were received, in summary the objections relate to:


- Content of the signs is not able to be controlled
- Visual amenity impacts
- Detract from the existing 'Rural approach'
- Size of the sign is too large
- Illumination and impact to Fauna
- Biosecurity risk of the Chilean Needle Grass
- Contrary to C56mans and proposed Design and Development Overlay
- Could set a precedent
- Safety impacts for drivers
- Visually detracts from the tree-lined approach
- Does not align with Clause 15.01-5


A detailed assessment of the objections is included below [Consideration of Objections].

Copies of the Objections were given to the permit applicant who had chosen not to provide a response, at the time of this report being written.

Key Issues

Consideration of Objections

Objection	Officer Comment
<i>Content of the signs is not able to be controlled</i>	<p>The application states that local content could be included in the display, however, it does not specify how that could be controlled.</p> <p>Advice has been received from Council's Economic Development and Tourism Team that states how display of local events and business could be beneficial to the local economy.</p>
<i>Visual amenity impacts</i>	<p>The application documents include indicative images of what the developed result could look like from various viewpoints on the Midland Highway, as below.</p>  <p>PROPOSED PERSPECTIVE VIEW 01 - SOUTHBOUND TRAFFIC</p> <p>It is considered that the sign would be quite prominent when viewed along the Midland Highway township approach and would detract from the natural vegetated landscape along the east side of the road.</p>
<i>Detract from the existing 'Rural approach'</i>	<p>The township approach and rural approach (departing Mansfield) are specifically identified in local strategic documents and by a proposed Design and Development Overlay which discourages visual clutter and freestanding signage.</p> <p>The character of the approach along Midland Highway to Mansfield is currently characterised by the open space of the Racecourse, wide grassed nature strips and large native trees which set the scene for a rural landscape with views to the surrounding hills and alpine areas.</p>

Objection	Officer Comment
	The proposed sign would impose the existing character and visually detract from the natural surrounds.
<i>Size of the sign is too large</i>	The sign is proposed to be just over 18sqm on each side and would provide for significant-sized advertising. With a total height of 5.15metres the sign would be very visible in the landscape and not in character with surrounding developments.
<i>Illumination and impact to Fauna</i>	The potential impact to fauna has been raised as a concern by Council's Environment Team who determined risks and impacts to nocturnal animals, especially as there are many large gum trees surrounding the subject land area with hollows frequently used by native animals.
<i>Biosecurity risk of the Chilean Needle Grass</i> 	There is a sign on the property boundary which warns of Chilean Needle Grass being present on the land, which is a recognised invasive weed. Any development on the subject land would need to be carefully managed to ensure no spread of seeds or plant parts, which has not been addressed as part of the application documents.
<i>Contrary to C56mans and proposed Design and Development Overlay</i>	<p>Council's Strategic Planning Team are working to implement the <i>Mansfield Township Approaches Planning Controls and Guidelines Study 2018</i> through a Design and Development Overlay (DDO3) applied by Planning Scheme Amendment C56mans Part 1 which is proposed to be applied to the subject land.</p> <p>The proposal does not comply with proposed DDO3, as is assessed in the attached Assessment against Planning Scheme.</p>
<i>Could set a precedent</i>	Any application for a planning permit must be assessed on its merits. However, should a major promotion sign be approved it would likely change the character of the township approach which could negatively impact the overall experience and afford similar applications to be applied for.
<i>Safety impacts for drivers</i>	Council's Engineering Team has assessed the application and determined that in its proposed location, close to the Dead Horse Lane and Midland

Objection	Officer Comment
	Highway intersection there could be safety implications, particularly as the sign is proposed to be illuminated.
<i>Visually detracts from the tree-lined approach</i>	The existing landscape of the approach to Mansfield along the Midland Highway is currently dominated by large native trees. As is shown in the submitted plans the sign would be prominent in the landscape and would not likely be in keeping with the natural colours of the surroundings.
<i>Does not align with Clause 15.01-5</i>	<p>Clause 15.01-5L is a local policy in the Mansfield Planning Scheme specific for the <i>Mansfield Township Approaches</i>.</p> <p>An Officer assessment of the application against the local policy is provided in the attached Assessment against Planning Scheme, which concludes that the proposed is inconsistent with the objectives and strategies of the local policy. The policy has an objective:</p> <p><i>To ensure future development along the four key Mansfield Township Approaches is compatible with and reinforces the existing and preferred character of these areas.</i></p> <p>And includes the following strategy:</p> <p><i>Minimise the impact of visual clutter from signs through controls to ensure local streetscapes and key view lines to the surrounding alpine foothills are retained and enhanced over time.</i></p>

Officer Assessment

A complete assessment of the application against the Mansfield Planning Scheme is attached.

The proposal is for a major promotion sign located on one of Mansfield's key Township Approaches and would be close to very large native vegetation, with negative impacts to native fauna and traffic safety. Overall, the proposal is considered to be inconsistent with the Mansfield Planning Scheme and relevant adopted Council Strategies.

Recommendation

THAT COUNCIL resolves to issue a **Notice of Decision to Refuse to Grant a Permit** for Planning Permit Application P017-25 for an externally illuminated Major Promotion Sign at Lot 1 on PS126001, commonly known as 215 Dead Horse Lane Mansfield, for the following reasons:

1. Proposal is inconsistent with the strategies of Clause 12.01-1S Protection of Biodiversity as the impacts from fragmentation of habitat and spread of pest plants (Chilean Needle Grass) have not been addressed.
2. Proposal is inconsistent with the objective and strategies of Clause 12.05-2L Significant

Landscapes, Ridgelines and Alpine Approaches to *protect the environmental, landscape and visual significance of landscapes, alpine approaches and significant ridgelines, particularly in areas of high visual amenity.*

3. Proposal has not suitably addressed how the risk of spread of pest plants will be mitigated in accordance with Clause 14.01-1S Protection of Agricultural Land.
4. Proposal is inconsistent with the objective, strategies and policy documents (*Mansfield Township Approach Planning Controls and Guidelines Study 2018*) of Clause 15.01-5L Mansfield Township Approaches.
5. Proposal is inconsistent with the purpose of Clause 52.05 Signs;
 - a. *To ensure signs are compatible with the amenity and visual appearance of an area, including the existing or desired future character.*
 - b. *To ensure signs do not contribute to excessive visual clutter or visual disorder.*
 - c. *To ensure signs do not cause loss of amenity or adversely affect the natural or built environment or the safety, appearance or efficiency of a road.*

Support Attachments

4. Assessment against Planning Scheme [**13.2.2.1** - 23 pages]
5. Application Documents [**13.2.2.2** - 44 pages]
6. Referral Response - Goulburn Murray Water [**13.2.2.3** - 1 page]
7. Referral Response - DTP Head Transport for Victoria [**13.2.2.4** - 1 page]
8. CONFIDENTIAL - Objections [**13.2.2.5** - 18 pages]
9. 20241219 MANSFIELD 2 LANDSCAPING TPP [**13.2.2.6** - 4 pages]
10. 20250512 MANSFIELD 2 Letter [**13.2.2.7** - 2 pages]

Considerations and Implications of Recommendation

Sustainability Implications

The application has been assessed against the provisions of the Mansfield Planning Scheme with the requirement to make development as sustainable as possible within the current legislation.

Community Engagement

The application was advertised to nearby and adjoining landowners and occupiers, a notice was in the *Mansfield Courier*, and a notice of application placed on the site, in accordance with the provisions of the *Planning and Environment Act 1987* and Council's community engagement policy.

Collaboration

Not Applicable

Financial Impact

All work to create the policy has been undertaken internally by Council Officers within existing staff resources. An application fee of \$1,265.60, and public notice fees of \$814.50 were received.

Legal and Risk Implications

The application has been assessed under the provisions of the *Planning and Environment Act 1987* and the Mansfield Planning Scheme. Should a Notice of Decision to Grant a Permit be issued the submitters may seek a review of Council's decision at the VCAT, or the permit

applicant may seek a review at the VCAT of any conditions placed on the permit. If Council determines to issue a Notice of Decision to Refuse to Grant a Permit, the permit applicant may seek a review of this decision at the VCAT.

Regional, State and National Plans and Policies

The application has been assessed in accordance with the *Planning and Environment Act 1987* and the Mansfield Planning Scheme.

Innovation and Continuous Improvement

Not Applicable

Alignment to Council Plan

Theme 1: Connected and Healthy Community Strategic Objective 2: Activities that promote connection and fitness of our people and visitors

Strategy 2.3 Enhance the social and economic value of tourism to Mansfield.

Theme 2: Vibrant Liveability Strategic Objective 3 Future focused: Intelligent land use and infrastructure

Strategy 3.1 Protect natural vistas and farmland

Strategy 3.2 Enhance township character

Theme 2: Vibrant Liveability Strategic Objective 5 Prosperous: Industries, businesses and workforces of the future

Strategy 5.1 Create conditions that enable local businesses

Theme 3: A Trusted, Effective and Efficient Council Strategic Objective 6: Council possesses in-house and outsourced capability to meet community expectations

Strategy 6.1 Use and gain knowledge of our community to make good decisions

Theme 3: A Trusted, Effective and Efficient Council Strategic Objective 8 A consultative Council that represents and empowers its community

Strategy 8.1 Increase community trust in Council to make informed decisions with “no surprises”

Strategy 8.2 Develop capacity and capability to advocate powerfully for the most important interests of the Mansfield community

Governance - Disclosure of Conflicts of Interest

The author of this report and officers providing advice in relation to this report do not have a conflict of interest to declare in this matter, in accordance with the Local Government Act 2020.

13.2.3. P214-22 Planning Permit Application - 138 Hearn's Road Boorolite

File Number	P214-22	Responsible Officer	Senior Coordinator Planning, Nicole Embling
Purpose			

The purpose of this report is to seek Council's determination of application P214-22, lodged for use and development of land for Extractive Industry (Stone Extraction), at 138 Hearn's Lane Boorolite. This application is being referred to Council for a determination as the number of outstanding objections (15) exceeds delegation and the Officer Recommendation is for refusal.

Executive Summary	
<i>Application Details</i>	
APPLICANT	Regional Planning Services
PROPOSAL	Use and development of land for Extractive Industry (Stone Extraction)
NOTICE AND SUBMISSIONS	Letters to (14) owners and occupiers of neighbouring properties (20 September to 14 October 2023). Letters to all objectors of P108/21 Sign on site There are fifteen (15) outstanding objections
<i>Property Details</i>	
PROPERTY ADDRESS	138 Hearn's Road, Mansfield
LAND DESCRIPTION	Portion 103 Parish of Beolite TP277128M, Crown Allotment 64 TP264856 and Crown Allotment 66 TP283083X
RESTRICTIVE COVENANTS	None on Title
LAND AREA	151 hectares
EXISTING USE	Mostly vacant cleared grazing (farm) land
<i>Planning Provisions</i>	
ZONE	Clause 35.07 - Farming Zone (FZ)
OVERLAYS	Clause 42.01 - Environment Significance Overlay Schedule 2 – (Part- CA64 & CA66) Catchments at Medium Risk of Water Quality Impacts (ESO2) Clause 42.03 – Significance Landscape Overlay (Part- Portion 103) Schedule 1 – Alpine Approach Significant Landscape Area (SLO1)
MUNICIPAL PLANNING STRATEGY	<ul style="list-style-type: none"> – Clause 02.03-1 – Settlement – Clause 02.03-2 – Environmental and Landscape Values – Clause 02.03-4 – Natural Resource Management (Agriculture)

