

OFFICIAL



Mansfield Shire Council Meeting

Tuesday 15 July 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 Mandy Treasure
Cr Bonnie Clark
Cr Tim Berenyi

Officers

Kirsten Alexander, Chief Executive Officer
Melissa Crane, General Manager Investment & Planning
Janique Snyder, Acting Executive Manager Community Health & Wellbeing
Nick Maple, Acting Executive Manager Capital Works & Operations

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

13.2-13.5 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.

Agenda Contents

1. Opening of the meeting	5
2. Present	5
3. Apologies.....	5
4. Statement of commitment	5
5. Acknowledgement of Country	5
6. Disclosure of conflicts of interest.....	5
7. Confirmation of minutes	5
8. Representations	6
9. Notices of motion.....	6
10. Mayor's report	6
11. Reports from council appointed representatives	7
12. Public question time	7
13. Officer reports.....	8
13.1. Chief Executive Officer's report	8
13.2. Investment and Planning	9
13.2.1. Administration of Grant Income Policy	9
13.2.2. Mansfield Emergency Precinct - Grant Applications Update.....	11
13.2.3. Planning Permit Application P002-23 - 175 Dead Horse Lane Mansfield	17
13.2.4. Planning Reform Impacts on Mansfield Shire	41
13.3. Capital Works and Operations	48
13.3.1. Township Reserves Maintenance (Non-Council Land) Policy	48
13.4. People, Communications and Governance	51
13.4.1. LG Community Satisfaction Survey 2025.....	51
13.4.2. Work Cover Renewal	57
13.5. Executive Services Directorate	59
13.5.1. Financial Strategy Policy	59
13.5.2. Revenue and Debt Recovery Policy.....	61
13.5.3. Municipal Charge	63
13.5.4. Native Title Claim	66
14. Council Meeting Resolution Actions Status Register	73
15. Advisory and Special Committee reports	73
16. Authorisation of sealing of documents	73
17. Closure of meeting to members of the public.....	73
18. Confidential Reports.....	73
18.1. Land Disposal: 2597 Mt Buller Road, Merrijig	73
19. Reopen meeting to members of the public.....	74
20. Close of meeting	74

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 24 June 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:

At our last Council meeting, we presented the budget, which is one of the most significant pieces of work we do every year. Councillors spent months workshopping and making tough decisions to deliver value for money for every resident and ratepayer in our community. I want to take this opportunity to reaffirm our commitment to delivering a budget that is not only responsible, but also sustainable, strategic, and community focused. In an environment where every dollar counts, we understand the importance of making smart, deliberate choices. That's why this Council is taking a proactive approach - looking inward to identify savings and unlock synergies within our organisation. Our goal is clear, to do more with less without compromising the quality of services our community rely on. Our council will continue to identify savings to get the best bang for the buck.

This month we received validation that we are on track with delivering what the community wants. Each year a community satisfaction survey is conducted by JWS on behalf of Victoria Councils. They call about 400 people who are listed as living in Mansfield Shire and ask them about how we are performing. This year, the answer was resoundingly positive. We heard that the community believes that our overall Council direction and performance is on track and that we deliver strong value for money across our services. I am so pleased that we are on track with performing at a level that meets community expectations. We are working hard to listen and act to deliver on the promises we make. We are grateful that the community is recognising our efforts. We will continue to work hard to improve and keep meeting the community's evolving expectations. We are grateful to be recognised for the work we are doing and know we must continue to invest in listening and acting on behalf of our community.

Speaking of acting on behalf of our community, we have recently submitted an application to the Federal Government for \$18.85m to help build a new Mansfield Emergency Resilience Centre and a new home for the Mansfield SES and Ambulance Victoria. We have received overwhelming support from the community on this, and we look forward to hearing back about the results of this grant later in the year. While the State Government has said that the current Mansfield SES facility is currently "Functional" and that it has no plans to upgrade the station, we know that our community deserves a better emergency services function and need it – now and into the future.

*Cr Steve Rabie
Mayor*

Recommendation

THAT COUNCIL receive the Mayor's report for the period 25 June 2025 to 9 July 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
- ▶ Governance
- ▶ Capital Works
- ▶ Statutory & Strategic Planning
- ▶ Waste Services
- ▶ Property
- ▶ Building Services
- ▶ Regulatory Services
- ▶ Field Services
- ▶ Community Health and Wellbeing (Maternal and Child Health, Integrated Family Services and Community Strengthening)
- ▶ Library
- ▶ Visitor Services (Tourism, VIC, Events and Youth)
- ▶ Communications
- ▶ Digital Transformation Project

Recommendation
THAT COUNCIL receive and note the Chief Executive Officer's report for the period 1 June 2025 to 30 June 2025.
Support Attachments
1. CEO Monthly Report – June 2025

13.2. Investment and Planning

13.2.1. Administration of Grant Income Policy

File Number	E1533	Responsible Officer	Grants Officer, Kate Berg
Purpose			

To seek Council endorsement of the revised Administration of Grant Income Policy.

Executive Summary

The Administration of Grant Income Policy, first implemented in 2018 in response to the findings of an internal audit conducted over Council’s Grant Management procedures, establishes a framework for the management of grant funding received by Council.

It ensures that all grants are identified, assessed, administered and reported in a transparent, accountable and compliant manner supporting the strategic priorities and operational needs of Council.

Key Issues

A review of the Policy has been completed, and a revised and updated Policy has been developed. A copy of the tracked changes Policy is attached for reference.

Key changes to the policy include:

- ▶ Grant authorisation and approval thresholds, previously outlined in the procedure, have been formally included in the policy to strengthen governance and clarify decision-making authority.
- ▶ The requirement to maintain a central Grants Register has been elevated to policy level, ensuring consistent oversight of grant opportunities, submissions and acquittals.
- ▶ Obligations for grant-related records to align with the Records and Information Management Policy are now explicitly stated in the policy.
- ▶ Clarifying that the scope of the policy does not cover grant programs distributed by Council (e.g. Outlying Communities Infrastructure Fund) as these are covered under Council’s Community Grants Policy, which was developed since the last review of this policy.
- ▶ Role-specific responsibilities have been comprehensively defined and embedded in the policy, improving accountability and clarity in grant management processes.
- ▶ Inclusion of a Gender Impact Assessment

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

Recommendation

THAT COUNCIL endorses the Administration of Grant Income Policy 2025.

Support Attachments

1. DRAFT Administration of Grant Income Policy 2025 [13.2.1.1 - 5 pages]
2. Tracked Changes - Administration of Grant Income Policy 2025 [13.2.1.2 - 5 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

Financial Risk: Grant funding is an important source of income to enable the introduction or continuation of services and facilities which might otherwise be outside of the immediate financial capacity of Council. This policy establishes a clear and consistent framework for the effective management of grant funding to ensure that grants are identified, assessed, administered and reported in a transparent, accountable, and compliant manner supporting the strategic priorities and operational needs of Council.

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

Strategy 6.2 Building organisational capacity through its people

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.

13.2.2. Mansfield Emergency Precinct - Grant Applications Update

File Number	E12137	Responsible Officer	Grants Officer, Kate Berg
Purpose			

The purpose of this report is to seek Council endorsement for the application submitted to the Regional Precinct and Partnerships Program with an expanded scope for the whole Mansfield Emergency Services Precinct, and to request that Council endorses the withdrawal of the grant submitted to the Federal Government’s National Emergency Management Agency’s Disaster Ready Fund – Round 3 for the construction of the Mansfield Emergency Resilience and Recovery Centre (MERRC).

Executive Summary

The Mansfield Emergency Services Precinct (MESP) project aims to deliver on the Mansfield Shire community’s long held vision for an integrated emergency services precinct that provides contemporary emergency services infrastructure in Mansfield.

Council previously endorsed the submission of a grant to the National Emergency Management Agency’s Disaster Ready Fund for the construction of the Mansfield Emergency Resilience and Recovery Centre at 166-176 High Street, Mansfield on the MESP site. This grant application was for \$2,018,964, and a total project value of \$4,037,928, with this grant requiring a 50/50 contribution.

Since the submission of this grant, Council has submitted a separate application for the project, and expanded the scope to include the whole precinct, under the Regional Precinct and Partnerships Program (rPPP), which has no specific co-contribution requirement. Due to the high level of co-contribution required in the Disaster Ready Fund, and the expansion of the scope, it is considered that the rPPP grant program is better suited to allow delivery of the precinct while minimising the cost to Mansfield Shire residents and ratepayers.

Key Issues

In 2021 Council completed a scoping study for the MESP project, which found that:

- ▶ There is a clear need for improved investment in quality emergency services infrastructure that is fit for purpose, to increase its capacity to respond to and recover from emergency situations and the growing resident and visitor populations.
- ▶ There is strong support for the establishment of an emergency services precinct as it is consistent with the policy environment and has strong backing from Mansfield’s community and emergency services organisations.
- ▶ The needs and priorities of the agencies for emergency services infrastructure in Mansfield have been established.
- ▶ The Precinct should include a Resilience Centre to enable delivery of emergency management and community training programs for the Community.

The Scoping Study identified the Maroondah Highway site, the former saleyards at 166-176 Maroondah Highway, as the preferred location for the MESP. This is because this site is in public ownership, allows the emergency services agencies to meet their response time targets, has no major impediments for its development, and it enjoys significant community support.

At the 21 December 2021 meeting, Council endorsed the Scoping Study recommendations and resolved to fund the next stage, including completion of a Feasibility Study and Preliminary Business Case. The findings of this stage were endorsed by Council in July 2022 and included:

- ▶ The finding that the proposal to develop an emergency services precinct in Mansfield is strongly in alignment with State Government policy.
- ▶ A clear statement of the risks and challenges facing emergency services in Mansfield Shire.
- ▶ The infrastructure requirements of the agencies on the Maroondah Highway site.
- ▶ Confirmation of Ambulance Victoria and SES immediate interest in developing facilities in the precinct with the CFA proposing a later date.
- ▶ The role and planned use of the Mansfield Resilience Centre proposed to be located in the precinct including the accommodation of the Mansfield Community Radio Station.
- ▶ A concept plan for the precinct and capital cost estimate.
- ▶ A business case outlining the benefits of developing the precinct and the cost and implications of not doing it.
- ▶ A proposed operating model for the precinct and cost implications.
- ▶ How the project can best be positioned to secure the necessary funding and proposed delivery roadmap.

Council has worked closely with the Mansfield Emergency Precinct Committee, a community committee that has lobbied for an emergency services precinct in Mansfield for many years, and extensive engagement has been undertaken with emergency services representatives through the Technical Advisory Group as the designs for the precinct have been progressed to a “shovel ready” stage.

Council has previously prepared and submitted grant applications to Round 1 and Round 2 of the Federal Government’s Disaster Ready Fund, which were not successful. A further application was prepared for submission to Round 3, taking on board feedback received from the funding body for the previous applications.

At the meeting of Council on Wednesday 12 February 2025 Council endorsed the following motion:

14. Preparation of a grant application to submit to the Australian Government’s National Emergency Management Agency to the Disaster Ready Fund – Round 3 for the construction of the Mansfield Emergency Resilience Centre on the dedicated Mansfield Emergency Precinct Site, and the required co-contribution funding of \$946,000.

The prepared grant application was submitted to the funding body on 15 April 2025.

Since the February meeting, Council and the broader Mansfield Shire community have been presented with various financial challenges, notably the impending Emergency Services Volunteer Fund (ESVF). The implementation of the ESVF has the potential to place significant pressure on both the community and Council’s already limited resources, placing further strain on current and future budgets.

In consideration of these financial implications, Council believes that proceeding with this application would not be in the best interests of the community at this time and sought an alternative opportunity to undertake the works without the need for such a high level of co-contribution from Council.

Application to the Regional Precincts and Partnership Program (rPPP)

The Mansfield Emergency Services Precinct (MESP) concept includes a Resilience and Recovery Centre with emergency training and shared support spaces to enable the delivery of emergency management and community development, supporting community preparedness and recovery.

Importantly, the Emergency Services Precinct Stage One planning includes essential new SES and Ambulance Victoria infrastructure to accommodate 24/7 operations and makes provision for a Stage Two development of a CFA station in the longer-term. The Precinct will also house new facilities for Radio Mansfield (local emergency radio broadcaster) and storage facilities to assist the Red Cross and other community organizations in their support and recovery efforts.