	<ul style="list-style-type: none"> – Clause 02.03-4 (Water and Declared Special Water Supply Catchments) – Clause 02.03-7 – Economic Development (Tourism)
PLANNING POLICY FRAMEWORK	<ul style="list-style-type: none"> – Clause 12.05-2L – Significant landscapes, Ridgelines, and Alpine Approaches – Clause 13.05-1S- Noise Management – Clause 13.07-1S – Land Use Compatibility – Clause 14.01-1S – Protection of Agricultural Land – Clause 14.02-1S – Catchment Planning and Management – Clause 14.02-2S – Water Quality – Clause 17.01-1R – Diversified Economy – Hume – Clause 17.03-2S- Sustainable Industry – Clause 18.02-4S – Roads
PARTICULAR PROVISIONS	<ul style="list-style-type: none"> – Clause 52.06 - Car Parking – Clause 52.08 – Earth and Energy Resources Industry – Clause 52.09 - Extractive Industry and Extractive Industry Interest Areas
Permit Triggers	
Clause 35.07-1 – Farming Zone	A permit is required to use land for Extractive Industry
Clause 35.07-4 - Farming Zone	<p>A permit is required for works associated with a Section 2 Use (Extractive Industry)</p> <p>A permit is required for works within 100m of a waterway</p>
Clause 42.01-2 - Environmental Significance Overlay (ESO2)	A permit is required for to carry out works, where no relevant exemption applies
Clause 42.03 - Significant Landscape Overlay (SLO1)	A permit is required for works, where no relevant exemption applies
Clause 52.08 - Earth and Energy Resources Industry	A permit is required to use and develop land for earth and energy resources (extractive industry – stone extraction)
Clause 52.08 - Earth and Energy Resources Industry	A permit is required to use and develop land for earth and energy resources (extractive industry – stone extraction)

Subject Land and Surrounds

The subject site comprises three adjoining parcels in an L shape comprising 151 hectares (refer to the subject site aerial images in Figure 1 & Figure 2). Parcel 103 TP277128M adjoins Pollards Road on the northern boundary and is rectangular in shape. Parcel 64 TP264856Y adjoins to the south, is also rectangular in shape. Parcel 66 TP283083X adjoins an Unmade Government Road Reserve that currently provides an unsealed connection to Hearn's Lane.

There are no dwellings on the land however, there is some farm infrastructure including stock yards and an open bay shed.

The review site is not affected by Clause 44.07 - State Resource Overlay, nor is it in an Extractive Industry Interest Area or a Strategic Extractive Resource Area.

There are seven natural overland watercourses/drainage lines which traverse the three allotments. The land is in the Farming Zone and is currently undulating grassed paddocks with stock (cattle). There are dams across the property and established boundary/fence line vegetation running along much of the higher eastern boundary line. The subject allotments are situated within the broader active Delatite Valley farming area at the foothills of Mt Buller. The subject site is south of Mt Buller Road and two of the three parcels are in the Significant Landscape Overlay (SLO1) pertaining to the Alpine Approach, shown in Figure 1 below.

The Significant Landscape Overlay (SLO) for the Alpine Approaches applies to part of the land and does not apply to the adjoining land to the south-west. The objectives of the SLO are:

- *Identify and protect the visual values of the landscape of state significance on the approaches to mountains and ranges, including Mount Buller, Mount Stirling, Mount Timbertop, and other significant mountains.*
Protect short and long-distance views of Mount Buller from the Mt Buller Road, other approach roads and public viewpoints.
- *Avoid the visual impact of buildings and works in the landscape.*
- *Minimise the visual impact of buildings and works by requiring setbacks from prominent visual areas, ridgelines and adjoining and nearby private land.*

The SLO has been applied to entire parcels of land which are able to be viewed from the Alpine Approach, specifically along Mt Buller Road. An assessment of the subject land determines that Portion 103 of the subject land is within the SLO and partially visible from Mt Buller Road due to the natural topography of the land. Portion 103 is significantly visible from the surrounding properties west of the subject land.

The adjoining land surrounding the site is also in the Farming Zone and Parcel 64 and Parcel 66 are situated within the Special Water Supply Catchment, Environmental Significance Overlay 2 - catchments at medium risk of water quality impacts (ESO2). The site is approximately 1.8 kilometres west of Buttercup Road. The proposed extractive work area is approximately 1 kilometre west of Mt Buller Road. The character of the area surrounding the subject site is currently active farming (pasture and grazing of beef and sheep). The Delatite Winery is approximately 1.4kms west of the subject site. Several nearby properties in the area are established with dwellings.

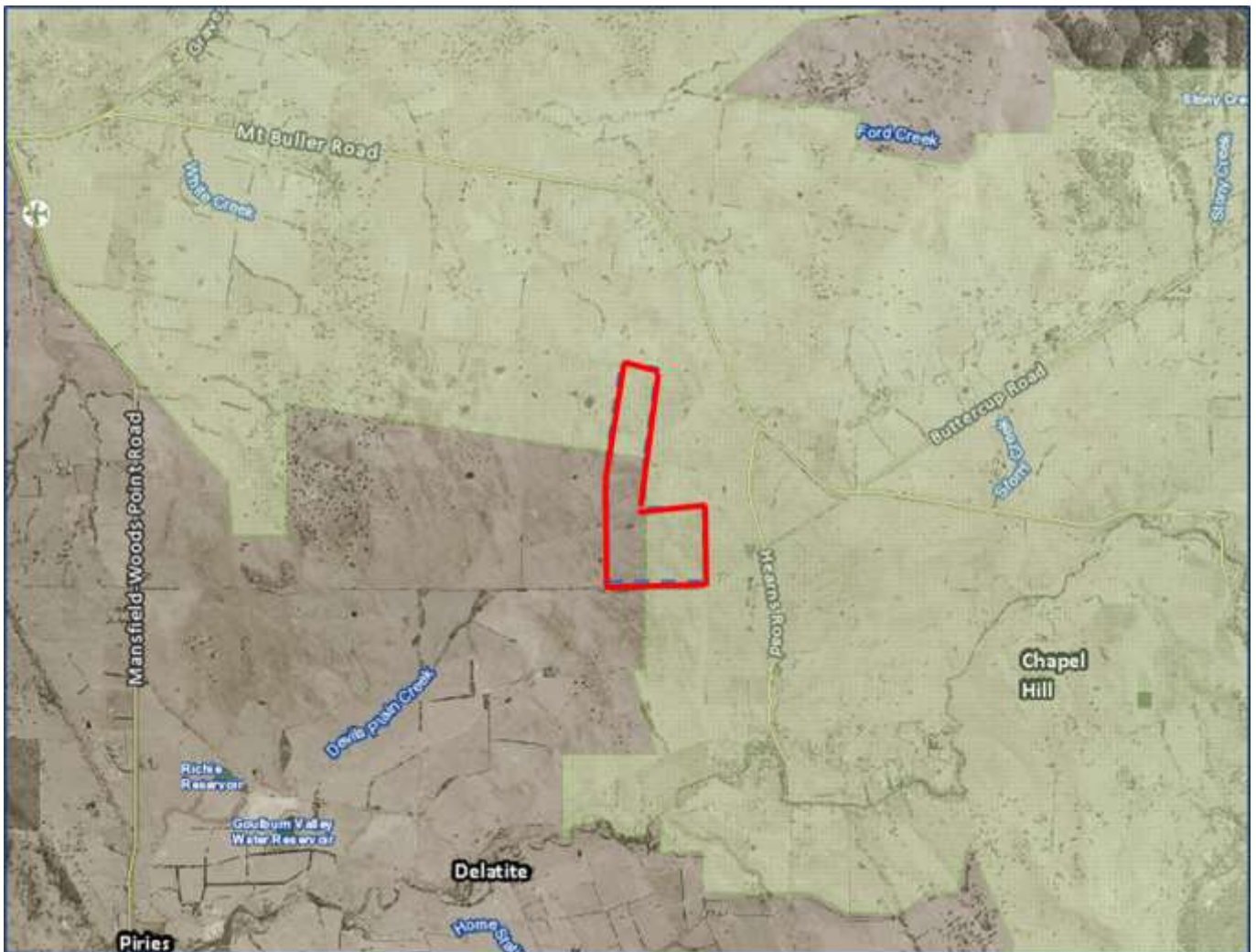


Figure 1: Context Map of the subject land and surrounds with Significant Landscape Overlay shown Green

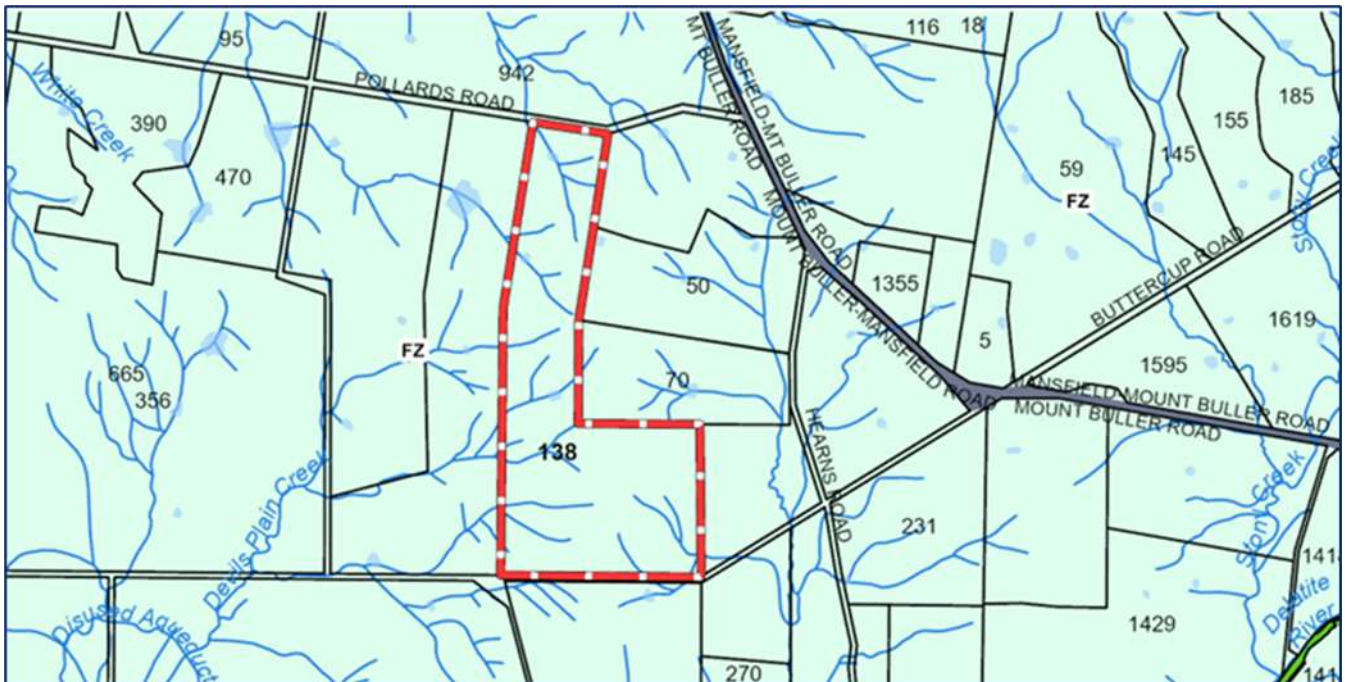


Figure 2: Waterways and drainage lines across the property surrounding Farming Zone

Site History

An assessment of previous planning applications or approvals for the subject land include the following:

- No previous planning permits on Council's electronic record for the former dwelling or outbuildings on site.
- P108/21 Use and development of land for Extractive Industry (Stone Extraction).
After receiving several objections, the application was withdrawn on 2 February 2022.

Proposal

The planning permit application proposes the use and development of land for extractive industry (Stone Extraction). The applicant is seeking approval for four proposed extractive areas that have a proposed combined area of 4.37 hectares.