To realise this vision, Council has submitted an application to the Federal Government's Regional Precinct Partnerships Program (rPPP) to ensure the region's emergency services have capacity to respond quickly and assist disaster and emergency recovery, and that the Mansfield Shire community are disaster prepared with a purpose-built training and coordination space.

The MESP project is a perfect match for the objectives of the rPPP funding as it facilitates place-based approaches to precinct planning and delivery, supported by collaborative partnerships engaged in shared design, stewardship and accountability of planned outcomes.

It also delivers as a value for money, multi-purpose regional community precinct which clearly exhibits the value of partnership between all levels of government, community and business.

The Victorian Government has several plans and strategies which provide a clear policy basis for establishing an emergency precinct in Mansfield with co-located services and infrastructure.

The full scope outlined in the application is as follows:

- ▶ Resilience Recovery and Training Centre
- ▶ VicSES Local Headquarters
- ▶ Ambulance Victoria Station
- ▶ Radio Mansfield / Emergency Broadcaster Home Studios
- ▶ Precinct Internet / NBN and Telecommunications
- ▶ Essential drainage, power and water connections
- ▶ Associated Carparks, Driveways, Main Road access points
- ▶ Branding and signage
- ▶ Landscaping

Recommendation

THAT COUNCIL:

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

Support Attachments

1. Government Letters of Support - PACKAGE [13.2.2.1 - 11 pages]
2. Stakeholder Letters of Support - PACKAGE [13.2.2.2 - 11 pages]
3. ERC SITE PLAN @ 166 HIGH STREET, MANSFIELD [13.2.2.3 - 1 page]
4. Emergency Resilience Centre - Building Plan [13.2.2.4 - 15 pages]
5. Ambulance Victoria - Building Plan [13.2.2.5 - 5 pages]

Considerations and Implications of Recommendation

Sustainability Implications

The MESP will foster the long-term sustainability of Mansfield’s emergency services as it will:

- ▶ Replace outmoded emergency services infrastructure that operates beyond its designed capacity.
- ▶ Support and foster collaboration and interoperability between agencies particularly at the local level.
- ▶ Deliver efficient and effective public infrastructure.
- ▶ Help address Mansfield Shire’s increasing demand for emergency services generated by the Shire’s high annual population growth rate, the growing popularity of adventure tourism and the effects of increased climate variability.
- ▶ Reduce the cost of infrastructure replacement for individual emergency services organisations through the communal use of common infrastructure such as site service utilities, backup generators, meeting rooms, training areas and parking.
- ▶ Will promote and encourage volunteerism.

The withdrawal of the Disaster Ready Fund Round 3 grant application will have a positive impact on Council’s long-term financial sustainability with the avoidance of a large financial co-contribution to complete the project.

Community Engagement

Significant community engagement has been undertaken by Council over the proposed Mansfield Emergency Services Precinct site on Council owned land fronting onto the Maroondah Highway at the site of the old saleyards.

This has included working with the Mansfield Emergency Precinct Committee, a community committee that for years has lobbied for an emergency services precinct in Mansfield. Members of the Committee have participated throughout the entire project and contributed funds to the

original Scoping Study.

Since completion of the Feasibility Study in 2022, extensive engagement has been undertaken with emergency services representatives through the Technical Advisory Group as the detailed designs for the precinct have been progressed.

Engagement with the broader Mansfield Shire community was also undertaken seeking their support for submission of funding applications, with 66 community responses received. Attachments 1 and 2 to this report include the multiple letters of support received from community stakeholders, emergency services agencies and from local Federal and State Members of Parliament, Helen Haines and Cindy McLeish.

Collaboration

Extensive engagement has been held with the emergency services agencies throughout the entire project including Ambulance Victoria, SES, CFA, Mansfield Community Radio and Victoria Police.

Financial Impact

All work to prepare and submit the funding applications has been undertaken internally by Council Officers within existing staff resources.

The Council cash co-contribution for the whole of this project under the Disaster Ready Fund would have been \$1,768,821 over several financial years. Withdrawing the application to the Disaster Ready Fund eliminates the potential financial commitment of \$946,000 that Council would have been required to contribute in 2025-26 if funding had been awarded, with a further \$822,821 required in subsequent years, making a total commitment of \$1,768,821. The removal of this financial obligation eases the pressure on both current and future Council budgets.

Legal and Risk Implications

As the current infrastructure for AV and SES is outdated, no longer fit for purpose and utilised beyond its design capacity, the primary risk with the MESP is that it doesn't progress, and the performance of Mansfield's emergency services organisations will be hampered.

Regional, State and National Plans and Policies

The collocation and integration of emergency services infrastructure is a consistent theme in State Government emergency services policies and plans and is part of the strategic plans of all the Victorian emergency services agencies.

Innovation and Continuous Improvement

The collocation and integration of emergency services is regarded by the Victorian and Commonwealth Government as best practice in the delivery of emergency services infrastructure.

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

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.

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

File Number	P002-23	Responsible Officer	Senior Coordinator Planning, Nicole Embling
--------------------	---------	----------------------------	--

Purpose

This report seeks Council's determination of planning permit application P002-23, lodged for *Multi-Lot (79 lots) staged industrial subdivision, removal and destruction of native vegetation, and creation of access to a road in the Principal Road Network* on the land at 175 Dead Horse Lane, Mansfield. The application is being referred to Council for determination as the total estimated cost of development is \$10 million, which exceeds Officer delegation. The Officer recommendation is to issue a planning permit, subject to conditions and in accordance with endorsed plans.

Executive Summary

Application Details

APPLICANT	David Luelf & Sons Pty Ltd
PROPOSAL	Multi-Lot (79 lots) staged industrial subdivision, removal and destruction of native vegetation, and creation of access to a road in the Principal Road Network
NOTICE AND SUBMISSIONS	The application is in accordance with an approved Development Plan, and under Clause 43.04-3 Development Plan Overlay is exempt from the notice requirements of Section 52, the decision requirements of Section 64 and the review rights of Section 82 of the <i>Planning and Environment Act 1987</i> .

Property Details

PROPERTY ADDRESS	175 Dead Horse Lane Mansfield
LAND DESCRIPTION	Crown Allotment 39, Title Plan 967367V, Parish of Mansfield
RESTRICTIVE COVENANTS	Nil
LAND AREA	32.19 hectares
EXISTING USE	Dwelling and associated outbuildings, and farmland used for stock grazing

Planning Provisions

ZONE	Clause 33.01 - Industrial 1 Zone Clause 37.03 - Urban Floodway Zone (partial)
OVERLAYS	Clause 43.04 - Development Plan Overlay, Schedule 4 Industrial 1 Zone Land Clause 44.04 - Land Subject to Inundation Overlay (partial)

Permit Triggers

Clause 33.01-3	<i>A permit is required for subdivision of land in the Industrial 1 Zone</i>
-----------------------	--

Clause 44.04-3	<i>A permit is required for subdivision of land in the Land Subject to Inundation Overlay</i>
Clause 52.17-1	<i>A permit is required to remove, destroy or lop native vegetation, including dead vegetation</i>
Clause 52.29-2	<i>Create access to a road in a Transport Zone 2</i>
Other	
CULTURAL HERITAGE SENSITIVITY	The subject land is partially within an area of Cultural Heritage Sensitivity and a Cultural Heritage Management Plan has been prepared and approved.

The permit applicant, David Luelf & Sons Pty Ltd, seeks approval for Multi-Lot (79 lots) staged industrial subdivision, removal and destruction of native vegetation, and creation of access to a road in the Principal Road Network on the land at 175 Dead Horse Lane Mansfield, adjoining Lakins Road, Dead Horse Lane and Midland Highway.

Subject Land

175 Dead Horse Lane is a rectangular parcel of land including approximately 32 hectares with frontage to Dead Horse Lane, Midland Highway, and Lakins Road. The subject land is within the Industrial 1 Zone, and a small portion in the south-west corner along Ford Creek is within the Urban Floodway Zone. It is important to note that the Midland Highway is within Transport Zone 2 and is a Department of Transport managed road. The zoning of the land and surrounds is shown below in Figure 2. The site is covered by the Development Plan Overlay, of which there is an approved Development Plan approved on 19 April 2023 (attached). There is an existing dwelling and some associated agricultural infrastructure, which supports the currently operating small agricultural enterprise.



Figure 1 – 2023 Aerial of the subject land

The land is relatively flat with some waterways traversing through the land, including two tributaries of Ford Creek, one of which passes through the centre of the land and the second is a minor natural drainage line. Ford Creek passes through the southwest corner of the land. There are many large remnant native trees scattered across the land, of varying ages and sizes, and some exotic vegetation. The exotic vegetation includes some willows within the waterway and planted vegetation around the existing dwelling.

The subject land is partially within an area of Cultural Heritage Sensitivity, and therefore the proposal requires a Cultural Heritage Management Plan (CHMP) be approved before proceeding. The permit applicant has an approved CHMP. The approved CHMP is attached.

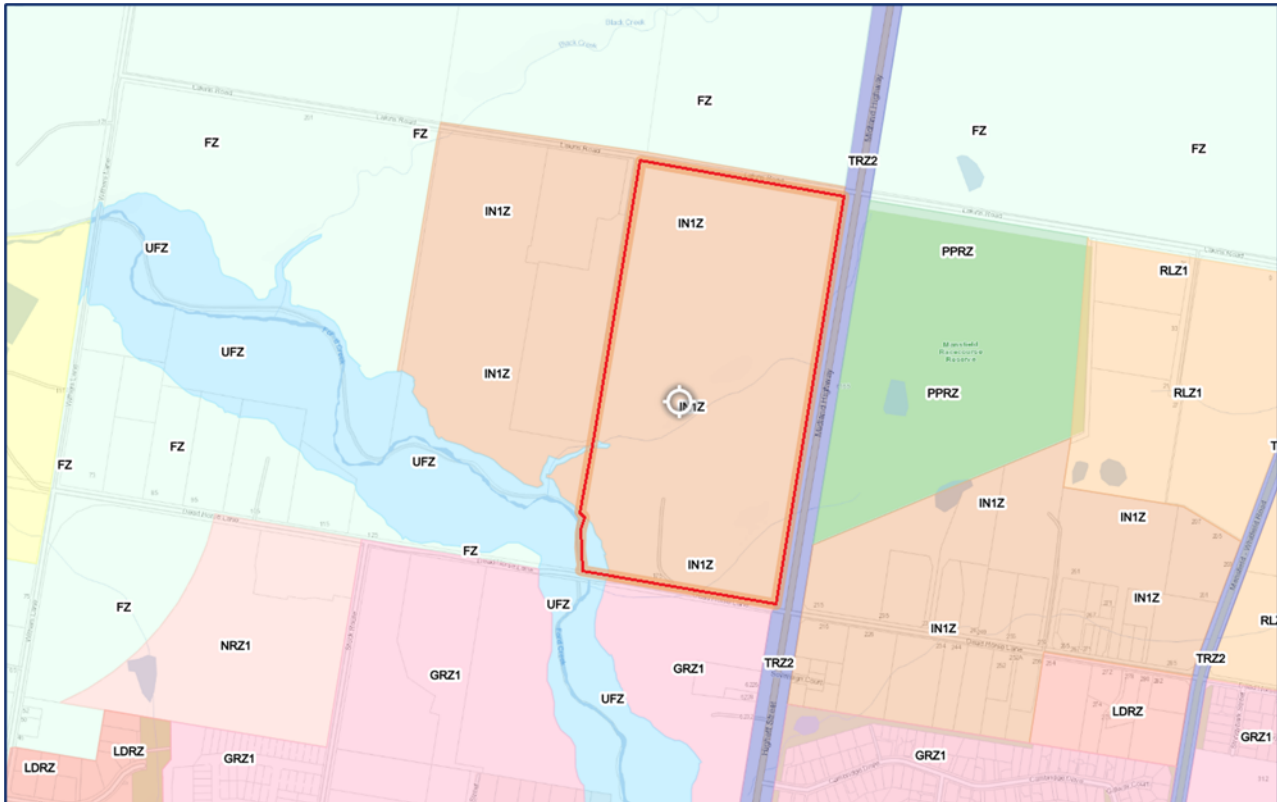


Figure 2 – Zoning of the land and surrounds

The adjoining land to the west is also in the Industrial 1 Zone and is currently occupied by the Mansfield Shire Council Depot. The land to the north beyond Lakins Road is in the Farming Zone and being used for agricultural purposes. The land to the east, over Midland Highway, is mostly in the Public Park and Recreation Zone, and developed as the Mansfield Racecourse Reserve, and the land to south-east is in the Industrial 1 Zone along Dead Horse Lane and is the most established Industrial area of Mansfield. The land to the south beyond Dead Horse Lane is in the General Residential Zone, however, is not currently developed for residential purposes, there is one existing dwelling supporting historic agricultural land uses. The land to the south-west is in the Urban Floodway Zone which protects Ford Creek. In this location Ford Creek is traversing towards the north-west, away from the Mansfield Township.

The land is bound along the south by Dead Horse Lane which is currently identified as the Heavy Vehicle Alternative Route, as shown below in Figure 3.

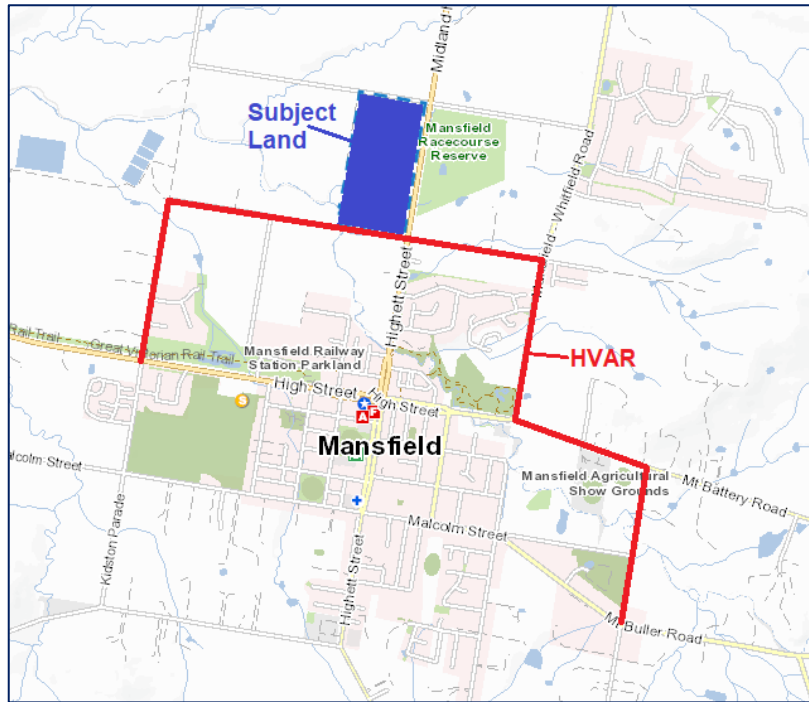


Figure 3 - HVAR

History of the land

On 8 January 2024, a planning permit P205/23 was issued for *display a sign for the sale of the property*. The sign is currently displayed in the south-east corner of the land.

On 19 April 2023, a Development Plan was approved by Council for Industrial Zoned land at 141 Lakins Road and 175 Dead Horse Lane, Mansfield. A detailed assessment of the application against the Development Plan is included below.

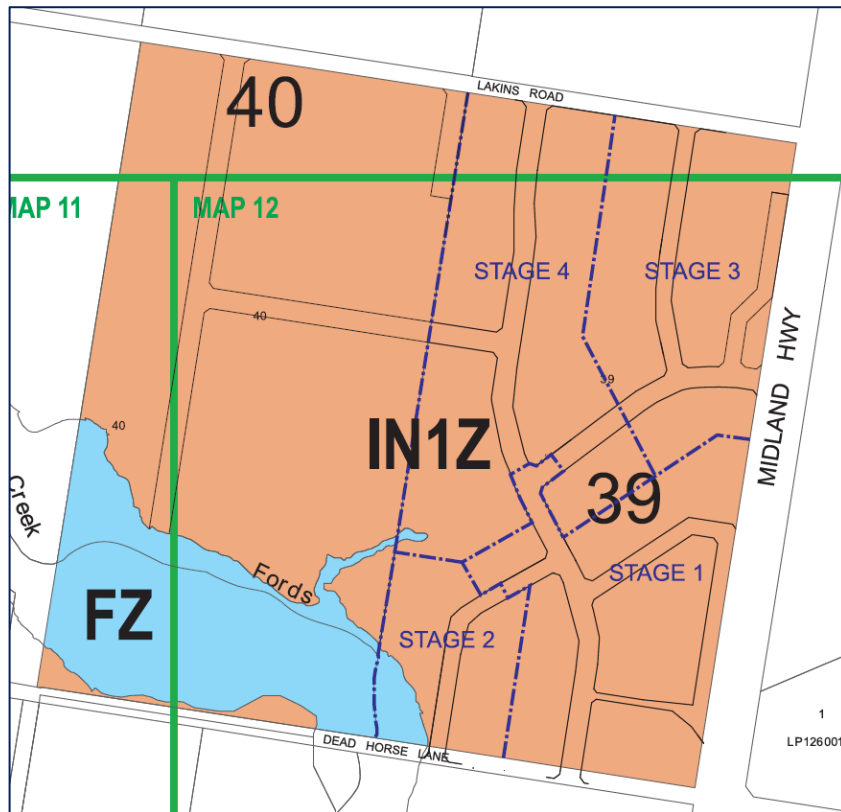


Figure 4 – approved Development Plan map

On 8 September 2022 Planning Scheme Amendment C51mansPt1 was gazetted which rezoned the subject land from Farming Zone to Industrial 1 Zone, and applied the Development Plan Overlay to the site as well as to the adjoining (Council owned) property to the west.

On 3 June 2016 planning permit P046/16 was approved for *removal of native vegetation* in the adjoining road reserve along Dead Horse Lane to enable the realignment of the road across Ford Creek (to straighten the road).

On 29 August 2003 planning permit P0211/03 was approved for *use and development of a dwelling in accordance with the endorsed plans*, which approved the existing dwelling on the land.

Proposal

The proposed subdivision on the land is required to be in accordance with the approved Development Plan, which went through an extensive public consultation process in 2022 and 2023. Once an approved Development Plan is in place, any proposed subdivision or development is exempt from Public Notice under the *Planning and Environment Act 1987* as long as it is generally in accordance with that plan, which is the case here.

The proposal includes a 79-lot industrial subdivision proposed in four stages, commencing with stage 1 in the south-east corner with frontage to Dead Horse Lane and Midland Highway.

Stage 1 includes a new road from Dead Horse Lane, traversing the land to the north toward the waterway and entry-only access from Midland Highway. Stage 1 has 23 lots ranging from 1,209 sqm to 6,805 sqm in total area and a small Reserve to protect two large high quality red gum trees.

Stage 2 is in the south-west corner of the land and will include an additional new road connection to Dead Horse Lane, which will join the road being constructed as part of Stage 1. A 1-hectare Reserve is included in Stage 2, which provides treatment of stormwater and outfall to Ford Creek and the protection of some smaller native vegetation. There is an additional Reserve included in Stage 2 for a stormwater retention basin and the protection of a large native tree. There are eight exotic landscaping trees around the existing dwelling, some of which will be removed to enable the construction of the new road and any vegetation not required to be removed will be retained by the developer and incorporated into the new lots. Stage 2 includes 10 lots.

Stage 3 is in the north-east corner of the land with frontage to Midland Highway and Lakins Road and includes the majority of the larger waterway and will require a bridge crossing to connect Stage 3 with Stages 1 and 2. The construction of the bridge will require the removal of some non-native trees in and around the waterway. A 3-hectare Reserve is proposed along the waterway which would be multi-purpose and provides shared paths and recreation. Stage 3 includes 26 lots. Exit-only access is proposed onto Midland Highway, and a new road connection will be made to Lakins Road.

Stage 4 is the north-west corner of the land with frontage to Lakins Road, including a new road connection and a proposed east-west connection to the adjoining Council land (through Council Depot). Stage 4 includes 14 lots and a 2-hectare Reserve for a large Wetlands/Stormwater retention area which would be multi-purpose and provide for shared paths and recreation.

Overall, the plans for the subdivision include standard footpaths on both sides of the new internal roads and shared paths through the larger Reserves and along the existing roads (Lakins Road, Midland Highway and Dead Horse Lane). The submitted plans have addressed the existing vegetation onsite and within the adjoining road reserves where there could be impact. A detailed assessment of the impacted vegetation is included in the attached Assessment Against Planning Scheme.

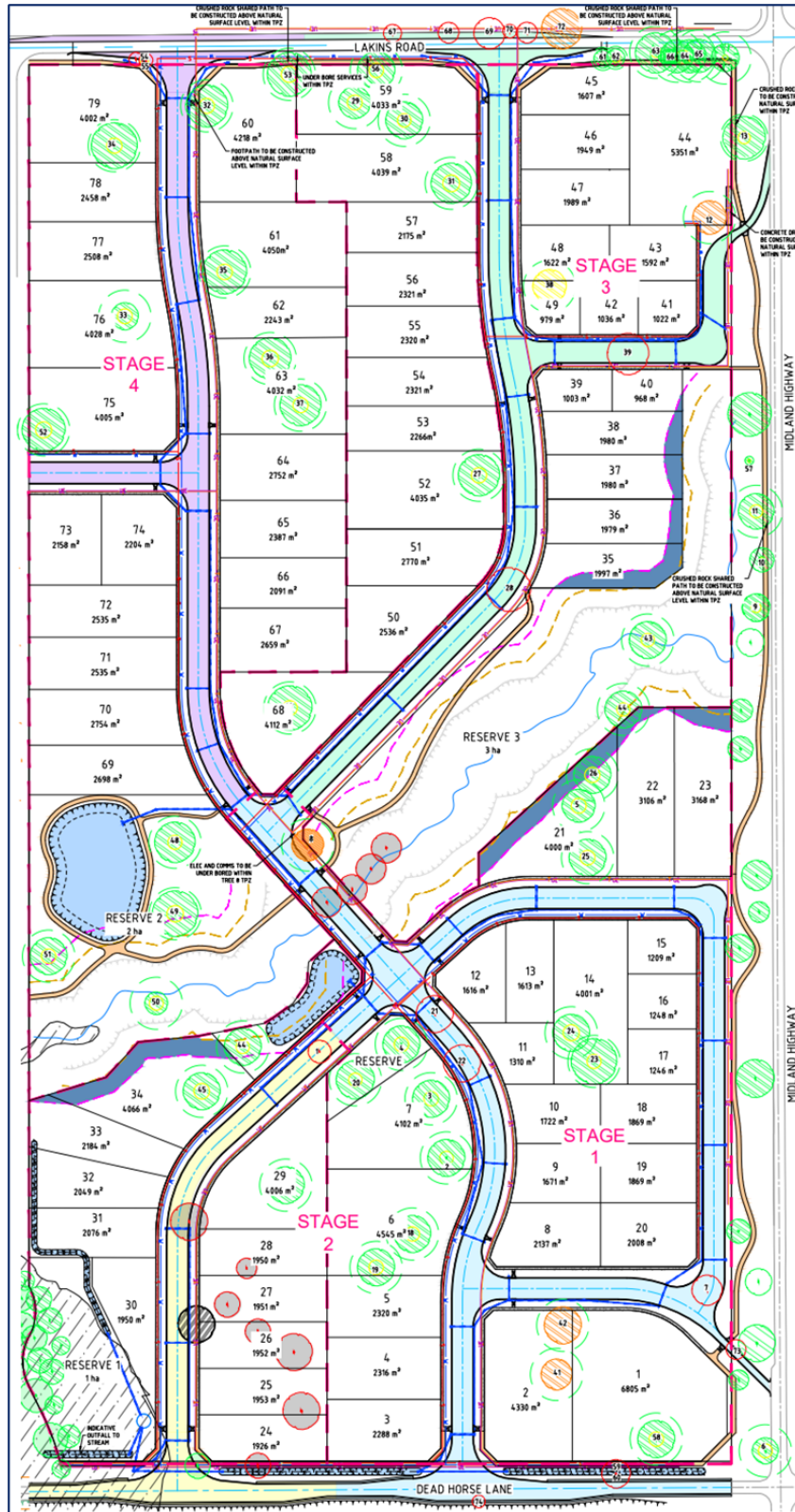


Figure 5 – Plan of proposed Subdivision

Over the course of the application assessment process, Council officers have worked with the permit applicant to reduce the impact on native vegetation on the site. There are 65 native trees on site, 9 native trees on Lakins Road and 4 exotic trees on site that have all been assessed as part of this development. There are 5 categories that the trees would fall under as part of the planning assessment, as follows:

- ▶ Retain – Trees proposed to be retained as part of the development.
- ▶ Remove – Trees proposed to be removed as part of the development
- ▶ Assumed Loss – Trees are assumed lost as the impact on the Tree Protection Zone is more than 10%, and as such, under the “Guidelines for the removal, destruction of lopping of Native Vegetation”, as the impacts on the TPZ at most likely to eventually result in the tree being lost.
- ▶ Consequential Loss – Trees that will be exempt from a future permit requirement for removal as the lot size the tree is on is less than 4000sqm. These trees are required to be offset at time of development, regardless of whether they are removed or not.
- ▶ Not assessed – some trees were not assessed in the first two versions and were identified through the process as needing assessment. All are included in the final version being considered.