The location of the extractive areas are three separate sites within Parcel 103 (situated off Pollards Road) and a fourth site within Parcel 64. The rock extraction at the subject land is proposed to be undertaken over an unspecified duration of time. A mechanical excavator would be used to carry out the mudstone removal. A volume/estimate of the extent of extracted materials in cubic metres of rock has not been provided. The proposal would require heavy vehicle access to the extractive areas, and it is proposed that a single truck and trailer be used with access into the site off Hearn's Road via the Unmade Government Road Reserve, beside Parcel 67 and Parcel 66 through Parcel 64 and Parcel 103. The proposed access route is shown in Figure 3 (light brown denotes the truck movements across the subject site).

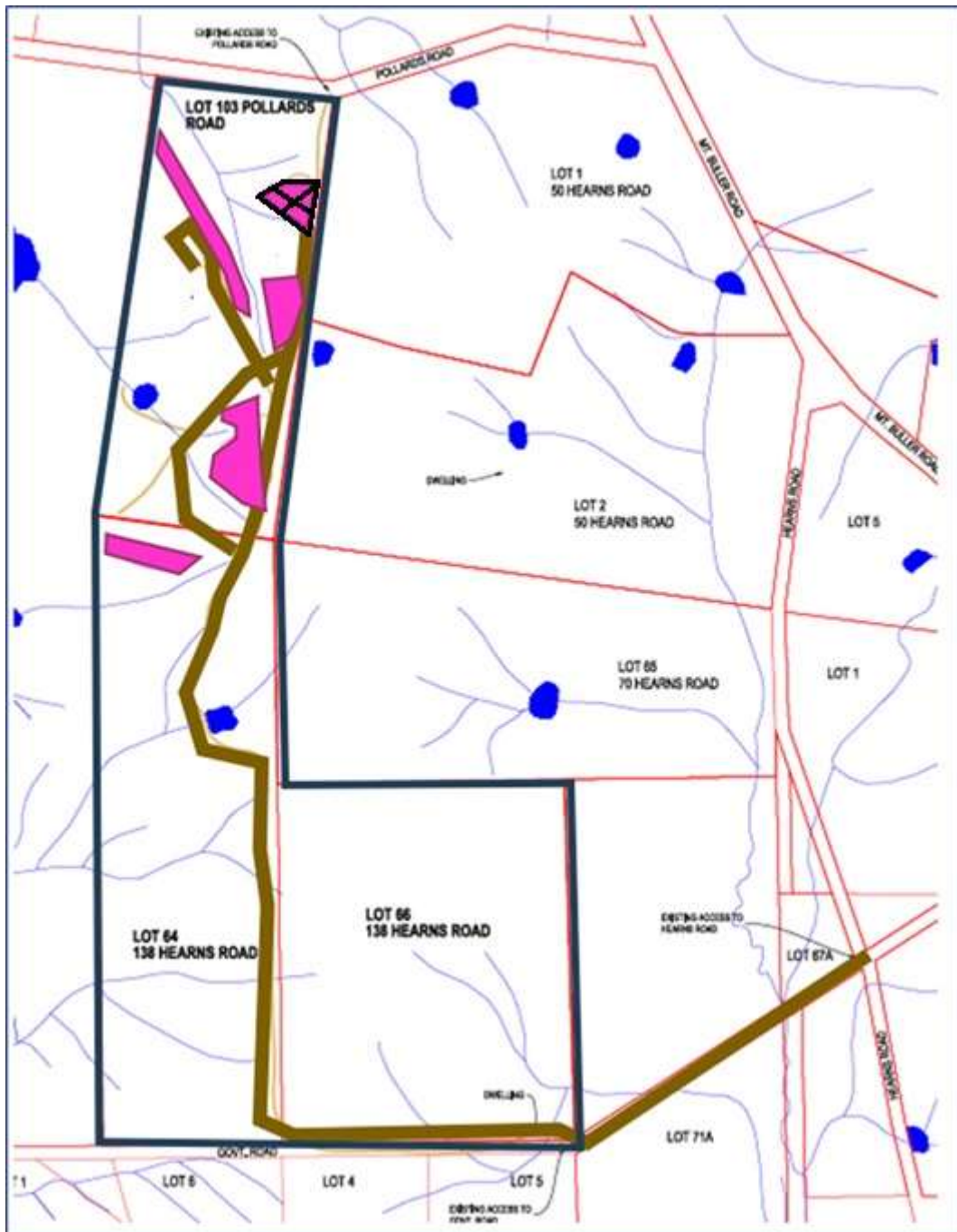


Figure 3: Proposed four extraction areas (pink) and access to the subject site for heavy vehicles (brown line)
 Note: previously proposed Site 1 has been removed – denoted with black X

A site inspection of the property has confirmed that the condition of Pollards Road coupled with the poor visibility at the juncture with Mt Buller Road does not make this existing access viable for truck movements.

A detailed Request for Further Information was sent to the Applicant on 11 January 2023. The response to the requested further information was received 13 August 2023. The applicant has provided a detailed written response to objections, a landscape photograph assessment, and an updated Operations Plan 18 March 2024.

The proposal includes the following operations:

- Extraction to a depth up to 2 metres
- 4 Truck Movements per day (2 full loads leaving)

- Proposed hours of operation 7am to 6pm, Monday to Friday, except on Public Holidays and days with a Fire Danger Rating of Extreme or Catastrophic
- Up to three (3) staff/operators onsite
- Progressive rehabilitation of the extraction sites, as detailed in the Land Management Plan, see attached (Application Documents – as Advertised) and Updated Operations Plan, see attached page 11
- No blasting or use of explosives

The applicant seeks shallow rock extraction on selected areas across the property to improve accessibility for farm machinery and enabling land management activities, increasing the productivity of their pastures and livestock. Some of the rock to be extracted is intended to be used on another property in the same ownership for erosion control. When rock has been extracted, any displaced topsoil would be returned to the site, sown with pasture species, and allowed time to regenerate before livestock grazing is resumed as part of the Rehabilitation Plan. Some areas of rock would be left undisturbed to prevent erosion and provide habitat for fauna.

The applicant asserts that the operation of the proposed industry would be run by either the owner with the assistance of his partner (and only if, and when required), with the help of a truck and extractor operator. An updated site plan has been provided to show the parking location at each of the five extraction areas. The applicant contends that all rock would be loaded into the truck with no on-site stockpile areas containing the extracted rock. Any overburden would immediately be placed back within the extraction site. A Land Management Plan that has been provided suggests that additional fill may be required which would be undertaken within the 4-week period of the stone being extracted.

The plans show that extraction areas have a minimum distance of at least 30 metres of any waterway, drainage line or dam as per the site plan and in accordance with Goulburn Murray Water (GMW) requirements. An acoustic report and detailed assessment were also requested 11 January 2023, but the applicant has not submitted a formal acoustic assessment. With the response to the request for further information the applicant has provided supporting information that indicates there are nine (9) existing dwellings within a 3km radius of the subject site. The Planning Submission provided by the applicant states:

“The nearest dwelling is over 500 metres away with all adjoining sites used for grazing purposes and undeveloped apart from the one dwelling located along Pollards Road. The more sensitive sites are located along the rural living allotments along Mt Buller Road, over 1.5 kms, where the land is undulating in nature, and any noise generated by the activity will be buffered due to the topography of the land. In relation to any business operating within the area, Delatite Winery is located at least 2.2kms away and once again due to the undulating nature of the land and distance is considered the noise generated from the operation will not impact the operation of the winery.”

The proposal would not require the removal of, or have any impact on, native vegetation and there are no areas of the subject land that are within an area of Cultural Heritage Sensitivity.



Figure 3: *Proposed extractive work areas visible from Mt Buller Road (supplied by Applicant 18 March 2024)*

Key Issues

External Authorities

Referral Authority	Type of Referral	Response
Goulburn Murray Water (GMW) 66.02-5	Section 55- Determining	Conditional consent
Transport Victoria 66.02-8	Section 55 - Determining	Conditional consent
Heritage 66.02-8	Section 55 - Determining	Conditional consent
Earth Resources Regulation	Section 55 - Recommending	Comments provided

Internal Referrals

Department	Response
Engineering	Referral response provided
Environment	Referral response provided

Public Notice

The application was advertised with a sign onsite and letters were sent to the owners and occupiers of adjoining and nearby properties, including fourteen (14) addresses for the period of 20 September to 14 October 2023. The application was required to be advertised as the proposal may cause material detriment to the neighboring properties. The application was also advertised to all the Objectors to the previous planning application P108/21 which was also for Extractive Industry (withdrawn February 2022).

To date the current application has received fifteen (15) objections.

Further information and amendments were received 18 March 2024 and responses sent to objectors 28 March 2024. A consultative meeting was held 19 April 2024, with the Minutes from the meeting attached to this paper.

In summary the objections relate to:

- Environmental Impacts
- Aboriginal Cultural Heritage
- Amenity Impacts
- Visual Impacts/Tourism
- Bushfire Risk
- Inconsistency with Economic Development Strategy
- Prominence of Ridge Line
- Inadequate Public Notice
- Accessibility
- Traffic
- Hours of Operation
- Extraction Areas
- Exclusion of Previous Objectors
- Setting a Precedent

The Permit Applicant was provided copies of the objections for their consideration, and in response the applicant made a written statement, provided photos of the proposed work areas from public roads/ viewpoints and made some minor amendments to the Operations Plan, which was then provided to all objectors with an invitation to a consultative (mediation) meeting hosted by Council Officers. The consultative meeting was held in Council Chambers 19 April 2024 and involved three (3) Council Officers, the Permit Applicant and their Consultant, and four (4) of the objectors.

Following the Consultative Meeting the application was amended on 14 March 2025 to remove the Extraction Site 1, which was proposed to be closest to the north-east boundary and is shown removed on Figure 3. In addition to the removal of Site 1 the submitted Operations Plan was also updated to reflect the confirmed advice from Department of Energy, Environment and Climate Action, Earth Resources Regulator which details how the proposal is exempt from requiring a Work Authority.

The application is exempt from the requirements of a Work Plan or Work Authority under the Mineral Resources (Sustainable) Development Act 1990 (MRSD Act). Accordingly, ERR provided confirmation in September 2024 that the *provisions of the MRSD Act do not apply to extractive industries (the extraction or removal of stone from land) if exempted under section 5AA of the Act*. The specific exemption is provided in the Victorian Government Gazette, December 2009:

Any extraction or removal of loose stone from the surface of land undertaken by the landowner or an agent of the landowner for the primary purpose of land improvement on agricultural land including pasture enhancement.

In March 2025 the permit applicant provided an amended set of plans in line with the exemption to provide detail of the 'loose stone' to be extracted. The following statement was included in the email with the updated plans:

12 March 2025

The only minor change to the Plan is underestimate depth of extraction - Maximum depth of 2.0 metres to allow the plough discs safe passage as they are at a depth of .8m. All the other information remains the same.

The updated plans have been provided to the 15 objector parties; none have withdrawn their concerns.

Objection Theme	Detailed Objection Concerns	Officer Comments
Environmental Concerns	<i>Habitat destruction, soil erosion, air and water pollution, noise pollution, and ecosystem disruption caused by the quarry. Proposed hay bales are not enough to curb land disturbance and sediment deposit into waterways due to flooding. Rehabilitation/Revegetation post completion.</i>	No site flora or fauna assessment. No site geological assessment. The applicant has provided a land management plan to support the operational plan. The land management plan outlines minimal detail for the site rehabilitation measures and soil erosion/ sediment control.
Aboriginal Cultural Heritage	<i>The quarry/ proposed use may harm cultural heritage sites without thorough archaeological assessment and consultation with Traditional Owners.</i>	The subject site is not identified as being within an identified Aboriginal Cultural Heritage Sensitivity area. The applicant has a duty under Section 24 of the <i>Aboriginal Heritage Act 2006</i> to declare found sites or artifacts of cultural significance.
Amenity Impacts	<i>Impact on Delatite Winery, concerns about the impact of the quarry on the Delatite Winery and its economic growth, including noise, dust, and aesthetics. Acoustic Report not included. Proximity to nearby sensitive receivers in direct line of sight, means no noise mitigation measures are likely to be possible due to topography, however the application does not even attempt to offer noise mitigation for adjoining landholders, and it should be noted that vegetation is not a noise inhibitor.</i>	No acoustic assessment provided. No formal landscape analysis. No visual renderings of work areas in the landscape. There is limited supporting information to demonstrate that the scope of extractive works and associated amenity impacts would not be of an unacceptable level that exceeds the other agricultural machinery/ surrounding farming practices and noise.
Visual Impacts/ Tourism	<i>Will impact the scenic beauty of the area, potentially affecting tourism and the local economy, especially holiday homes, accommodation businesses. Quarry could deter tourists due to potential environmental damage and disruptions, affecting the local economy. Concerns about the impact on tourism and eco-friendly transportation plans like cycling trails.</i>	Per above.

Objection Theme	Detailed Objection Concerns	Officer Comments
	<i>Quarry location is within the Significant Landscape Overlay, which should protect views of Mt Buller from approach roads. Damages the character of the area. Amendment 48/Panel hearing 2022.</i>	
<i>Bushfire Risk concerns</i>	<i>Lack of specificity regarding measures to prevent risk. Should a permit be considered operations should not be allowed on "Severe" and higher fire danger days and a minimum requirement of 10,000 liters of permanent water and firefighting equipment and trained operators should be mandated to be in attendance at all times. Dangerous operation in dry months with likelihood of fast running grassfire risk.</i>	It is considered that the operations plan does not suitably address and mitigate bushfire risk. The subject land is not within a Bushfire Management Overlay. However, it is within a designated Bushfire Prone Area.
<i>Inconsistency with Economic Development Strategy</i>	<i>The quarry contradicts the council's stated goal of enhancing the visitor economy in the Economic Development Strategy. Will impact the economy of Mansfield Shire as it will have detrimental effects on nearby establishments such as the Delatite Winery.</i>	The relevant factors that correlate with Planning Policy have been considered in the assessment against the Planning Scheme. The Economic Development Strategy is not an incorporated document of the current planning scheme.
<i>Prominence of Ridge Line</i>	<i>Objecting to the quarry on the basis that it is located on a prominent ridge line visible from various areas, affecting the visual landscape.</i>	Site visits to the area surrounding the subject site confirm that the work areas are likely within prominent views of Mt Buller/ Mt Stirling and the Delatite Valley.
<i>Inadequate Public Advertising</i>	<i>Expressing concerns that the proposal was not publicly advertised in the Mansfield Courier, which is the usual method for notifying the community - making it difficult for the community to be informed and involved. Pointing out difficulties in accessing and printing the lengthy proposal document online.</i>	The current application has been broadly advertised to surrounding properties and has undergone an extended advertising period. The earlier application for the subject site was also advertised.
<i>Accessibility of Proposal</i>	<i>Mentioning that the proposal is not easily accessible online due to file size and complexities in navigating it.</i>	The online package of application material had an extended notification timeframes for interested parties to view and make submissions.

Objection Theme	Detailed Objection Concerns	Officer Comments
<i>Traffic Issues</i>	<p><i>Worries about potential traffic issues at the intersection of Pollards Road and Mt Buller Road if the quarry is allowed. Inadequacy of the road to carry heavy vehicles regularly as summer dust and winter rain damage the road. Currently used bike routes by students and trucks will be a danger to young cyclists.</i></p> <p><i>Entry from Pollards Road to Buller Road is dangerous and can lead to accidents with oncoming vehicles, especially with trucks.</i></p> <p><i>Lack of detail regarding the number of trucks that will be moving in and out of the site. Restricted sight lines to 100kph. Traffic Impact Assessment Report not included.</i></p>	<p>The current application has been referred to the Department of Transport. Conditional support has been provided. The scope of proposed works is limited to 2 truck movements into the site and 2 out (four haulage routes).</p> <p>Whilst DTP have provided conditional consent the application has not suitably detailed how impacts from the truck movements (eg. Dust) would be mitigated to an acceptable level.</p>
<i>Hours of operation</i>	<p><i>Two trucks per day amounts to four trucking movements (IN and OUT) per day. There is no timing limit sought for how many weeks/years this permit should be granted to excavate approximately 2,000 cubic meters of material.</i></p> <p><i>For such a said small extraction, any permit should limit any operations (digging and trucking) to 3 midweek days as a maximum, to be conducted on the same days.</i></p>	<p>The hours of the operation are proposed to be 7am to 6pm Monday to Friday.</p>
<i>Extraction area</i>	<p><i>Of important note is the nominated size and depth of the proposed extraction at 0.99 hectare by 2m in depth. Such dimensions enable the site to be exempt from the requirements of the Mineral Resources (Sustainable Development) Act 1990.</i></p> <p><i>A quarry that is less than one hectare in area avoids compliance with Code and a range of work practices including a Site Management Plan, Work Plan and Landscape and Rehabilitation Plan.</i></p>	<p>The application is exempt from the requirements of a Work Plan or Work Authority under the Mineral Resources (Sustainable) Development Act 1990 (MRSD Act). Accordingly, ERR provided confirmation in September 2024 that the provisions of the MRSD Act do not apply to extractive industries (the extraction or removal of stone from land) if exempted under section 5AA of the Act.</p>
<i>Exclusion of Previous Objectors</i>	<p><i>Expressing concern that previous objectors were not informed about the new proposal, which they find problematic.</i></p>	<p>All objectors of the earlier application were also provided notification of the current application.</p>
<i>Precedent</i>	<p><i>That the application could constitute a precedent on this land and lead to a</i></p>	<p>Any subsequent application for proposed stone extraction is required to be considered on its</p>

Objection Theme	Detailed Objection Concerns	Officer Comments
	<i>proliferation of similar applications as time goes by.</i>	own merits. The decision on the current application does not constitute a precedent for any future applications.

Officer Assessment

A detailed assessment of the application against the relevant provisions of the Mansfield Planning Scheme is attached within the Assessment Against Planning Scheme.

Having assessed the application against the relevant clauses of the Mansfield Planning Scheme, it is considered that insufficient supporting information has been provided to demonstrate that the proposal can respond appropriately to the requirements of the Scheme with respect to development in the Farming Zone, Significant Landscape Overlay, Environmental Significance Overlay, local and state policy, and the General Provisions.

The proposal for use and development of land for extractive industry (stone extraction) is unlikely to be in keeping with the area's existing rural character. The proposed work extraction areas are not considered to be respectful of the existing uses and development on adjoining properties and would detract from the significant landscape and views to the alpine regions. The subject land is in a significant area recognised for its landscape views and prominence in the Delatite Valley which is a key contribution for tourism in the Mansfield Shire. The visual amenity, noise and dust impacts from the proposal would be significant and the application has not suitably demonstrated how these impacts could be mitigated. Also, the land is in an area mainly used for productive agriculture, and the proposal has not justified the benefit to agriculture. The assessment of the application has raised concerns about sediment and erosion control and the supporting documentation does not provide suitable detail to reduce the risk of water quality impacts.

The application has been amended to include confirmation that a Work Authority is not required and therefore if approved, the extractive activities would be permitted only by Council as the Responsible Authority, meaning all compliance and ongoing permissions would be Council's responsibility.

The concerns raised through objector submissions have been considered in relation to the relevant planning policies. The scale of the shortfall in supporting material means that conditions cannot be recommended to ensure the proposal is an acceptable land use outcome without detriment to the surrounding landscape.

The proposal does not provide the core necessary supporting information to demonstrate accordance with the relevant provisions of the Mansfield Planning Scheme. The application is therefore recommended for refusal.

Recommendation

THAT COUNCIL, having caused notice of the application to be given under Section 52 of the *Planning and Environment Act 1987*, and having considered all matters under Section 60 of the *Planning and Environment Act 1987*, resolves to issue a **Notice of Decision to Refuse to Grant a Permit** for Planning Application P214/22 for the Use and development of land for

Extractive Industry (Stone Extraction) on **Portion 103 Parish of Beolite TP277128M, Crown Allotment 64 TP264856 and Crown Allotment 66 TP283083X**, commonly addressed as 138 Hearn's Road, Mansfield, on the following Grounds:

1. The Application and Further Information provided with the application is significantly deficient such that it should be refused as it cannot be adequately assessed, including:
 - a. No noise assessment.
 - b. No dust or air quality assessment.
 - c. No adequate detail or estimate of the volume of stone to be extracted, nor stockpiling of extracted material and topsoil for rehabilitation.
 - d. No indication of the amount of time it would take to extract the stone before supplies are depleted.
 - e. No assessment of the potential drainage and water quality impacts on the site or adjoining land.
 - f. No soil assessment or geological supporting information.
 - g. No satisfactory assessment of visual amenity impact on the surrounding properties and landscape.
2. The proposal does not align with the Strategic Directions of Clause 02.03-1 Settlement and Clause 02.03-2 Environmental and Landscape Values (Landscapes), the Objective and Strategies of Clause 12.05-2L – Significant Landscapes, Ridgelines and Alpine Approaches, and the Purpose and Decision Guidelines of Clause 42.03 - Significant Landscape Overlay – Schedule 1, Alpine Approach Significant Landscape Area (SLO1), specifically:
 - a. Four (out of five) of the proposed extraction areas are within the SLO1 and would impact the visual amenity of the area as viewed from the Alpine Approach and surrounds, including impeding the views to the Alpine Region.
 - b. The visual amenity of the prominent Delatite Valley will be impacted.
 - c. The location of extraction sites and internal accessways has not been designed to be responsive to the land's topography or unobtrusive in the landscape.
3. The application has not suitably addressed how the proposal will be beneficial for agricultural purposes or how it complies with the Strategic Directions of Clause 02.03-4 – Natural Resource Management (Agriculture), the Objective and Strategies of Clause 14.01-1S – Protection of Agricultural Land, or the Purpose and Decision Guidelines of Clause 35.07 - Farming Zone.
4. The application does not include sufficient information for sediment and erosion control for the protection of water quality and has not demonstrated compliance with the Strategic Directions of Clause 02.03-4 Natural Resource Management (Water and Declared Special Water Supply Catchments), The Objective and Strategies of Clauses 14.02-1S and 14.02-1L – Catchment Planning and Management, The Objective and Strategies of Clause 14.02-2S – Water Quality, and the Purpose and Decision Guidelines of Clause 42.01 - Environmental Significance Overlay – Schedule 2, Catchments at Medium Risk of Water Quality Impacts (ESO2).
5. The proposal will have an unreasonable impact on tourism and the application does not accord with the Strategic Directions of Clause 02.03-7 Economic Development (Tourism), and the Strategies of Clause 17.01-1R – Diversified Economy – Hume.

6. The application does not include sufficient information for noise, dust and air quality impacts, and does not align with the Objective and Strategies of Clause 13.05-1S – Noise Management, and the Objective and Strategies of Clause 13.07-1S – Land Use Compatibility.

Support Attachments

1. Assessment against Planning Scheme [13.2.3.1 - 27 pages]
2. Application Documents [13.2.3.2 - 23 pages]
3. CONFIDENTIAL - Objections [13.2.3.3 - 107 pages]
4. CONFIDENTIAL - Consultative Meeting Minutes [13.2.3.4 - 27 pages]

Considerations and Implications of Recommendation

Sustainability Implications

The application has been assessed against the provisions of the Mansfield Planning Scheme with the requirement to make development as sustainable as possible within the current legislation.

Community Engagement

The application was advertised to nearby and adjoining landowners, to all objectors of a previous related application (P108/21), and a notice of application placed on the site, in accordance with the provisions of the *Planning and Environment Act 1987* and Council's community engagement policy.

Collaboration

Not Applicable

Financial Impact

All work to create the policy has been undertaken internally by Council Officers within existing staff resources. An application fee of \$1164.80 was received for the application.