In the third (assumed loss) and fourth (consequential loss) categories, being 6 trees, a Section 173 Agreement will be required to retain trees on site, regardless of the fact that they will not need a permit for removal, from a landscape perspective, until such time as that tree does become too dangerous to retain. Any future removal of these would need to be supported by evidence from an arborist that they cannot be saved.

In addition, as part of the final assessment, Council officers required the permit applicant to demonstrate the impact on the trees in the road reserve in Lakins Road as a result of future road upgrades, it has been confirmed that varied road construction design will result in less impact to the trees and will enable some of the trees to be retained.

The final submitted plans include the removal of 17 native trees of varying sizes and quality, including eight non-native trees within the garden area of the existing dwelling that do not need a planning permit to be removed. Four of the larger of these trees have also been assessed as part of this application, and further information on them is provided below.

Garden Area Vegetation

There are eight exotic trees near the existing dwelling and along the driveway, four of which have not been assessed in the submitted Arborist Reports. Included in this is the *Bunya Pine Tree (Araucaria Bidwillii)*, which stands approximately 30 metres tall and is proposed to be removed as part of this development. It is noted that the landowner intends to gift the timber from this tree for the construction of guitars. Council’s Arborist and Environment Officer have inspected the tree and confirmed that the tree is in poor health and would be dangerous to retain as part of the industrial subdivision development with the encroachment of road construction works and nearby footpaths.

Cultural Heritage Management Plan

A CHMP was completed for the land on 8 January 2024, after being commenced in January 2022, by Red-Gum Environmental Consulting and involved a Desktop, Standard and Complex Assessment resulting in the recovery of 132 stone artefacts and the recording of four new registered Aboriginal Places. The extent of the positive pits and site extents within the Activity Areas as investigated through the Complex Assessment is shown below in Figure 6.



Figure 6 – Map of Complex Assessment and Activity Areas

Key Issues

Referral Authorities

Referral	Trigger	Response
Taungurung Land and Waters Council (TLaWC)	Section 52 – for advice	No response was provided The CHMP has been approved by them directly
AusNet Electricity Services	Section 55 - determining	Conditional consent
CFA	Section 55 - determining	Conditional consent
Goulburn Valley Water	Section 55 - determining	Conditional consent
Department of Energy, Environment and Climate Action	Section 55 - determining	Conditional consent
Department of Transport	Section 55 - determining	Conditional consent
Goulburn Murray Water	Section 55 - determining	Conditional consent
Goulburn Broken Catchment Management Authority	Section 55 - recommending	Conditional consent
Councils Environment Team	Internal, for advice	Conditional consent
Councils Engineering Team	Internal, for advice	Conditional consent

The conditions required by the referral authorities are included in the Officer recommendation below to grant a permit. If a permit is issued all conditions will be required to be complied with.

Public Notice

The application is in accordance with an approved Development Plan, and under Clause 43.04-3 Development Plan Overlay is exempt from the notice requirements of Section 52, the decision requirements of Section 64 and the review rights of Section 82 of the *Planning and Environment Act 1987*.

The process of the Development Plan approval included extensive public notice, as discussed below.

Development Plan

A Development Plan is required to be approved prior to any development of the land and incorporates all of the land in the Industrial 1 Zone, not just the subject land. The process for the Development Plan follows a similar process to a planning permit application whereby it was referred to all relevant authorities and was advertised. The application was provided to the adjoining and nearby property owners and occupiers, signs were placed onsite, and the application was advertised in the local newspaper for two consecutive weeks. As a result of public notice three (3) submissions were received which were addressed through the approval process.

Officer Assessment

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

The proposal is for an industrial subdivision in line with the Mansfield Commercial and Industrial Land Use Strategy whereby the land was identified as suitable for future industrial development to service the growth of Mansfield. The land is ideally located with direct access to the Heavy Vehicle Alternative Route (HVAR) and the Midland Hwy, being the northern access to Mansfield and has a connection to the Hume Freeway near Benalla and will be able to provide development opportunities for large scale industrial development, including warehouses and manufacturing.

The application has provided detailed design for the proposed new road network and required upgrades to the adjoining roads, Lakins Road, Midland Highway and Dead Horse Lane. The new internal roads will provide north-south connections between Lakins Road and Dead Horse Lane and a new east-west connection from the subject land to the adjoining Industrially zoned land to the west through the Council Depot, in accordance with the requirements of the approved Development Plan.

The land has a history of being named 'Woodlands', which has been adopted by the Developer and the land now advertised for future industrial lots has been called 'Woodlands Business Park' to reflect the existing character of large redgum trees present on the land. The application has provided detailed Arborist Reports to consider the impact of the subdivision and future development on the existing vegetation. Overall, the subdivision layout has managed to achieve an 80% retention rate of native vegetation, with 6 trees deemed or considered lost but will be retained and protected through a Section 173 Agreement on title. The staging of the development will also enable vegetation which is proposed to be removed and/or offset to only be done so as physically required for the development works of the new roads and servicing infrastructure, per stage. All vegetation (including exotic vegetation) will be retained unless required to be removed.

Overall, the proposal is considered to be consistent with the approved Development Plan and requirements of the Mansfield Planning Scheme. Additionally, the proposal has been assessed against the proposed Design and Development Overlay, which is subject to a current Planning Scheme Amendment C56mans, and is consistent with the required design outcomes. All future development proposals for the land will require further planning approvals which will be assessed against the Design and Development Overlay.

Recommendation

THAT COUNCIL resolves to issue a **Planning Permit** for Planning Permit Application P002-23 for a Multi-Lot (79 lots) staged industrial subdivision, removal and destruction of native vegetation, and creation of access to a road in the Principal Road Network at CA 39 Parish of Mansfield, commonly known as 175 Dead Horse Lane Mansfield, subject to the following conditions:

Endorsed Plans

1. The subdivision approved under this permit must be undertaken in accordance with the plans endorsed and forming part of this permit.
2. Prior to the commencement of works or certification of the plan of subdivision for each stage, amended plans must be submitted to and approved by the Responsible Authority. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with those submitted with the application and include:
 - a. Landscaping within road reserves, in accordance with Condition 13.
 - b. Landscaping and features proposed within the Reserves.

- c. An area of unencumbered land set aside as public open space reserve(s) equivalent to a minimum 5% of all land in the subdivision.
- d. Tree Protection Zones for all native trees being retained which are deemed and considered lost.

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

Staged Subdivision

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

Subdivision

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

Section 173 Agreement

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

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

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

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

Public Open Space

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

Before the Statement of Compliance is issued for Stage 1 under the *Subdivision Act 1988*, the monetary contribution must be paid. The Responsible Authority may delay the time for payment of the monetary contribution by agreement in writing with the permit holder.

Powerlines

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

Landscaping

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

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

Vegetation

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

Engineering – External Road Infrastructure

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

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

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

Engineering – Internal Road Infrastructure

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

Engineering - Earthworks

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

Engineering - Drainage

39. Before the certification of the plan of subdivision, construction and drainage plans and computations to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. All works constructed or carried out must be in accordance with those plans to the satisfaction of the Responsible Authority.

The plans must include:

- a. On-site detention system(s) designed by a suitably qualified engineering consultant to ensure no net increase in stormwater discharge from predevelopment levels by the proposed development.
- b. Measures to enhance stormwater discharge quality from the development including output from MUSIC, STORMupdated or similar with design calculation summaries of the treatment elements.
- c. A maintenance plan for all stormwater treatment assets.
- d. The detention and treatment system must be designed to allow access for maintenance vehicles.

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

Engineering – Asset Protection

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

- a. Protection of significant native vegetation during the construction of roads, reticulated services and other infrastructure.
- b. Prevention of adverse environmental impacts on existing waterways including through run-off and siltation.
- c. Procedures to ensure access by construction vehicles during the construction does not impact the amenity of the surrounding neighbourhood.
- d. Measures in accordance with EPA Victoria Publication 960 *Doing it right on subdivisions, Temporary environmental protection measures for subdivision construction sites*.

42. Any damage to Council managed assets such as roads, footpaths, street trees and stormwater infrastructure, must be repaired at the cost of the developer to the satisfaction of the Responsible Authority.

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

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

Engineering – Administration, Permits, Fees and Charges

45. The Responsible Authority for plan checking and supervision must obtain, in writing, the name of the project coordinator appointed to oversee the works and notification of commencement date prior commencing works.

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

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

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

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

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

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

AusNet Electricity Services

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

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

Hydrants

51. Prior to the issue of a Statement of Compliance under the *Subdivision Act 1988* the following requirements must be met to the satisfaction of the CFA:
- a. Above or below ground operable hydrants must be provided. Hydrants must be no more than 120 metres apart. This distance must be measured as a hose would be laid on the ground. Not over obstructions and obstacles, such as fences, or over side and rear boundaries.
 - b. The hydrants must be identified with marker posts, blue road reflectors and white road triangles (as applicable).

Department of Energy, Environment and Climate Action

52. Notification of permit conditions
Before works start, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and associated statutory requirements or approvals.
53. Native vegetation permitted to be removed, destroyed or lopped
The native vegetation identified in NVRID 382_20250312_F2L and permitted to be removed, destroyed or lopped under this permit is 1.152 hectares of native vegetation, which is comprised of:
- a. 0.046 hectares patches of native vegetation including 1 large tree within a patch
 - b. 13 scattered large trees
 - c. 7 scattered small trees.
54. Native vegetation offsets
To offset the removal of 1.152 hectares of native vegetation, the permit holder must secure a native vegetation offset in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017). The permit holder must secure the following offsets:
- a. A general offset of 0.2760 general habitat units:
 - i. located within the Goulburn Broken Catchment Management boundary or Mansfield municipal area
 - ii. with a minimum strategic biodiversity value of at least 0.4714
 - b. The offset(s) secured must provide protection of at least 14 large trees.
55. Offset evidence
Before any native vegetation is removed, evidence that the required offset for the project has been secured must be provided to the satisfaction of the responsible authority. This evidence must be one or both of the following:
OR
Before the issue of a Statement of Compliance, evidence that the required offset by this permit/ for each stage of the subdivision/project has been secured must be provided to the satisfaction of Mansfield Shire Council. This evidence must be one or both of the following:
- a. an established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10-year management actions and ongoing management of the site, and/or

- b. credit extract(s) allocated to the permit from the Native Vegetation Credit Register.

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

56. Construction Environmental Management Plan

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

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

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

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

57. Protection of native vegetation to be retained

Before works start, native vegetation protection fencing must be erected around or along native vegetation to be retained on and in the direct vicinity of the work site/footprint. This fencing must be erected in accordance with the AS 4970-2009 Protection of Trees on Development Sites. The fence must be constructed of highly visible, durable materials to the satisfaction of the responsible authority. The protective fence must

remain in place until all works are completed to the satisfaction of the responsible authority.

58. Except with the written consent of the responsible authority within the area of native vegetation to be retained and any tree or vegetation protection zone associated with the permitted use and/or development, the following is prohibited:
- a. vehicular or machinery access
 - b. trenching or soil excavation
 - c. storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products
 - d. entry and exit pits for the provision of underground services
 - e. any other actions or activities that may result in adverse impacts to retained native vegetation.

59. All allotments containing large (native) trees to be retained must include building envelopes which clearly delineates the developable areas, avoiding the large trees and the Tree Protection Zone (TPZ). A notation on the plan for each affected lot needs to be included, clearly explaining that no buildings are to be constructed outside of the designated building envelope area.

Note: Although a reported loss, Tree 38 located (lot 49) was considered for protection under a Section 173 agreement on title. The area of the lot has been reduced and unlikely conducive for development and include the required building envelope. The amalgamation of lots 48 and 49 would offer a more practical outcome in this situation.

60. Revegetation of the proposed subdivision reserves (Reserve 1 and 3) must be undertaken using indigenous plant species appropriate to the Ecological Vegetation Class (EVC) and completed prior to Statement of Compliance. Plant survival rates must be checked after two years, and any dead trees replaced.

Note: The use of non-native streetscape species that have the potential to spread and become environmental weeds need to be avoided in the reserve areas.

Department Transport and Planning; Head, Transport for Victoria

61. Vehicular access to the Midland Highway from the subject land must be limited to two (2) access points only, as shown on the plans appended to the application.

- a. The southern access point must operate as a left-in only entry from the Midland Highway.
- b. The northern access point must operate as a left-out only exit to the Midland Highway.

62. Prior to certification of the Plan of Subdivision for stage 1, a Functional Layout Plan must be submitted to and approved by the Head, Transport for Victoria. When approved by the Head, Transport for Victoria, the plans must be endorsed by the Responsible Authority and will then form part of the permit. The plans must show (but not limited to the following):

- a. Proposed (southern) inbound access point to the subject land from the Midland Highway.
- b. Appropriate treatment/s to prevent right turn access from the Midland Highway to the proposed (southern) inbound access point.
- c. Channelised Right Turn (CHR) treatment at the intersection of Dead Horse Lane and Midland Highway.
- d. Short Auxiliary Left Turn (AUL(s)) treatment at the intersection of Dead Horse Lane and Midland Highway.

63. Prior to certification of the Plan of Subdivision for stage 1, a Functional Layout Stage Road Safety Audit must be submitted to and approved by the Head, Transport for Victoria. The Road Safety Audit must be undertaken by a suitably qualified Road Safety Auditor.

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

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

Goulburn Broken Catchment Management Authority

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

Goulburn Murray Water

77. Any Plan of Subdivision lodged for Certification must be referred to Goulburn Murray Rural Water Corporation pursuant to Section 8(1)(a) of the Subdivision Act.
78. The plan of subdivision submitted for Certification must show all roads setback 30m from the waterway.
79. The plan of subdivision submitted for Certification must show the stormwater retardation basins and swales setback 10 from the waterway.
80. The plan of subdivision submitted for Certification must show a building exclusion zone to prevent future buildings being located within 30m of the waterway.
81. Each lot must be provided with connection to the reticulated sewerage system in accordance with the requirements of the relevant urban water authority.
82. All stormwater discharged from the site must meet the urban run-off objectives and Standard C25 as specified in Clause 56.07-4 of the Victorian Planning Provisions. All infrastructure and works to manage stormwater must be in accordance with the requirements of the Responsible Authority.
83. The existing wastewater system(s) on proposed Lots 27 and/or 28 must be decommissioned to the satisfaction of council's Environmental Health Department. If either existing dwelling is to be retained, prior to the Statement of Compliance being issued, the existing dwelling(s) located on proposed Lots 27 and 28 must be connected to the reticulated sewerage system.
84. All works within the subdivision must be in accordance with EPA Publication 1834.1 Civil Construction, Building and Demolition Guide (September 2023).

Goulburn Valley Water

85. Payment of new customer contribution charges for water supply to the development, such amount being determined by the Corporation at the time of payment.
86. Provision of a reticulated water supply and associated construction works to each allotment within the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation; (Water network augmentation works have been identified as being required, which may include but not be limited to: Water main upgrade

/extension/realignment/removal; Construction of a water booster pumping station, storage or tanks and trunk mains). This will be confirmed during liaison with the Developer's engineering Consultant.

87. Based on GVW standard, for the purpose of water supply security, a second connection point will be required when the number of lots serviced exceed 40 lots. Water network augmentation works may be required to facilitate the second connection point.
88. Any existing water service that crosses any of the proposed allotment boundaries within the proposed development must be disconnected and re-located at the developer's expense, to be wholly within one allotment only, including notification of the proposed lot to be serviced by the existing water meter, to the satisfaction of the Goulburn Valley Region Water Corporation.
89. Provision of easement for water supply purposes over existing water mains located within private property.
90. Before the issue of Statement of Compliance for stage 4, the 100 AC water reticulation main which traverses this land to service the neighbouring property, will be required to be removed from all private property and all water service line/s reconnected to new reticulation mains as required and to the satisfaction of the Goulburn Valley Region Water Corporation.
91. Payment of new customer contributions charges for sewerage services to the development, such amount being determined by the Corporation at the time of payment.
92. Provision of reticulated sewerage and associated construction works to each allotment within the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation; (The works may include, but not be limited to the construction of a sewerage pumping station, rising mains and gravity mains).
93. Reserves for sewage pump stations to be in favour of Goulburn Valley Region Water Corporation. The reserve must be adequately sized to enable unrestricted access to the sewage pump station for operation and maintenance purposes. The reserve must not be encumbered by any easements.
94. The land to be included in an extension of the Sewer Supply District and the owner agree to contribute to the actual cost to extend the District Boundary necessary to provide reticulated sewer to this development. Such amount being determined by the Corporation at the time of payment.
95. Provision of easements in favour of the Goulburn Valley Region Water Corporation over all existing and proposed gravity sewer mains located within private property.
96. The operator under this permit shall be obliged to enter into an Agreement with Goulburn Valley Region Water Corporation relating to the design and construction of any sewerage or water works required. The form of such Agreement shall be to the satisfaction of Goulburn Valley Water. A copy of the format of the Agreement will be provided on request,
97. The plan of subdivision lodged for certification is to be referred to the Goulburn Valley Region Water Corporation pursuant to Section 8(1) of the Subdivision Act, 1988.
98. The subdivision must proceed in the order of stages as shown on the approved and endorsed plan. Goulburn Valley Water may consent in writing to vary this requirement.

Permit Expiry

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

In accordance with Section 69 of the *Planning and Environment Act 1987*, an application may be submitted to the Responsible Authority for an extension of the periods referred to in this condition.

Permit Notes

1) Country Fire Authority

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

2) Department of Energy, Environment and Climate Action

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

3) Goulburn Valley Water

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

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

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

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

Support Attachments

1. Submitted Plans [**13.2.3.1** - 5 pages]
2. Assessment against the Planning Scheme [**13.2.3.2** - 36 pages]
3. Approved Development Plan [**13.2.3.3** - 7 pages]
4. Cultural Heritage Management Plan [**13.2.3.4** - 145 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 is in accordance with an approved Development Plan, and under Clause 43.04-3 Development Plan Overlay is exempt from the notice requirements of Section 52 of the Planning and Environment Act 1987.

The process of the Development Plan approval included extensive public notice as described in this report.

Collaboration

Not Applicable

Financial Impact

All work has been undertaken internally by Council Officers within existing staff resources. An application fee of \$1,360.80 was 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 Permit be issued 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 3.2 Enhance township character

Strategy 3.3 Improve roads, drainage and footpaths

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

Strategy 5.2 Enable land use and base infrastructure that stimulates commercial activity

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. Planning Reform Impacts on Mansfield Shire

File Number	E3965	Responsible Officer	General Manager Investment & Planning, Melissa Crane
Purpose			

To seek a resolution of Council to advocate to the Victorian Government and raise awareness in the community in relation to the Planning Reform currently being undertaken by the State, to highlight that changes should be made with input from all stakeholders, including Local Government and the communities they serve, and that local values and input into the planning system should remain strong in Victoria.

Executive Summary

In 2023, the State Government commenced a reform program of the planning system in Victoria. This reform program has already resulted in significant changes to the planning system, and the current review of the *Planning and Environment Act 1987* (the Act) will result in more changes that are likely to have a significant impact on Council’s ability to effectively manage and protect the things that are valued by the Mansfield community.

Council officers have considered the changes made to date, as well as the potential changes to be made to the Act, and are proposing Mansfield Shire Council take a position on the reform program and advocate to the State Government for the following outcomes of this reform:

- ▶ Keep it Country - Ensure that any changes allow Council to continue to manage and protect local values and character, including the protection of large trees.
- ▶ Keep it Local – Ensure that any changes allow Council to continue to make decisions for the community at a local level and that Council is not removed as the determining authority.
- ▶ Keep it Transparent – Ensure that any changes allow Council to continue to provide the community with the ability to advertise planning proposals and consider community input in the planning process.
- ▶ Keep it Fair – Ensure that any changes allow all parties in the planning process the right to have decisions reviewed at the Victorian Civil and Administrative Tribunal.
- ▶ Keep it Simple - Ensure that any changes to the Act minimise complexity in the planning system and do not add cost and complexity to permit applicants.

Key Issues

Victoria’s planning system is based on the *Planning and Environment Act 1987*. While the Act is now nearly 40 years old, it has served Victorians well and provided elected decision makers, professional planners, local communities and developers all with a reasonable opportunity to be involved in the planning process.

Since its inception, there have been several attempts to review the planning system to reduce complexity, provide certainty and improve efficiency – most of which have not been overly successful. It is considered that a primary reason for this lack of success is the disconnect between the planning system designers (the State Government) and the planning systems

primary administrators (local government). This pattern of disconnect is continuing with the current reform program being undertaken.

In response to the housing crisis in Victoria, the State Government commenced its planning reform program with the release of *Victoria's Housing Statement: The Decade ahead 2024-2034*. The statement was released without any consultation with local government or the communities they represent.

Currently, the Victorian Government is undertaking a review of the Act. There has been very limited consultation on the review, both in terms of who has been consulted with and the detail that has been provided for that consultation.

In response to this review, the Municipal Association of Victoria (MAV) has prepared a submission on behalf of the local government sector to the Department of Transport and Planning for their review of the Act. A copy of this submission is attached to this paper.

The MAV submission supports a review of the Act, however draws attention back to 1987, where the then Minister for Planning and Environment said that planning legislation should:

- *Recognise that planning is an activity involving elected officials, appointed advisors, interested members of the public, individually or in groups, and professional practitioners.*
- *Provide for continual strategic planning, attempting to clarify our view of the future.*
- *Ensure that values can be made explicit, through articulation of objectives and policies.*
- *Provide an ability to set rules about the use and development of land.*
- *Establish a framework for making, amending, administering and enforcing those rules by appropriate levels of government.*
- *Provide a trusted framework for the resolution of disputes about the way land should be used and developed, and*
- *Provide for compensation for those whose land is or will be required for a public purpose.*

These points are still relevant today, and there is serious concern that the current reform program does not align with these principles. Both the lack of consultation about changes with Local Government and the broader community, in addition to the cumulative impact of the reforms already undertaken by the Victorian Government, are having a large impact in the following two areas:

- ▶ The reduction and removal of the rights of notice and review (often referred to as third party appeal rights) reducing the ability of the community to be part of the planning process and influence development outcomes that may impact on them.
- ▶ The reduction in the ability of Council to include local values and protections in their Planning Schemes by the introduction of state-wide policy change that over-rides or removes local policy.

There has been significant change already been undertaken to the Victorian Planning Provisions since the release of the Housing Statement, all with significant impacts on planning in Victoria, with limited or no consultation with any stakeholders. A lot of these changes have also removed the ability of Councils to give consideration to Clause 65 *Decision Guidelines*. These guidelines allow local government planners to have a broader consideration of the impacts of a proposed development, beyond the particular decision guidelines in other parts of the Planning Scheme.

The ability to consider these guidelines has already been removed from VicSmart applications and through some of the new provisions the State Government has recently introduced. The guidelines are as follows, with the ones more regularly used by Mansfield Shire Council planners to protect things of particular concern highlighted:

- ▶ The matters set out in section 60 of the Act.
- ▶ Any significant effects the environment, including the contamination of land, may have on the use or development.
- ▶ The Municipal Planning Strategy and the Planning Policy Framework.
- ▶ The purpose of the zone, overlay or other provision.
- ▶ Any matter required to be considered in the zone, overlay or other provision.
- ▶ The orderly planning of the area.
- ▶ The effect on the environment, human health and amenity of the area.
- ▶ The proximity of the land to any public land.
- ▶ Factors likely to cause or contribute to land degradation, salinity or reduce water quality.
- ▶ Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.
- ▶ The extent and character of native vegetation and the likelihood of its destruction.
- ▶ Whether native vegetation is to be or can be protected, planted or allowed to regenerate.
- ▶ The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.
- ▶ The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.
- ▶ The impact the use or development will have on the current and future development and operation of the transport system.