Legal and Risk Implications

The application has been assessed under the provisions of the *Planning and Environment Act 1987* and the Mansfield Planning Scheme. Should a Notice of Decision to Grant a Permit be issued the submitters may seek a review of Council's decision at the VCAT, or the permit applicant may seek a review at the VCAT of any conditions placed on the permit. If Council determines to issue a Notice of Decision to Refuse to Grant a Permit, the permit applicant may seek a review of this decision at the VCAT.

Regional, State and National Plans and Policies

The application has been assessed in accordance with the *Planning and Environment Act 1987* and the Mansfield Planning Scheme.

Innovation and Continuous Improvement

Not Applicable

Alignment to Council Plan

Theme 2: Vibrant Liveability Strategic Objective 3 Future focused: Intelligent land use and infrastructure
Strategy 3.1 Protect natural vistas and farmland

Theme 3: A Trusted, Effective and Efficient Council Strategic Objective 8 A consultative Council that represents and empowers its community
Strategy 8.1 Increase community trust in Council to make informed decisions with “no surprises”

Governance - Disclosure of Conflicts of Interest

The author of this report and officers providing advice in relation to this report do not have a conflict of interest to declare in this matter, in accordance with the Local Government Act 2020.

13.2.4. C57mans - Planning Scheme Amendment

File Number	E10627	Responsible Officer	Senior Coordinator Planning, Nicole Embling
Purpose			

To provide Council with updated information on the exhibited amendment to the Mansfield Planning Scheme, C57mans, which seeks to implement key recommendations from the Mansfield Planning Scheme Review of November 2022 and the Mansfield Open Space Strategy of January 2023.

The report includes information on the submissions received and seeks a Council determination to split amendment C57mans into 2 parts, adopting Part 1 into the Mansfield Planning Scheme while officers undertake further review in an attempt to resolve the submissions relating to Part 2.

Executive Summary

The Regional Planning Hub at the Department of Transport and Planning (DTP), in collaboration with Council officers, undertook the Planning Scheme Review in 2022. The recommendations include aligning the existing Mansfield Planning Scheme ordinance with the Ministerial Direction for the form and content of planning schemes, incorporating elements from the Council Plan, updating factual data, adding references to Traditional Owners and Country, implementing the Mansfield Open Space Strategy, and prioritising strategic work based on the review findings.

The planning scheme amendment C57mans has been recommended through the Mansfield Planning Scheme Review, which is required to be undertaken by Council every four years under Section 12(B) of the Planning and Environment Act 1987 (the Act).

The Planning Scheme Review made the following recommendations:

- Prepare a planning scheme amendment or amendments to:
- Incorporate the policy neutral changes to align the ordinance with the Ministerial Direction on the Form and Content of Planning Schemes.
- Incorporate elements from the Council Plan that were missed during the PPF Translation and make other updates to factual data.
- Amend the MPS at 02.01 Context to include appropriate reference to Traditional Owners and Country.
- Include new policy to implement the:
 - Mansfield Shire Council Plan 2021 – 2025
 - Mansfield Open Space Strategy 2021 (MOSS)
 - Mansfield Planning Strategy 2022
 - Mansfield Commercial and Industrial Use Strategy 2021
 - Activating Lake Eildon: Lake Eildon Masterplan 2020
- Include an updated Clause 74.02 Further strategic work that prioritises the strategic work program based on the findings of this review and prioritisation of the strategic planning work
- Prepare a planning scheme amendment to implement the findings of the Mansfield Planning Strategy.

Amendment C57mans implements all parts of the first recommendation. Work has also commenced on the second part of the recommendations through planning scheme amendment C60mans, implementing the findings of the Mansfield Planning Strategy.

The only part of the recommended changes not to be implemented are changes proposed to the Special Use Zone for Mountain Bay. Council officers determined not to implement that element as the wording changes looked to change the operation and nature of the zone.

A copy of the proposed amendment is attached to this report, and the changes are summarised below:

Planning Scheme Ordinance

- Amends Clause 02.01 (Settlement) and 02.03-7 (Economic Development) to acknowledge the Traditional Owners of Mansfield Shire and include a strategic direction related to the Lake Eildon Masterplan, May 2020.
- Amends Clauses 11.01-1L-01 (Mansfield Township), 11.01-1L-02 (Other Local Areas) 12.05-2L (Significant landscapes, ridgelines and alpine approaches), 13.03-1L (Floodplain management), 15.01-1L (Urban design in Mansfield Township CBD), and 16.01-3L (Rural residential development) to accord with section 7(5) of the Planning and Environment Act, 1987 (The Act) for the form and content of planning schemes.
- Inserts new Clause 17.01-1L (Diversified Economy - Mansfield) to provide strategic directions for commercial and industrial development in the Mansfield Township.
- Amends Clause 18.01-3L (Sustainable personal transport) to include strategies from the MOSS.
- Inserts new Clause 19.02-6L (Open Space - Mansfield) to insert local strategies to achieve the planning outcomes sought by MOSS.
- Amends Clause 19.03-1L (development and infrastructure contributions plans) to introduce strategies from the MOSS.
- Amends the Schedule 1 and Schedule 2 to Clause 35.03 (Rural Living Zone) to accord with section 7(5) of The Act.
- Amends the Schedule 1 to Clause 35.06 (Rural Conversation Zone) to accord with section 7(5) of The Act.
- Amends the Schedule to Clause 35.07 (Farming Zone) to accord with section 7(5) of The Act.
- Amends the Schedule 1 to Clause 42.01 (Environmental Significance Overlay) to correct a spelling error.
- Amends the Schedule 1, Schedule 2, and Schedule 3 to Clause 43.04 (Development Plan Overlay) to accord with section 7(5) of The Act.
- Amends the Schedule to Clause 53.01 (Open Space Contribution and Subdivision) to specify contributions for public open space recommended by MOSS.
- Amends the Schedule to Clause 72.08 (Background Documents) to include the Mansfield Open Space Strategy a background document.
- Amends the Schedule to Clause 74.02 (Further Strategic Work) to update the list of further strategic work as recommended by The Review.

Amendment C57mans also introduces recommendations from the Mansfield Open Space Strategy, and Mansfield Open Space Contributions Plan January 2023 by inserting new local policies for open space and sustainable transport and introducing open space provision requirements into the Schedule to Clause 53.01. The updated amendment documents include a new local policy in the Open Space section of the scheme, Clause 19.02.6L. The policy will:

- Discourage “in kind” contributions for works such as recreation equipment and other facilities, unless provided in large, integrated, developments.
- Seek cash contributions for public open space in most circumstances and ensure that new development makes an appropriate contribution to the public open space needs for the community.

The Open Space Contributions are required to ensure that community benefit is gained relative to the scale of development in Mansfield Shire. Within the MOSS, public open space gaps were identified, noting that each residence should have access to public open space within a 400-metre distance. Seven areas within Mansfield Township were identified as being required for future open space to provide adequate residential amenity. The value of each of these open was calculated, in addition to the relative costs to construct these spaces including appropriate community infrastructure.

Subdivisions by lot yield were totalled between 2016 to 2021 to determine the percentage of each size of subdivision across Mansfield Shire (in terms of the number of lots created) and are as follows:

Number of lots	Percentage of total subdivisions
2 – 4	86%
5 – 9	8%
10+	6%

On this basis, a sliding scale has been proposed to capture open space contributions in accordance with the scale of development. The scale employs principles of equity and cost apportionment through various types of subdivisions within the Shire by recognising that residential developments are different to Commercial or Industrial type subdivisions and that different scales of subdivision should provide varying degrees of open space provision. These amounts should be in accordance with the expected future growth of an area and the contributions received from them should be expended into the improvement of those areas.

The amendment aims to achieve fair contributions through proposing the following open space contribution brackets:

Number of lots	Proposed Open Space Contribution
2 – 4	5% In line with the Subdivision Act, 1988
5 – 9	6%
10+	7.5%
Mixed Use, Commercial or Industrial subdivisions	5% In accordance with the Precinct Structure Planning Guidelines, prepared by the Growth Areas Authority

Key Issues

C57mans was authorised by Council at the Council meeting held on 28 November 2023. The amendment subsequently went out on community exhibition from 29 February – 19 April 2024 and received 6 submissions.

The submission made by the Country Fire Authority relates to statewide consistency of bushfire policy. This has been considered and addressed by deleting the proposed changes to

Schedules 1 & 2 of Clause 44.06. There are now no proposed changes to the Bushfire Management Overlay.

Transport for Victoria (DTP) also made a submission with minor wording changes to the ordinance at Clauses 02.03-8, 19.02-6L and Schedule 1 to Clause 74.02. These changes all relate to the inclusion of active transport in the policy and have been accepted.

The four additional submissions all relate to the Mansfield Open Space Strategy and proposed contribution brackets. While Council officers are working with submitters to address their concerns, this is expected to be a lengthy process and could delay the implementation of the Planning Scheme Review if the amendment remains as a whole.

By splitting out the policy that relates to the Mansfield Open Space Strategy, Council can progress the uncontested part of the policy while taking the time to continue to work to address submitters' concerns.

The implementation of the Mansfield Planning Scheme Review is considered a priority given that under Section 12(B) of the Act Council will be required to undertake another review in 2026.

Recommendation

THAT COUNCIL:

1. Having been authorised by the Minister for Planning to prepare Amendment C57 to the Mansfield Planning Scheme under Section 8A(4) of the Planning and Environment Act 1987 ('the Act'); and
2. Having prepared and exhibited Amendment C57 to the Mansfield Planning Scheme under Section 19 of the Act; and
3. Having considered all submissions to Amendment C57 under Section 22 of the Act; Mansfield Shire Council resolves to:
4. Split Amendment C57mans to the Mansfield Planning Scheme into two parts, Part 1 to include the recommendations from the Planning Scheme Review, and Part 2 to include the Mansfield Open Space Strategy, 2022 and all content included in the attachments titled C57mans Part 2.

For PART 1:

- Adopt Amendment C57mans, Part 1, to the Mansfield Planning Scheme in accordance with Section 29 of the Act, adopting the amendment with the following changes;
- Removal of proposed changes to Clause 44.06 as per CFA submission.
- Include DTP changes to Clauses 02-03-8, 19.02-6L and Schedule to Clause 74.02.
- As outlined in the attachment titled C57mans Part 1.
- Submit Amendment C57mans, Part 1, to the Mansfield Planning Scheme, together with the prescribed information, to the Minister for Planning in accordance with Section 31 of the Act.

For PART 2:

- Undertake further investigation to resolve the outstanding submissions in relation to Planning Scheme Amendment C56mans, Part 2, and report back to Council.

Support Attachments

1. CONFIDENTIAL - Mansfield C57mans - combined submissions [13.2.4.1 - 15 pages]
2. Mansfield C57mans Instruction Sheet Part 1 [13.2.4.2 - 2 pages]
3. Mansfield C57mans Explanatory Report Part 1 [13.2.4.3 - 8 pages]

4. Mansfield C57mans Ordinance Part 1 [13.2.4.4 - 91 pages]
5. Mansfield C57mans Explanatory Report Part 2 [13.2.4.5 - 7 pages]
6. Mansfield C57mans Instruction Sheet Part 2 [13.2.4.6 - 1 page]
7. Mansfield C57mans Ordinance Part 2 with Part 1 accepted [13.2.4.7 - 91 pages]

Considerations and Implications of Recommendation

Sustainability Implications

Not applicable

Community Engagement

Community Engagement has been undertaken in accordance with Council's Community Engagement Policy with community submissions helping to form the direction and recommendations outlined in the Mansfield Open Space Strategy 2023.

C57mans also underwent community engagement through the exhibition process where both key stakeholders and affected parties were directly notified as well as advertising to the wider community.

Collaboration

Not Applicable

Financial Impact

By splitting out the amendment, Part 1 can progress without proceeding to Planning Panels Victoria. There are no other financial implications for Council given that the remainder of this project will be completed within existing resources.