A timeline of the various reforms already undertaken by the State Government is as follows:

When	What	Implications/Consultation
September 2023	Victoria's Housing Statement: The Decade Ahead 2024-2034	No consultation with local government. The actions will have massive implications on the planning system in Victoria, as it proposed changes to not just permit processing, but amendment processing and changes to how the whole system will work into the future.
September 2023	Amendments VC242 and VC243 – Development Facilitation Provisions and Res Code Changes and Future Homes	No consultation with local government. Varies provisions to allow more intensive development.
24 February 2025	Housing Targets set	Limited consultation with local government. Target set at 3900 more houses (56% increase on current stock) for Mansfield Shire by 2051, with the advice that should targets not be met, planning powers would be removed from local governments.
25 February 2025	Amendment VC257 – Activity Centre Program	Limited consultation with local government. Makes changes for development around activity centres, predominantly affects metropolitan Melbourne.

When	What	Implications/Consultation
28 February 2025	Amendment V274 – Precinct Zone	Limited consultation with local government. Introduces priority precincts for housing and economic growth, predominantly affects metropolitan Melbourne.
28 February 2025	Plan for Victoria	Limited consultation with local government. Actions recommended that will change all planning schemes.
6 March 2025	Amendment VC267 – Townhouse and Low-Rise Code	No real consultation with local government. Implements new codified process for townhouse and low-rise development across Victoria.
7 April 2025	Amendment VC280 – Great Design Fast Track	No consultation with local government. Provides a new approval pathway for apartment and townhouse developments that can be applied across Victoria, with no rights of notice and review.

It is clear from this table that the reform program being undertaken is moving quickly, and that there has been very limited consultation, particularly with local government elected officials and the communities they represent.

In response to three of these amendments, VC257, VC267 and VC274, a Select Committee was established to look at whether they were appropriate and whether they gave effect to the objectives of planning in Victoria. A copy of the report from that committee is attached to this paper. The committee chairman made the following statement at the beginning of the report:

These amendments are made on the promise of certainty and speed, largely at the expense of third-party involvement and decision-making discretion.

If the current reform program continues along this path, it is likely that these third-party rights and decision-making powers will be further eroded.

With due consideration of the impacts of the reform program so far, for Mansfield Shire there are five areas that need to be considered. These areas, and how they are being impacted are as follows:

▶ **Protection of local values – Keep it Country**

With the application of “deemed to comply” provisions and the potential removal of the ability to have local variations in different zones and overlays, there is a real risk that these changes will not allow local values to be incorporated into decision making. As the MAV submission states, *“Public participation on a state-wide plan cannot be a proxy for public participation in regional and local planning”*.

Beyond public participation, the “deemed to comply” codified approach being undertaken through amendments VC243 and VC267 also have environmental impacts, in that they limit the ability of local government to retain on-site vegetation and large canopy trees in these types of developments.

For Mansfield Shire, protection of vegetation is just one element the community clearly wishes to prioritise for protection, and the codification approach being taken will impact Council’s ability to influence outcomes. In addition, the removal of variations in local schedules, which has already commenced, will further impact on the ability of Council to ensure future development has due regard for the preferred character of the area.

▶ **Decision making at a local level – Keep it Local**

The new types of planning approval pathways being implemented by the State Government move decisions away from “*predictable, accountable and transparent processes*”. The MAV have identified that the move to centralise decision-making within the Planning Ministers office and Department away from public scrutiny ends the “*long-held notion that the Planning Ministers role in deciding individual permit applications is reserved for matters of ‘state significance’*”, and will result in the Minister making decisions on a wide range of matters, regardless of their impact at a local level.

A removal of decision-making powers was threatened by the Minister for Planning when the Housing Targets were set, in that she advised that if Councils did not plan appropriately for the housing targets that were set, the State Government would step in and take over.

For Mansfield Shire, the housing target has been set at 3900 new dwellings by 2051, on top of the existing 6900 dwellings in the municipality – a 56% increase.

▶ **Ability of Council to provide notice of planning proposals and amendments to the community – Keep it Transparent**

The State Government is making changes based without genuine consultation and these changes are reducing the ability for Council’s to seek input from the community. The MAV point out “*Further changes to the planning system that limit public participation.... will likely remove the remnant potential to achieve social licence altogether*”. Without social licence in planning, community distrust of decision making will increase and undermine the ability of local government to adequately understand and consider the views of the broader community in decision making. Council is the usual first point of contact by members of the community seeking information on planning proposals.

The community is unlikely to understand that Council will have limited, if any, capacity to allow their input when these changes are made. The result is likely to be that developments will have to be approved, particularly if they technically comply with the specific requirements, and the first community members may know of these developments will be when construction commences and will have no recourse for input into the process.

▶ **Ability of all stakeholders to have decisions reviewed by an independent body – Keep it Fair**

An important part of the current planning system is the ability of stakeholders to have a decision reviewed at either the Victorian Civil and Administrative Tribunal or at Planning Panels Victoria. There is room for improvement in both systems, however, removing the rights of people to have these reviews should not be eroded.

▶ **Increasing complexity – Keep it Simple**

As the MAV submission states “*Over the years, the use of exemptions has increased. Today, the patchwork approach to third party notice and review is more complicated than it ever has been*”. The changes already made by the State Government have only increased the complexity of the Victorian Planning Provisions, by using particular provisions to codify requirements and exempt notice and review provisions.

Recommendation

THAT COUNCIL

1. Note the Department of Planning and Transport is proposing to review the *Planning and Environment Act 1987* as part of its planning reform program.
2. Note the Municipal Association of Victoria's submission 'Reforming Victoria's Planning System: Local Government Sector Submission – April 2025' to the State Government's proposed revision of the *Planning and Environment Act 1987* and thanks the MAV Working Group for their valuable and insightful submission on how planning is supposed to enable wide community involvement in decision making.
3. Note the report from the Select Committee Inquiry into Victorian Planning Provisions amendments VC257, VC2677 and VC274.
4. Calls on the Victorian Government to ensure that the review of the *Planning and Environment Act 1987* has due regard for rural Victoria and maintains the ability of Local Government to do the following:
 - a. Keep it Country - Ensure that any changes allow Council to continue to manage and protect local values and character, including the protection of large trees.
 - b. Keep it Local – Ensure that any changes allow Council to continue to make decisions for the community at a local level and that Council is not removed as the determining authority.
 - c. Keep it Transparent – Ensure that any changes allow Council to continue to provide the community with the ability to advertise planning proposals and consider community input in the planning process.
 - d. Keep it Fair – Ensure that any changes allow all parties in the planning process the right to have decisions reviewed at the Victorian Civil and Administrative Tribunal.
 - e. Keep it Simple - Ensure that any changes to the Act minimise complexity in the planning system and do not add cost and complexity to permit applicants.
5. Submit this position for consideration and adoption to the Hume Region Local Government Network.
6. Submit this position for consideration and adoption to Rural Councils Victoria
7. Provide this position to the Municipal Association of Victoria.
8. Authorises the CEO and Mayor to advocate for and communicate this position both to the Mansfield Shire community, and with the State Government.

Support Attachments

1. MAV Planning Reform Submission [13.2.4.1 - 86 pages]
2. Report from Inquiry into Victorian Planning Provision Amendments [13.2.4.2 - 418 pages]

Considerations and Implications of Recommendation

Sustainability Implications

Not Applicable

Community Engagement

Community Engagement has not been undertaken in relation to the planning reform program being undertaken by the State Government, and the changes being implemented will impact on the ability of Council to undertake its own engagement on planning matters into the future.

Collaboration

The MAV Working Group has been a collaboration between senior planning officers from 20 councils across Victoria, including 10 regional and 10 metropolitan councils. The working group was co-chaired by the City of Whitehorse and Mansfield Shire Council, with Council's General Manager Investment & Planning, Melissa Crane being the Regional Chair.

Financial Impact

All work to create the policy has been undertaken internally by Council Officers within existing staff resources.

Legal and Risk Implications

Regulatory Risk: There is a significant risk that decision-making powers will be removed from the local level and assumed by the State Government, reducing the ability of Council to consider local values in planning decisions.

Reputation Risk: With the reduction in the rights of notice and review for community, developments will be able to occur without the community having prior knowledge. This could appear as if Council is not being transparent, even though Council would have limited ability to advertise future applications.

Regional, State and National Plans and Policies

These reforms are being undertaken in accordance with the Victorian Governments *Victoria's Housing Statement: The Decade ahead 2024-2034*.

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

Strategy 3.2 Enhance township character

Strategy 3.4 Plan for and encourage appropriate housing

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.

13.3. Capital Works and Operations

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

File Number	E1533	Responsible Officer	Acting Executive Manager Capital Works & Operations, Nick Maple
--------------------	-------	----------------------------	---

Purpose

To seek Council endorsement of the revised Township Reserves Maintenance (Non-Council Land) Policy.

Executive Summary

The Township Reserves (Non-Council Land) Maintenance Policy, first implemented in 2018, provides a uniform structure for the management and maintenance of reserves used by the Mansfield Shire community for sports and recreation, located on land that is not owned or managed by Council. The policy does not cover reserves on private property.

The following reserves are identified as within the scope of this policy;

- ▶ Merton Recreation Reserve (Category 1)
- ▶ Gough’s Bay Foreshore (Category 2)
- ▶ Tolmie Recreation Reserve (Category 3)
- ▶ Jamieson Recreation Reserve (Category 3)
- ▶ Jamieson Island Reserve (Category 3)

Key Issues

A review of the Policy has been completed, and a revised and updated Policy has been developed. A copy of the tracked changes Policy is attached for reference.

Key changes to the policy include:

- ▶ Inclusion of ‘Playground Inspection & Maintenance’ column in Table 1: Reserve Maintenance Category and Responsibility
- ▶ Community groups maintaining open space will be notified of surplus Council maintenance equipment prior to its disposal or trade-in with either donation of the equipment to a community group through an EOI process, or pricing negotiated based on market value or a recent appraisal. This process is in line with Council’s Sale or Disposal of Council Assets Policy.
- ▶ Inclusion of a Gender Impact Assessment.

Stakeholder Consultation

Council officers contacted the community groups responsible for managing the following reserves and provided them with a copy of the proposed revised Policy. The communication included a summary of the key proposed policy changes (as outlined above) and invited the groups to submit any feedback, comments or suggestions.

- ▶ Merton Recreation Reserve – Positive feedback with no suggestions or requests for change.
- ▶ Jamieson Community Group - Have requested a consolidated, simpler agreement due to the number of MoU agreements they have, and the number of assets that they are currently involved in maintaining. Council's Property team are currently working with the group on the drafting of a Community Asset Committee agreement, which is expected to incorporate the requirements of this policy.
- ▶ Goughs Bay Area Progress Association and the Tolmie Mechanics Institute & Recreation Reserve Committee were also contacted but did not provide any feedback or requests for change of the policy.

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

Recommendation
THAT COUNCIL endorses the Township Reserves Maintenance (Non-Council Land) Policy 2025.
Support Attachments
1. DRAFT Township Reserves Maintenance (Non Council Land) Policy 2025 [13.3.1.1 - 5 pages]
2. Tracked Changes - Township Reserves Maintenance (Non Council Land) Policy 2025 [13.3.1.2 - 5 pages]

Considerations and Implications of Recommendation

Sustainability Implications

Not Applicable

Community Engagement

Community groups responsible for managing reserves identified in the Policy were contacted and provided with a copy of the proposed revised Policy. The communication included a summary of the key proposed policy changes and invited the groups to submit any feedback, comments or suggestions.

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

Collaboration

The policy supports continued collaboration with community groups undertaking maintenance activities on land that is not owned or managed by Council.