Legal and Risk Implications

Should Council resolve to split the amendment and submit C57mans part 1 to the Minister, it will, with the Ministers approval, form part of the Mansfield Planning Scheme and become part of the legal framework governing future development in Mansfield Shire.

Regional, State and National Plans and Policies

Is in accordance with the Mansfield Planning Scheme.

Innovation and Continuous Improvement

Not Applicable

Alignment to Council Plan

Theme 3: A Trusted, Effective and Efficient Council Strategic Objective 6: Council possesses in-house and outsourced capability to meet community expectations

Strategy 6.1 Use and gain knowledge of our community to make good decisions

Theme 3: A Trusted, Effective and Efficient Council

Strategic Objective 7 Financial sustainability and value for money

Strategy 7.1 Increase Council's financial resilience by utilising opportunities to derive own-source of funding income and optimising costs of delivering services

Theme 3: A Trusted, Effective and Efficient Council Strategic Objective 8 A consultative Council that represents and empowers its community

Strategy 8.2 Develop capacity and capability to advocate powerfully for the most important interests of the Mansfield community

Governance - Disclosure of Conflicts of Interest

The author of this report and officers providing advice in relation to this report do not have a conflict of interest to declare in this matter, in accordance with the Local Government Act 2020.

13.3. People, Communications and Governance

13.3.1. Unreasonable Complainant Conduct Policy

File Number	E1533	Responsible Officer	Coordinator Communications, Governance & Risk, Tanya Tabone
Purpose			

To seek Council endorsement of the revised Unreasonable Complainant Conduct Policy.

Executive Summary

Most Council complainants act reasonably and responsibly in their interactions with Council staff even when they are experiencing high levels of distress, frustration and anger about their complaint. However, in a very small number of cases, some complainants behave in ways that are inappropriate and unacceptable despite Council officers' best efforts to help them.

Unreasonable complainant conduct (UCC) can be defined as any behaviour by a current or former complainant which, because of its nature or frequency raises substantial health, safety, resource or equity issues for the Council and its staff, or the complainants themselves

Unreasonable conduct by complainants falls into the following five broad categories (as identified in 'Managing unreasonable conduct by a complainant - A manual for frontline staff, supervisors and senior managers' by the Australasian Parliamentary Ombudsman).

- Unreasonable persistence
- Unreasonable demands
- Unreasonable lack of co-operation
- Unreasonable arguments
- Unreasonable behaviours

The Unreasonable Complainant Conduct Policy, first implemented in 2019, defines UCC and guides Council staff to:

- recognise and manage unreasonable complainant conduct;
- act fairly, consistently and appropriately when responding to unreasonable complainant conduct; and
- clarify roles and responsibilities in managing unreasonable complainant conduct.

The Policy aims to minimise the potential adverse impacts of unreasonable complainant behaviour by responding to UCC in a reasonable and proportionate manner. It includes examples of unreasonable behaviour in the five categories.

Key Issues

A review of the Policy has been completed, and a revised and updated Policy has been developed.

Community engagement will be undertaken through notification of the community of the updated policy through Mansfield Matters and it will be published on Council's website.

Recommendation	
THAT COUNCIL endorses the Unreasonable Complainant Conduct Policy 2025.	
Support Attachments	
1.	DRAFT Unreasonable Complainant Conduct Policy 2025 [13.3.1.1 - 6 pages]
2.	Tracked Changes - Unreasonable Complainant Conduct Policy 2025 [13.3.1.2 - 6 pages]

Considerations and Implications of Recommendation

Sustainability Implications

Not Applicable

Community Engagement

The updated policy will be published on Council's website and the community will be notified of the revised document through Mansfield Matters and it will be published on Council's website.

Collaboration

Not Applicable

Financial Impact

The review of the policy has been undertaken internally within existing staff resource.

Legal and Risk Implications

This policy will assist in mitigating the risk of Council staff being exposed to unreasonable, aggressive or abusive behaviour.

Regional, State and National Plans and Policies

There is no statutory requirement. This policy is consistent with the model provided by the NSW Ombudsman and as recommended by the Victorian Ombudsman.

Innovation and Continuous Improvement

Not Applicable

Alignment to Council Plan

Theme 3: A Trusted, Effective and Efficient Council Strategic Objective 6: Council possesses in-house and outsourced capability to meet community expectations
Strategy 6.2 Building organisational capacity through its people

Governance - Disclosure of Conflicts of Interest

The author of this report and officers providing advice in relation to this report do not have a conflict of interest to declare in this matter, in accordance with the Local Government Act 2020.

13.3.2. Councillor Internal Resolution Procedure

File Number	E1533	Responsible Officer	Coordinator Communications, Governance & Risk, Tanya Tabone
Purpose			

To present the draft Councillor Internal Resolution Procedure which will be observed when dealing with alleged breaches of the Model Councillor Code of Conduct for adoption.

Executive Summary

In October 2024 the *Local Government Act 2020* (the Act) was amended to include a new Model Councillor Code of Conduct which became law for all Victorian councils on 26 October 2024. The Act was also changed to require all councils to implement an Internal Resolution Procedure to provide an additional pathway for resolving conflicts between Councillors. The Internal Resolution Procedure must comply with the requirements of Schedule 1A of the *Local Government (Governance and Integrity) Regulations 2020* (the Regulations) and must be adopted by 1 July 2025.

The Model Code of Conduct replaces the previous statutory requirement for each Council to develop its own Councillor Code of Conduct. With the Model Councillor Code of Conduct in place and, provided the Councillor Internal Resolution Procedure is adopted, the Mansfield Shire Councillor Code of Conduct 2021 is redundant and should be revoked.

Key Issues

On 12 November 2024, Mansfield Shire Councillor-elects took their affirmations/oaths of office and made a declaration that they will abide by the Model Code of Conduct.

In line with the requirement to comply with Schedule 1A of the Regulations an Internal Resolution Procedure has been developed. The Procedure applies to disputes in which one Councillor (the Complainant) alleges that another Councillor (the Respondent) has breached the Model Councillor Code of Conduct. It provides both parties to a dispute with support and encouragement to resolve the dispute in a manner that enables the Councillors to move forward and maintain effective working relationships. The Procedure is designed to minimise the cost and disruption of disputes to Council and individual Councillors and, where possible, avoid disputes escalating and becoming the subject of internal arbitration.

The Procedure operates alongside, but does not replace, the formal dispute resolution procedures outlined in the Act. The formal dispute resolution procedure applies to misconduct, serious misconduct and gross misconduct.

Recommendation
<p>THAT COUNCIL:</p> <ol style="list-style-type: none"> 1. Adopt the Councillor Internal Resolution Procedure as required by the <i>Local Government Act 2020</i> and in compliance with the requirements of Schedule 1A of the <i>Local Government (Governance and Integrity) Regulations 2020</i>; 2. Make the Procedure available on the Mansfield Shire Council website; and 3. Revoke the Mansfield Shire Councillor Code of Conduct 2021.
Support Attachments
<ol style="list-style-type: none"> 1. DRAFT Councillor Internal Resolution Procedure 2025 [13.3.2.1 - 9 pages] 2. Model Councillor Code of Conduct [13.3.2.2 - 5 pages] 3. Schedule 1A - Local Government (Governance and Integrity) Regulations 2020 [13.3.2.3 - 2 pages] 4. Mansfield Shire Council Councillor Code of Conduct 2021 [13.3.2.4 - 29 pages]

Considerations and Implications of Recommendation

Sustainability Implications

Not Applicable

Community Engagement

Not Applicable

Collaboration

Not Applicable

Financial Impact

The development of the Councillor Internal Resolution Procedure has been undertaken internally by Council Officers within existing staff resources.

Legal and Risk Implications

Section 140 of the *Local Government Act 2020* provides that a council must implement and adopt an internal resolution procedure in relation to dealing with alleged breaches of the Model Code of Conduct. The implement and adoption of an internal resolution procedure ensures Council is compliant with the Act.

Regional, State and National Plans and Policies

- *Local Government Act 2020*
- *Local Government (Governance and Integrity) Regulations 2020*
- *Model Councillor Code of Conduct*

Innovation and Continuous Improvement

Not Applicable

Alignment to Council Plan

Theme 3: A Trusted, Effective and Efficient Council Strategic Objective 8 A consultative Council that represents and empowers its community

Strategy 8.2 Develop capacity and capability to advocate powerfully for the most important interests of the Mansfield community

Governance - Disclosure of Conflicts of Interest

The author of this report and officers providing advice in relation to this report do not have a conflict of interest to declare in this matter, in accordance with the Local Government Act 2020.

13.3.3. Privacy and Data Protection Policy

File Number	E1533	Responsible Officer	Coordinator Communications, Governance & Risk, Tanya Tabone
Purpose			

To seek Council endorsement of the revised Privacy and Data Protection Policy.

Executive Summary

The Privacy and Data Protection Policy, first implemented in 2002, outlines Council's commitment to protecting an individual's right to privacy and the management of personal information as required by the *Privacy and Data Protection Act 2014* and the *Health Records Act 2001*. It outlines the Information Privacy Principles (IPPs) and Health Privacy Principles (HPPs) for Councillors, Council officers, contractors, volunteers and members of Council committees to note and observe as required by legislation.

The Policy applies to both personal information and health information collected and/or held by Council. This includes personal information collected on forms, in person, in correspondence, over the telephone, from third parties, through any of Council's public access interfaces or via Council's website.

The policy provides details on how Council will collect, use and disclose personal information having regard to the IPPs and HPPs. It also identifies how Council handles breaches of the policy and privacy complaints.

Key Issues

A review of the Policy has been completed, and a revised and updated Policy has been developed.

Amendments made to the existing Council policy include:

- Policy statements are now included for each of the 10 IPPs and 11 HPPs.
- Notifiable Data Breaches updated to include that funded community service organisations are encouraged to promptly report, manage and respond to privacy incidents through designated channels set by the Department of Health and the Department of Families, Fairness and Housing.

Following consideration by Council the community will be notified of the updated policy through Mansfield Matters and it will be published on Council's website.

Recommendation

THAT COUNCIL endorses the Privacy and Data Protection Policy 2025.

Support Attachments

1. DRAFT Privacy and Data Protection Policy 2025 [13.3.3.1 - 12 pages]
2. Tracked Changes - Privacy and Data Protection Policy 2025 [13.3.3.2 - 12 pages]

Considerations and Implications of Recommendation

Sustainability Implications

Not Applicable

Community Engagement

The updated policy will be published on Council's website and the community will be notified of the revised document through Mansfield Matters and it will be published on Council's website.

Collaboration

Not Applicable

Financial Impact

The review of the policy has been undertaken internally within existing staff resources.

Legal and Risk Implications

This Policy outlines the process in place to ensure compliance with the collection, use or disclosure of personal and health information. All requests for personal contact details from a third party must be considered by Council's Privacy Officer.

Regional, State and National Plans and Policies

The Policy meets Council's requirements to comply with the information privacy principles and health privacy principles in accordance with the *Privacy and Data Protection Act 2014* and the *Health Records Act 2001*.

Innovation and Continuous Improvement

Not Applicable

Alignment to Council Plan

Theme 3: A Trusted, Effective and Efficient Council Strategic Objective 8 A consultative Council that represents and empowers its community

Strategy 8.1 Increase community trust in Council to make informed decisions with "no surprises"

Governance - Disclosure of Conflicts of Interest

The author of this report and officers providing advice in relation to this report do not have a conflict of interest to declare in this matter, in accordance with the Local Government Act 2020.

13.4. Executive Services Directorate

13.4.1. Quarterly Finance Report - 31 March 2025

File Number	E11863	Responsible Officer	Coordinator Financial Planning & Analysis, James Alcaniz Financial Controller, Michael McCormack
Purpose			

This report provides information on Council's financial performance against the 2024-25 Updated Budget for the period 1 July 2024 to 31 March 2025.

Executive Summary

The financial statements and performance indicators (refer attachments) have been prepared for the period ended 31 March 2025. The Updated Budget figures include the carry forward amounts approved by Council at the 15 October 2024 Council meeting.

Based on the information provided by responsible officers and managers Council's overall financial performance is in line with budget.

Each quarterly report will include financial projections for the rest of the financial year. The quarterly report is prepared in accordance with the Local Government Act 2020 (the Act), Local Government (Planning and Reporting) Regulations 2020 (the Regulations), Better Practice Guides and the Australian Accounting Standards.

Key Issues

Income Statement (Attachment 1)

The Income Statement measures how well Council has performed from an operating nature. It reports revenues and expenditure from the activities and functions undertaken, with the net effect being a surplus or deficit. Capital expenditure is excluded from this statement, as it is reflected in the Balance Sheet.

Attachment 1 shows that Council generated \$35.112 million in revenue and incurred \$17.818 million in expenses to 31 March 2025. This has resulted in an operating surplus of \$17.294 million for the nine months ending 31 March 2025, which will reduce during the remainder of this financial year. Furthermore, as of 31 March 2025 Council has recognised the liability for unspent grant funding received of a total \$3.402 million in accordance with accounting standards AASB 15 and AASB 1058.

Income

Rates and charges account for 51.19% of the total year to date income for 2024-25. Rates and charges are recognised when the rates have been raised, not when the income has been received. An amount of \$17.974 million has been recognised as income for the nine months ending 31 March 2025.

User charges account for 1.59% of the total year to date income to 31 March 2025 which equates to \$0.557 million. The majority of this relates to transfer station fees (\$260k), environmental health charges (\$143k), and statutory planning fees (\$175k).

Recurrent Operating Grants received for the year to date total \$5.903 million to 31 March 2025, including \$2.729 million from the Victorian Local Government Grants Commission (VLGCC) for general purpose grants and \$1.184 million for the local roads' grants. As identified in Council's 2023-24 Annual Report, the payment from the VLGCC for these Federal Assistance Grants was delayed and received in July this financial year, although normally paid in June. Under the Recurrent Operating Grants received as of 31 March 2025 Council has accrued a liability of \$0.829 million in accordance with accounting standards AASB 15 and AASB 1058.

Recurrent Operating Grants	2024-25 Updated Budget ('000s)	2024-25 YTD Actuals ('000s)	2024-25 Total Forecast ('000s)	Unspent Grant Funding (Y/N)
Financial Accounting Management - Income	2,865	2,729	2,836	N
Municipal Emergency Resourcing Program (MERP) - Income	60	60	60	Y
Local Roads Operations - Income	1,148	1,184	1,232	N
School Crossing Supervision - Income	40	39	39	N
Environmental Health - Income GST Applicable	15	0	0	N
Tobacco & E-Cigarette Activity - Income	0	8	8	Y
Financial Counsellor - Income	22	17	22	N
Integrated Family Services - Income	446	486	566	Y
Mansfield FreeZa Youth Events - Income	47	29	34	N
Engage! Funded Project - Income	127	32	40	N
Victorian Seniors Festival - Income	15	16	16	Y
VIC - Assessment - Income	30	0	0	N
Social Inclusion Action Group - Income	556	504	561	Y
Maternal & Child Health - Income	148	132	151	Y
Supported Playgroups - Income	115	98	111	Y
Maternal & Child Health - Enhanced Income	386	411	459	Y
Dads Group Grant - Income	32	21	24	Y
Mansfield Library - Income (GST Free)	137	137	143	Y
Total Operational Grants - Recurrent	6,196	5,903	6,304	

Non-recurrent Operating Grants received year to date total \$2.688 million to 31 March 2025. This includes grant income carried forward from the prior year, as indicated in the table below, which will be spent during the year on the relevant projects and services.

Council has been successful in securing four new Grants during the nine months to end of 31 March 2025 quarter.

- ▶ Agile Regulations for Innovation and Streamlined Efficiency (ARISE) - \$50,000
- ▶ Ausnet Energy Resilience Community Fund - \$79,000
- ▶ CFA Vegetation Management Funding - \$35,000
- ▶ February Storm Event 2024 Flood Support Package Fund - \$250,000

Under the Non-Recurrent Operating Grants received as of 31 March 2025 Council has accrued a liability of \$1.001 million in accordance with accounting standards AASB 15 and AASB 1058.

Non-Recurrent Operating Grants	2024-25 Updated Budget ('000s)	2024-25 YTD Actuals ('000s)	2024-25 Total Forecast ('000s)	Unspent Grant Funding (Y/N)
LNERCC - Shared Technology & Collaboration - Income	0	525	525	Y
Agile Regulations for Innovation and Streamlined Efficiency (ARISE) - Income	0	23	43	N
Resilience Benchmarking Project - Income	18	46	46	Y
Emergency Incident Support - Income	0	184	184	Y
Ausnet Energy Resilience Community Fund - Income	0	79	79	Y
CFA Vegetation Management Grant - Income	0	0	35	N
Integrated Water Management - Income	70	152	152	Y
Goughs Bay Water-Sensitive Town Plan Feasibility Study - Income	73	73	73	Y
Ovens Murray Regional Partnership Integrated Transport Strategy Project - Income	0	90	90	Y
Waste Management - Income	24	0	0	N
FOGO Collections - Income	17	17	17	N
Improvement and promotion of recycling services - Income	18	37	42	Y
Environmental Projects - Income	26	28	28	Y
Upper Catchment Tributaries Flood Study - Income	50	55	55	Y
Risk & Resilience Program (Mansfield Flood Study Program) - Income	58	122	122	Y
Mansfield Infrastructure Planning (Streamlining for Growth Program) - Income	95	109	109	Y
Integrated Family Services Flexible Packages - Income	3	11	11	Y
Youth Bushfire Recovery - Income	273	305	305	N
Primary Prevention of Family Violence - Income	0	2	2	Y
L2P Funded Program - Income	41	42	42	Y
Gough's Bay Boat Club Redevelopment Project - Income	199	199	199	N
Vic Health Local Government Partnership - Income	122	94	94	Y
Central Registration & Enrolment Scheme (CRES) - Income	49	59	59	Y
Jumpstart - Income	11	2	2	Y
Tracks & Trail Upgrade Strategy - Income	36	36	36	Y
August Storm Event 2024 - Income	0	55	55	N
February Storm Event 2024 - Income	0	250	250	Y
Australia Day Community Event - Income	8	15	15	N
Gravel Cycling Project - Income	0	20	20	N
Total Non-Recurrent Operating Grants	1,191	2,628	2,688	

Recurrent Capital Grants received year to date total \$1.041 million to 31 March 2025. This includes the annual Roads to Recovery allocation received during Q1. This has been confirmed as the annual amount to be received until June 2029, which is less than anticipated in the 2024-25 Budget.

Under the Recurrent Capital Grants received as of 31 March 2025 Council has accrued a grant liability of \$0.653 million in accordance with accounting standards AASB 15 and AASB 1058.

Recurrent Capital Grants	2024-25 Updated Budget ('000s)	2024-25 YTD Actuals ('000s)	2024-25 Total Forecast ('000s)	Unspent Grant Funding (Y/N)
Roads to Recovery - Income	1,180	1,041	1,041	Y
Total CAPITAL - Recurrent	1,180	1,041	1,041	

Non-recurrent Capital Grants received year to date total \$6.344 million to 31 March 2025. This includes grant income carried forward from the prior year, as indicated in the table below, which will be expended during the year on the relevant projects.

Council has been successful in obtaining grants that were not budgeted for, including the Flexible Local Transport Solution Program grant of \$210,000 and the Piries-Goughs Bay Road – Stage 1 grant of \$100,000. This pre-paid grant income was received during June 2024 and was also carried forward.

Council has also been successful in securing the following new Non-recurrent Capital grants being the:

- ▶ Motorcycle Safety Improvement program during the December quarter - \$50,000
- ▶ Safer Local Roads & Streets Program (SLRSP) - Greenvale Lane Bridge - \$177,600

Under the Non-Recurrent Capital Grants received as of 31 March 2025 Council has accrued a grant liability of \$0.919 million in accordance with accounting standards AASB 15 and AASB 1058.

Non- recurrent Capital Grants	2024-25 Updated Budget ('000s)	2024-25 YTD Actuals ('000s)	2024-25 Total Forecast ('000s)	Unspent Grant Funding (Y/N)
Local Government Infrastructure fund LRCI Phase 1 - Income	0	59	59	N
Local Government Infrastructure fund LRCI Phase 3 - Income	0	473	592	N
Local Government Infrastructure fund LRCI Phase 4 - Income	341	0	341	N
Safe Local Roads & Streets Program (SLRSP) - Income	0	178	305	Y
IMPACT Route - Income	9,130	5,224	6,507	Y
Footpath Malcolm St - Income	0	19	19	Y
Mansfield - Whitfield Rd/Dead Horse Lane Roundabout - Income	0	0	74	N
Flexible Local Transport Solution Program - Income	210	210	230	Y
Motorcycle Safety Improvement - Income	0	20	50	Y
Piries Goughs Bay Rd- Stage 1 - Income	100	100	100	Y
Lords Reserve Oval - Upgrade - Income	0	22	22	Y
Howqua Inlet Boat Ramp - Income	39	39	39	Y
Station Precinct - Income	0	0	1,500	N
Lords Reserve Pavilion Upgrade 2024-25 - Income	1,410	0	300	N
Total Non-Recurrent Grants	11,230	6,344	10,136	

As of 1 July 2024, total unearned grant revenue of \$6.870 million was carried forward from last financial year into this year. Council is committed to expending carry-forward funds during the current financial year and progress will be reported in each quarterly report.

Grant Liability Report (Attachment 2)

As of 31 March 2025, Council has recognised the liability of \$3.402 million as unspent grant funding received in accordance with accounting standards AASB 15 and AASB 1058.

Expenses

Employee Costs of \$9.400 million have been incurred to 31 March 2025 and are currently \$0.169 million below YTD updated budget due to vacancies during the quarter.

Materials and Services costs of \$7.945 million have been incurred to 31 March 2025 and are currently \$1.712 million below the YTD updated budget. There have been several projects, including those carried forward from 2023-24, that are expected to be completed before the end of the financial year, with further expenditure expected during the final quarter. There have been several variations in timing of expenditure to 30 June 2025 or forecast savings as outlined below:

- ▶ Project CODI – due to timing of project deliverables \$586k of expenditure has been delayed to 2025-26.
- ▶ Social Inclusion Action Group – due to timing of project deliverables \$274k is expected to be spent next financial year.
 - ▶ Resource Recovery Centre – due to greater efficiency in waste disposal and reduced contract costs a saving of \$157k is forecast.
 - ▶ Kerbside collection costs for Recycling, Garbage and FOGO are forecast to be reduced by \$224k due to new contract terms with Cleanaway.

The Updated Budget figures include an increase of \$0.739 million in materials and contracts costs (\$12.743 million to \$13.482 million) based on the carry forward projects approved by Council on 15 October 2024.

Balance Sheet (Attachment 3)

The Balance Sheet is one of the main financial statements and reports Council's assets, liabilities and equity at a given date, in this case 31 March 2025. Comparative figures have been provided as of 30 June 2024.

Council's current assets have decreased by \$1.263 million mainly caused by a reduction of Cash and Investments by \$2.346 million. Cash and Investments have been used as Council has reduced the grant liability since 30 June 2024, fulfilling the grant obligations based on the terms of the grant agreements. Receivables have increased by \$1.347 million to a total of \$6.272 million.

Total liabilities have decreased by \$7.301 million since 30 June 2024 partly due to the reduction of unearned grant liability by \$3.468 million, now appearing as revenue, plus creditors have also decreased by \$2.746 million to a total of \$0.418 million. As of 31 March 2025, Council recognised the liability for unspent grant funding received of \$3.402 million in accordance with accounting standards AASB 15 and AASB 1058.