Financial Impact

Council's annual financial contribution for each community group as outlined in the respective Memorandum of Understanding (MoU) is budgeted for within Council's annual budget. The level of financial contribution made varies across the MoU's according to the volunteer works undertaken and the size of the reserve area.

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

Legal and Risk Implications

Reputational and Financial Risks: Council support towards the maintenance and up-keep of these reserves is often requested. Having a clearly defined policy, and definition of respective roles and responsibilities will ensure that community needs are met, and the facilities are managed in the best interests of the community. The policy ensures that the resource and financial contributions made towards the maintenance and up-keep of facilities are provided fairly and equitably.

Regional, State and National Plans and Policies

Not Applicable

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 2.2 Create an environment where community and clubs can recreate, socialise and contribute to the health and wellbeing of the community

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 3.2 Enhance township character

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. People, Communications and Governance

13.4.1. LG Community Satisfaction Survey 2025

File Number	E392	Recommending Officer	Coordinator Communications, Governance & Risk, Tanya Tabone
Purpose			

This report presents the results of the Community Satisfaction Survey 2025 for Mansfield Shire Council.

Executive Summary

Each year, Local Government Victoria (LGV) commissions a Community Satisfaction Survey (CSS) across the local government sector. All Victorian councils are encouraged to participate and 56 of the 79 councils participated in 2025, including Mansfield Shire Council.

LGV contracts JWS Research to conduct the survey on behalf of councils. The format of the survey is consistent with previous years, which provides a solid basis of comparison and benchmarking.

The 2025 Community Satisfaction Survey asked a range of core questions (used for all councils), optional questions (selected by councils on an opt-in basis), and included the option for councils to add their own tailored questions. The questions in this year's survey for Mansfield Shire were identical to those asked in 2024.

401 participants were surveyed during the period 28 January 2025 to 16 March 2025 with 236 respondents from Mansfield and 165 respondents from outlying communities.

The survey report compares the performance of Mansfield Shire Council against:

- ▶ Previous years (2016 - 2024)
- ▶ The state-wide average
- ▶ The small rural council group average

Councils comprising the 'Small Rural' category were: Alpine, Ararat, Benalla, Buloke, Central Goldfields, Gannawarra, Hepburn, Hindmarsh, Indigo, Loddon, Mansfield, Murrindindi, Northern Grampians, Pyrenees, Queenscliffe, Strathbogie, Towong, West Wimmera and Yarriambiack.

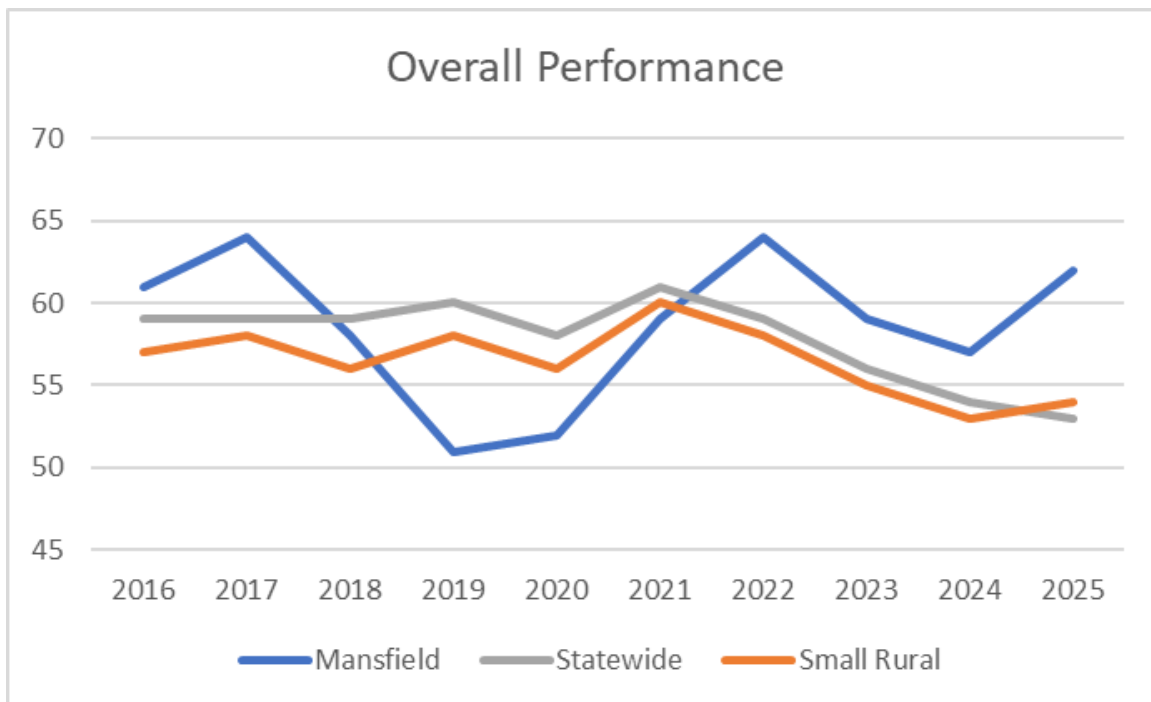
All scores in the survey are out of 100. Survey results are broken down within Mansfield Shire to report on gender, age group and location (Mansfield or 'other' townships).

Mansfield Shire Council's 2025 overall performance index score of 62 represents a significant 5-point improvement on the 2024 result (index score of 57).

Key Issues

Council's overall performance score of 62 continues to rate statistically significantly higher (at the 95% confidence interval) than both the State-wide and Small Rural group council averages (index scores of 54 and 53 respectively).

Overall performance is rated highest among residents aged 65+ years (index score 66), and lowest among those aged 18 to 34 years (index score of 52). The graph below shows the trend in overall performance since 2016.



Value for money increased by 9 points on 2024 (index score of 57) which is the highest score since the question ‘How would you rate Mansfield Shire Council at providing good value for money in infrastructure and services provided to your community?’ was included in the survey in 2021.

Perceptions of overall council direction (index score of 58 up 7 points on 2024) also improved following two consecutive years of decline in line with the declining State-wide and Small Rural averages (index score of 51 in 2024 and 57 in 2023). Council’s overall direction score has now diverged and remains significantly higher than the Small Rural group and State-wide averages (index score of 46 for both). The most satisfied with council direction are residents aged 65+ years (index score of 63) and the least are those aged 50 to 64 years (index score of 53).

Table 1 illustrates the overall summary performance index scores including a comparison to Council’s 2025 score and the State-wide and Small Rural group average scores for 2025.

Table 1: 2025 Survey overall performance summary

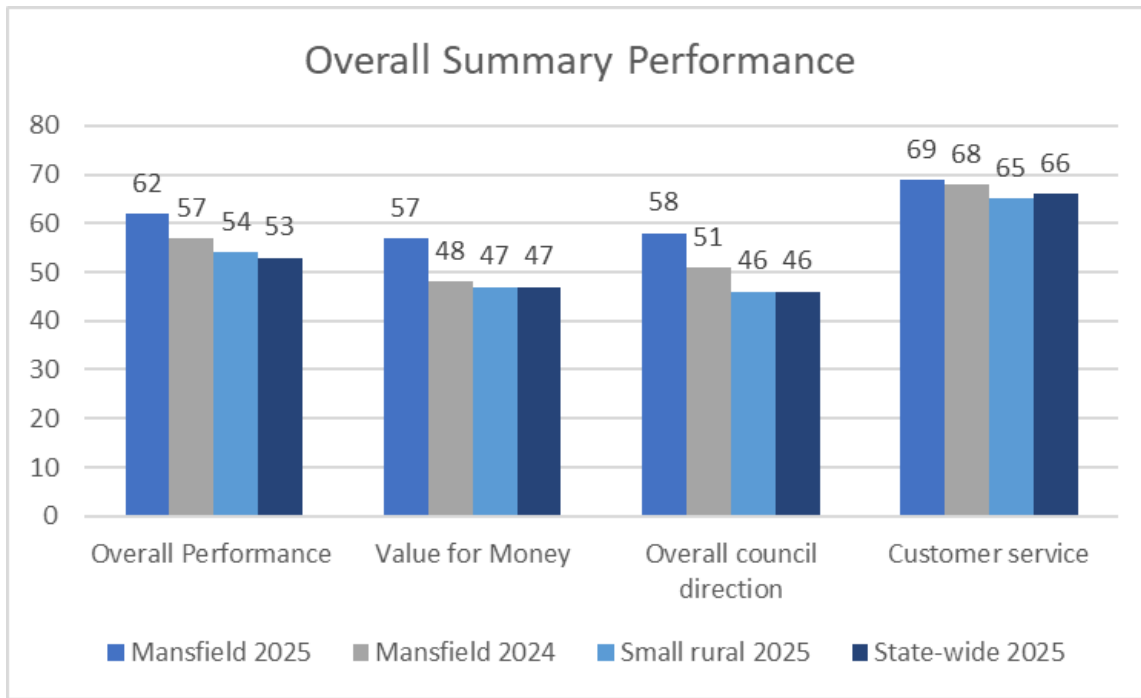


Table 2 provides a summary of Council’s performance against the comparator group average.

Table 2: Summary of Council performance compared to group average

Top 2 performing areas		
	Appearance of public areas	▲ higher
	Art centres & libraries	▲ higher
Bottom 3 performing areas		
	Planning & building permits	▬ on par
	Population growth	▬ on par
	Unsealed roads	▲ higher
	Customer service	▲ higher

Top Performing Areas

The appearance of public areas remains Council’s highest rated area (index score of 82). Council has maintained this rating following a significant improvement in 2021. Residents living in ‘Mansfield’ region score remained the same as 2024 (index score of 82) whereas residents of the ‘Other’ region score increased by 5 points (index score of 82).

The next highest rated area was art centres and libraries (index score of 76) which decreased two points on 2024. Tourism development and recreational facilities both retained a score of 69 as per 2024 and have continued to rate above the State-wide and the Small Rural group council averages. Waste services also scored 69, an increase of 6 points on 2024.

Service areas related to roads, including maintenance and condition of roads, returned significantly higher results with sealed roads increasing by 6 points (index score 53) and unsealed roads increasing by 4 points (index score 44). These scores are significantly higher than the Small Rural and State-wide average.

The following service areas also increased significantly on the 2024 results:

- ▶ Parking increased by 9 points (index score of 62)
- ▶ Lobbying increased by 8 points (index score of 61)
- ▶ Local streets & footpaths increased by 6 points (index score of 58)

Lower Performing Areas

Council's ratings in services related to planning remained low however have significantly improved since 2024 – planning for population growth and planning and building permits both remained slightly lower than the State-wide and Small Rural group averages however both increased 6 points on 2024 indicating that increased Council focus in these areas since the significant decline in 2022 has assisted in moving in the right direction. Ratings in both service areas are lowest among residents aged 18 to 34 years.

Focus Areas

After a significant improvement in overall performance this year, Council's focus needs to be a continued, consistent approach to its key performance areas. Roads, town planning and building permits have improved, which influenced overall performance this year. Value for money has improved significantly.

Council will continue its current direction with a renewed focus on communication with the community. As Council maintains its efforts to meet community expectations, it will renew its commitment to consulting with the community and keeping the community well-informed.

The two groups which had a lower rating for Council's performance include 18 to 34 year olds and those who live outside of the Mansfield township. While the data indicates this is an anomaly, Council will continue its effort to create opportunities for engaging with younger people and those who comprise its outlying communities.

Recommendation
THAT COUNCIL receives and notes the 2025 Local Government Community Satisfaction Survey report.
Support Attachments
1. Mansfield Shire Council Community Satisfaction Survey 2025 [13.4.1.1 - 93 pages]

Considerations and Implications of Recommendation

Sustainability Implications

Not Applicable

Community Engagement

LGV consultants JWS Research surveyed 401 residents within Mansfield Shire aged over 18 years during the period 28 January 2025 to 16 March 2025. The break down presented below indicates 236 were Mansfield residents and 165 were surveyed from outlying communities surrounding Mansfield.

Demographic	Actual survey sample size
Mansfield Shire Council	401
Men	205
Women	193
Mansfield	236
Other	165
18-34 years	33
35-49 years	46
50-64 years	103
65+ years	219

The survey will be published on Council’s website following Council’s receipt of the results. LGV will also make the survey results publicly available via the Know Your Council website (or similar).