Capital Works Report (Attachment 4)

The Capital Works Finance Report measures how well Council has performed from a capital nature. It reports revenues and expenditure from the capital projects, with the net effect being a surplus or (deficit). Generally net results are in deficit as grant agreements require Council to contribute in terms of cash and in-kind contributions.

Attachment 4 provides greater detail of the income and expenditure associated with the capital works program, which has been summarised in the table below.

Capital Finance Report	2024-25 Updated Budget ('000s)	2024-25 YTD Updated Budgets ('000s)	2024-25 YTD Actuals ('000s)	YTD Variance Updated Budget ('000s)	2024-25 Total Forecast ('000s)
Capital					
Income					
Cash Operating Contributions	0	0	-10	-10	0
Capital Grants - Non-Recurrent	11,230	7,201	5,425	-1,776	8,777
Capital Grants - Recurrent	1,180	1,180	388	-792	1,041
Sale of Assets	1,418	1,418	1,637	220	1,688
Total Income	13,827	9,799	7,441	-2,358	11,506
Expenditure					
Employee Costs	932	699	743	-44	971
Materials & Contracts	19,461	17,132	10,747	6,385	17,876
Total Expenditure	20,393	17,831	11,490	6,341	18,848
Surplus/(deficit) for the year	-6,566	-8,033	-4,049	3,983	-7,341

As of 31 March 2025, under the Non-Recurrent Capital Grants received, Council has accrued a grant liability of \$0.919 million and under the Recurrent Capital Grants received Council has accrued a grant liability of \$0.653 million, in accordance with accounting standards AASB 15 and AASB 1058.

Cash operating contribution income within the table above is negative due to a credit note associated with the Kidston Parade footpath project.

Employee costs are higher than the YTD budget due to the increased resourcing required to support grant funded projects.

Materials & Contracts actual expenditure is below YTD budget due to changes in timing against project milestones or savings achieved from completed projects year to date.

Variances to forecast expenditure against budget within the Capital Works report (Attachment 4) include the following:

- ▶ Lords Pavillion - \$1,650,000 (not commencing construction until 2025-26)
- ▶ IMPACT Route - \$1,118,000 (delayed until 2025-26)
- ▶ Resilience Centre - \$545,000 (on hold pending grant outcome)
- ▶ Lords Reserve – Public Toilet Upgrade - \$191,000 (construction in 2025-26)
- ▶ Station Precinct Pump Track - \$50,000 (construction in 2025-26 as part of grant funded package)
- ▶ Station Precinct Dog Park - \$150,000 (construction in 2025-26 as part of grant funded package)
- ▶ Graves Road Culvert - \$378,340 (on hold pending grant outcome)
- ▶ Mansfield Streetscape - \$50,000 (deferred to 2025-26)

- ▶ Malcolm Street - \$200,000 (deferred due to grant-funded works in 2025-26)

Financial Performance Indicators (Attachment 5)

The key financial performance indicators have been summarised to 31 March 2025 within Attachment 5 and include the forecast result for 30 June 2025.

Working Capital Ratio YTD

The working capital ratio (WCR) compares current assets to current liabilities and is an indicator of Council's capacity to meet its immediate debts when they fall due. A WCR of more than 1:1 (or 100%) is considered healthy.

Current WCR = 2.03 or (203%) as of 31 March 2025, as compared with 1.14 or (114%) as at the end of 2023-24 financial year.

The high working capital ratio includes rates income for the whole financial year. This revenue is booked in July and reported as a current asset (included in Receivables at \$6.272 million).

Recommendation	
THAT COUNCIL notes the Quarterly Finance Report for the period 1 July 2024 – 31 March 2025.	
Support Attachments	
1.	Comprehensive Income statement - 31 March 2025 [13.4.1.1 - 1 page]
2.	Grant Liability Report - 31 March 2025 [13.4.1.2 - 2 pages]
3.	Balance sheet - 31 March 2025 [13.4.1.3 - 1 page]
4.	Capital Works Finance Report – 31 March 2025 [13.4.1.4 - 3 page]
5.	Financial performance indicators - 31 March 2025 [13.4.1.5 - 1 page]

Considerations and Implications of Recommendation

Sustainability Implications

Not Applicable

Community Engagement

The 2024-25 Budget engagement process facilitated opportunities for community input to and feedback on Council's budget.

Collaboration

Not Applicable

Financial Impact

The financial reports attached provide the opportunity for regular monitoring of Council's financial position to ensure compliance with budgets.

Legal and Risk Implications

Financial Risk: Regular financial reporting is part of Council's financial strategy to ensure budgets are complied with and the short to medium term financial sustainability of Council is maintained.

Regional, State and National Plans and Policies

Not Applicable

Innovation and Continuous Improvement

The content of the Quarterly report has been reviewed to ensure meaningful data is provided.

Alignment to Council Plan

Theme 3: A Trusted, Effective and Efficient Council

Strategic Objective 6: Council possesses in-house and outsourced capability to meet community expectations.

Strategy 6.1 Use and gain knowledge of our community to make good decisions

Strategic Objective 8: A consultative Council that represents and empowers its community.

Strategy 8.1 Increase community trust in Council to make informed decisions with “no surprises”.

Governance - Disclosure of Conflicts of Interest

The author of this report and officers providing advice in relation to this report do not have a conflict of interest to declare in this matter, in accordance with the Local Government Act 2020.

13.4.2. Borrowing and Debt Management Policy

File Number	E1533	Responsible Officer	Financial Controller, Michael McCormack
Purpose			

To seek Council endorsement of the revised Borrowing and Debt Management Policy.

Executive Summary

The Borrowing and Debt Management Policy, first implemented in 2021, establishes a framework through 'borrowing principles' for Council to manage its borrowing and debt obligations, ensuring financial sustainability and compliance with the *Local Government Act 2020*.

The policy ensures borrowing is used to fund important capital projects rather than operational expenses, except for Defined Benefit superannuation calls, and requires that all borrowings be included in the Budget.

Key Issues

A review of the Policy has been completed, and a revised and updated Policy has been developed with minor updates/inclusions.

The policy continues to state that borrowing decisions must remain within established borrowing ratios with the debt service ratio capped, debt level ratio and the indebtedness ratio capped as follows.

Measure	Council's Maximum Level
Debt Service Ratio Interest and principal repayments on interest bearing loans and borrowings / rate revenue	20%
Debt Level Ratio Interest bearing loans and borrowings / rate revenue	70%
Indebtedness Ratio Non-current liabilities / own source revenue	70%

When borrowing Council will seek competitive loan offers from appropriate lending institutions and borrowings will be appropriately structured to minimise risk ensuring that the types of debt products chosen are suitable for the specific needs of the project. The loan tenure will not exceed the expected useful life of the asset being funded and a repayment schedule will be maintained based on 'principal and interest' calculations.

Following consideration by Council the community will be notified of the updated policy through Mansfield Matters and it will be published on Council's website.

Recommendation	
THAT COUNCIL endorses the Borrowing and Debt Management Policy 2025.	
Support Attachments	
1.	DRAFT Borrowing and Debt Management Policy 2025 [13.4.2.1 - 5 pages]
2.	Tracked Changes - Borrowing and Debt Management Policy 2025 [13.4.2.2 - 5 pages]

Considerations and Implications of Recommendation

Sustainability Implications

Borrowing can be an effective way to fund important Council priorities. When used responsibly it can be an important tool for managing cash flow and helping to spread the burden of large investments across the generations that will benefit from those investments.

Community Engagement

The updated policy will be published on Council's website and the community will be notified of the revised document through Mansfield Matters and it will be published on Council's website.

Collaboration

Not Applicable

Financial Impact

The review of the policy has been undertaken internally within existing staff resources.

Legal and Risk Implications

The policy ensures that borrowings will be appropriately structured to constrain risk and outlines the parameters to be considered.

Regional, State and National Plans and Policies

Council has a responsibility to manage existing and new borrowings in line with the *Local Government Act 2020*.

Innovation and Continuous Improvement

Not Applicable

Alignment to Council Plan

Theme 3: A Trusted, Effective and Efficient Council

Strategic Objective 7 Financial sustainability and value for money

Strategy 7.1 Increase Council's financial resilience by utilising opportunities to derive own-source of funding income and optimising costs of delivering services

Governance - Disclosure of Conflicts of Interest

The author of this report and officers providing advice in relation to this report do not have a conflict of interest to declare in this matter, in accordance with the Local Government Act 2020.

13.4.3. Carry Forward Projects Policy

File Number	E1533	Responsible Officer	Financial Controller, Michael McCormack
Purpose			

To seek Council endorsement of the revised Carry Forward Projects Policy.

Executive Summary

The Carry Forward Projects Policy, first implemented in 2018, provides guidance around when it is appropriate or necessary to carry forward a project from one financial year to the next, the mechanisms for doing so and outlines the criteria for determining which projects are eligible for this process.

A "carry forward project" refers to an allocation of funds (income or expense) that has not been fully expended or received by the end of the financial year but will be used or received in the following year.

Key Issues

A review of the Policy has been completed, and a revised and updated Policy has been developed with minor updates/inclusions.

Following consideration by Council the community will be notified of the updated policy through Mansfield Matters and it will be published on Council's website.

Recommendation

THAT COUNCIL endorses the Carry Forward Projects Policy 2025.

Support Attachments

1. DRAFT Carry Forward Projects Policy 2025 [13.4.3.1 - 4 pages]
2. Tracked Changes - Carry Forward Projects Policy 2025 [13.4.3.2 - 4 pages]

Considerations and Implications of Recommendation

Sustainability Implications

Not Applicable

Community Engagement

The updated policy will be published on Council's website and the community will be notified of the revised document through Mansfield Matters and it will be published on Council's website.

Collaboration

Not Applicable

Financial Impact

The review of the policy has been undertaken internally within existing staff resources.

Legal and Risk Implications

Not Applicable

Regional, State and National Plans and Policies

Not Applicable

Innovation and Continuous Improvement

Not Applicable

Alignment to Council Plan

Theme 3: A Trusted, Effective and Efficient Council

Strategic Objective 7 Financial sustainability and value for money

Strategy 7.1 Increase Council's financial resilience by utilising opportunities to derive own-source of funding income and optimising costs of delivering services

Governance - Disclosure of Conflicts of Interest

The author of this report and officers providing advice in relation to this report do not have a conflict of interest to declare in this matter, in accordance with the Local Government Act 2020.

14. Council Meeting Resolution Actions Status Register

This report presents to Council the Mansfield Shire Council Meeting Resolution Actions Status Register

Recommendation	
THAT COUNCIL receive and note the Mansfield Shire Council Meeting Resolution Actions Status Register as at 8 May 2025.	
Support Attachments	
1.	Mansfield Shire Council Action Register as at 8 May 2025 [14.1.1 - 4 pages]
2.	CONFIDENTIAL Mansfield Shire Council Action Register as at 8 May 2025 [14.1.2 - 3 pages]

15. Advisory and Special Committee reports

Nil

16. Authorisation of sealing of documents

Nil

17. Closure of meeting to members of the public

Council has the power to close its meeting to the public in certain circumstances pursuant to the provisions of Section 66(2) of the Local Government Act 2020. The circumstances where a meeting can be closed to the public are:

- a) the meeting is to consider confidential information; or
- b) security reasons; or
- c) it is necessary to do so to enable the meeting to proceed in an orderly manner.

The definition of confidential information is provided in Section 3(1) of the *Local Government Act 2020*.

Recommendation
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 set out in section 18 below.

18. Confidential Reports

18.1. CEO Employee Matters Committee Meeting Minutes & CEO 6 Month Performance Review

Confidential

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

18.2. CODI Health Wastewater

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

Recommendation
THAT COUNCIL reopen the meeting to members of the public.

20. Close of meeting