Collaboration

This has been a collaboration with the Department of Jobs, Precincts and Regions on behalf of Victorian Councils.

Financial Impact

The Community Satisfaction Survey 2025 was undertaken at a cost of \$13,450 (incl GST) which was included in the 2024-25 Budget.

Legal and Risk Implications

Participation in the Community Satisfaction Survey program is not mandatory; however, Council is required to prepare an Annual Report at the end of each financial year which includes a Report on Operations that provides service performance indicators.

There are no inherent risks associated with this report.

Regional, State and National Plans and Policies

The Local Government Performance Reporting Framework requires councils to report the Community Satisfaction Rating for three specific indicators, being:

- ▶ community consultation and engagement
- ▶ making decisions in the interest of the community; and
- ▶ the condition of sealed local roads.

Innovation and Continuous Improvement

Although Mansfield Shire Council is performing above other similar councils across the Victorian sector, the community feedback provided via the survey is valued by Council, enabling focus and development of actions in service areas that residents have scored as having lower performance.

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

Strategy 6.2 Building organisational capacity through its people

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*.

13.4.2. Work Cover Renewal

File Number	E11021	Responsible Officer	People and Culture Officer, Insaf Ismail
Purpose			

To seek approval for payment relating to Mansfield Shire Council’s Work Cover renewal for 2025-26, as the total sum exceeds financial delegations.

Executive Summary

Council has received an invoice for the 2025-26 Work Cover renewal that requires Council approval for payment as the amount exceeds the CEO’s financial delegation.

The Victorian Work Cover Authority has decreased the ‘Local Government Administration’ workplace industry classification rate to 2.25% for 2025-26 from 2.35% 2024-25.

Mansfield Shire’s Employer Performance Rating decreased to 0.88% in 2024-25 from 1.14% in 2024-25. This is 12.39% better than the industry average.

The rateable remuneration for 2025-26 is \$14.5 million. This figure includes Councillors.

The Work Cover premium for 2025-26 has decreased to \$299,932.65 (excl. GST) from the \$301,661.45 (excl. GST) amount paid in 2024-25.

A discount of 5% applies to the 2025-26 premium if paid in full by 18 August 2025 rather than in monthly instalments.

Key Issues

Premiums are impacted for 4 years by prior claims. The following claims therefore impact the current premium:

- ▶ Three claims received in 2022 will impact premiums from 2023-24 until 2026-27.
- ▶ One claim received in 2023 will impact premiums from 2024-25 until 2027-28.

Council has taken an active role in resolving claims rather than relying on the Authorised Agent (Gallagher Bassett) to resolve claims and has actively managed the open claims and any potential new claims.

Safe Scope, a worker’s compensation expert, was appointed to provide expert advice and assistance in managing Council’s workers compensation program in 2023-24 and 2024-25, due to the complexity and workload associated with the prior claims. Safe Scope has not been engaged for 2025-26 as Council does not have any open claims requiring assistance.

Recommendation

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

Support Attachments

Nil

Considerations and Implications of Recommendation

Sustainability Implications

Not Applicable

Community Engagement

Not Applicable

Collaboration

Not Applicable

Financial Impact

The Work Cover costs for 2025-26 were not known at the time of budget preparation; however, a budget allocation of \$391,000 was included in the 2025-26 Budget based on the previous industry trend of rising premiums. The invoiced amount is less than the allocated budget, providing a saving of \$91,067.35.

Legal and Risk Implications

The Work Cover insurance and other insurance policies are structured to manage key risks to Council's financial sustainability.

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 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.

13.5. Executive Services Directorate

13.5.1. Financial Strategy Policy

File Number	E1533	Responsible Officer	Financial Controller, Michael McCormack
--------------------	-------	----------------------------	---

Purpose

To seek Council endorsement of the revised Financial Strategy Policy.

Executive Summary

The Financial Strategy Policy, first implemented in 2018, provides direction and context for decision making in the allocation, management and use of Council’s financial resources. It sets out the financial boundaries within which Council operates.

Key Issues

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

Amendments made to the existing Council policy include:

- ▶ Rates, Fees & Charges – additional clarification on the waste reserve surplus.
- ▶ Sale of Property – defining when the sale of property is to be included in the budget.
- ▶ Capital Delivery – an additional sentence to explain major capital projects timeline.
- ▶ Grant Funding and other Capital Contributions – including Council’s decision-making process when applying for grants.
- ▶ Discretionary Reserves – adding food organics and garden organics (FOGO) to waste services.

Community engagement over the Financial Strategy Policy was undertaken in conjunction with the Council Plan deliberative engagement process. Following consideration by Council, the community will be notified of the updated policy through Council’s Mansfield Matters column in the Courier and it will be published on Council’s website.

It is intended that, when reviewing the 10-year Long Term Financial Plan as required by the Local Government Act 2020, consideration will be given to revoking the Financial Strategy Policy with the relevant information to be incorporated directly into the Plan.

Recommendation

THAT COUNCIL endorses the Financial Strategy Policy 2025.

Support Attachments

1. DRAFT Financial Strategy Policy 2025 [13.5.1.1 - 10 pages]
2. Tracked Changes - Financial Strategy Policy 2025 [13.5.1.2 - 10 pages]

Considerations and Implications of Recommendation

Sustainability Implications

Not Applicable

Community Engagement

Engagement over the draft revised Financial Strategy Policy was undertaken in conjunction with the Council Plan engagement.

Collaboration

Not Applicable

Financial Impact

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

Legal and Risk Implications

The Financial Strategy Policy supports Council's compliance with financial management legislation under the *Local Government Act 2020*.

Council developed and adopted a 10-year Long Term Financial Plan in accordance with the *Local Government Act 2020* in 2021. The Plan will be reviewed by 31 October 2025 as per the obligations in the Act for the year following a general election.

Regional, State and National Plans and Policies

The Financial Strategy Policy aligns with Council's financial management requirements and the financial management principles that councils must adhere to under 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

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*.

13.5.2. Revenue and Debt Recovery Policy

File Number	E1533	Responsible Officer	Financial Controller, Michael McCormack
Purpose			

To seek Council endorsement of the Revenue and Debt Recovery Policy.

Executive Summary

The Revenue and Debt Recovery Policy has been developed to formally establish Council’s approach to managing and recovering outstanding debts in an ethical, transparent, and consistent manner. The policy outlines the principles to guide debt collection and provide relief to individuals experiencing financial difficulty.

The policy aligns with Council’s obligations under the *Local Government Act 1989*, relevant financial standards and debt collection practices as well as the *Local Government Legislative Amendment (Rating and Other Matters) Act 2022*. This amendment act made changes to the arrangements for unpaid rates and charges, consideration of ratepayers facing financial hardship, service rates and charges, and special rates and charges.

Key Issues

Key components of the policy include:

- ▶ Detailing timelines for issuing rate notices and instalment options.
- ▶ Outlining the legislative framework for charging interest and taking recovery actions.
- ▶ Encouraging ratepayers who are having difficulty paying their rates to contact Council and make a payment plan.
- ▶ Formalising the requirement to offer a payment plan prior to legal recovery actions.
- ▶ Establishing thresholds for escalation of debts to collection agencies and legal recovery including minimum debt levels and timelines.
- ▶ Clarifying the financial thresholds for debt write-off.

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

Recommendation
THAT COUNCIL endorses the Revenue and Debt Recovery Policy 2025.
Support Attachments
1. DRAFT Revenue and Debt Recovery Policy 2025 [13.5.2.1 - 6 pages]

Considerations and Implications of Recommendation

Sustainability Implications

Council will take prompt action on rate arrears and recovery of debts, as outlined in the policy, to minimise the financial impact on Mansfield Shire residents and ratepayers more generally. This policy supports financial sustainability and aligns Council's debt collection practices with Accounting Standards and recognised financial practices ensuring that it is conducted fairly, impartially, and consistently.

Community Engagement

The community will be notified of the new policy through Council's Mansfield Matters column in the Mansfield Courier and it will be published on Council's website.

Collaboration

Not Applicable

Financial Impact

Legal and collection agency fees remain recoverable from ratepayers. However, the structured escalation pathway outlined in the policy is expected to reduce the need for legal action and associated costs over time.

While the legislated requirement to offer payment plans and consider financial hardship may delay revenue collection in the short term, this is offset by reduced litigation expenses and the broader community benefit of supporting vulnerable ratepayers.

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

Legal and Risk Implications

This policy ensures that Council's management and recovery of outstanding debts is fair, consistent and without bias and in accordance with legislative requirements.

Regional, State and National Plans and Policies

The policy aligns with Council's obligations under the *Local Government Act 1989*, relevant financial standards and debt collection practices as well as the *Local Government Legislative Amendment (Rating and Other Matters) Act 2022*.

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.

13.5.3. Municipal Charge

File Number	E11873	Responsible Officer	Financial Controller, Michael McCormack
Purpose			

To seek Council adoption of a reduced municipal charge for each rateable land (or part) in respect of which a municipal charge may be levied for the 2025-26 financial year.

Executive Summary

Council declares a Municipal Charge each year to cover some of the cost of the core local government functions such as administering local laws and planning controls. Council is authorised to collect a municipal charge under Section 159 of the *Local Government Act 1989* however; the total amount raised from the municipal charge cannot be more than 20 per cent of the total raised from the combination of municipal charge and general rates.

At the Ordinary Meeting of Council on 24 June 2025 the following was resolved in regard to the municipal charge as contained within the 2025-26 Budget document:

Municipal Charge

- d. Pursuant to the provisions of Section 159 of the Local Government Act 1989 a municipal charge be declared in respect of the 2025-26 financial year.
- e. The municipal charge be declared for the purpose of covering some of the administrative costs to Council.
- f. The municipal charge in the sum of \$359 for each rateable land (or part) in respect of which a municipal charge may be levied is declared in respect of the 2025-26 financial year.
- g. It be confirmed that the municipal charge is declared in respect of all rateable land within the municipal district of which a municipal charge may be levied.

Upon adoption of the Budget, Council officers prepared the documentation required by the Essential Services Commission and identified the need for a \$6 reduction in the municipal charge due to the actual number of assessments for rateable land being greater than used for the original Budget calculations. It is therefore proposed to reduce the municipal charge to \$353 for each rateable land (or part) in respect of which a municipal charge can be levied.

Key Issues

The municipal charge is accounted for in the 2025-26 Budget, which provides for a total rate rise of 2.75% in 2025-26, including rates and charges. The proposed reduction of the municipal charge to \$353 ensures that Council honours the commitment made to the community to keep the total rates and charges increase for 2025-26 at 2.75%, below the Victorian Government's Fair Go Rates System rate cap of 3%.

The municipal charge adopted within the 2025-26 Budget was originally calculated using July 2024 assessment numbers for the base average rate. This calculation has now been updated to incorporate the June 2025 assessment numbers and has been verified against the total rate

increase of 2.75% adopted in the Budget. To align with the adopted budget rate rise of 2.75%, Council officers are proposing that the municipal charge will be reduced by \$6 to \$353 per assessment for 2025-26. The financial impact of reducing the municipal charge as proposed by officers will be a \$42,857 decline in income compared to the adopted 2025-26 Budget, which can be absorbed and will not require a Budget variation.

Recommendation
<p>THAT COUNCIL:</p> <ol style="list-style-type: none"> 1. Pursuant to the provisions of Section 159 of the <i>Local Government Act 1989</i> declare the municipal charge in the sum of \$353 for each rateable land (or part) in respect of which a municipal charge may be levied is declared in respect of the 2025-26 financial year. 2. Confirm that the municipal charge is declared in respect of all rateable land within the municipal district of which a municipal charge may be levied. 3. Authorises the Chief Executive Officer to update the municipal charge amount within the 2025-26 Budget document.
Support Attachments
Nil

Considerations and Implications of Recommendation

Sustainability Implications

Not Applicable

Community Engagement

Council released the Proposed Budget 2025-26 which included the municipal charge on 9 May 2025 for public exhibition until 30 May 2025, inviting further community feedback and submissions. Public submissions were received until close of business Friday, 30 May 2025. Three (3) final submissions were received by Council and were addressed prior to adoption of the Budget at the 24 June 2025 Council meeting. The submissions received did not relate to the municipal charge.

Collaboration

Not Applicable

Financial Impact

The municipal charge is accounted for in the annual budget, which provides for a total rate rise of 2.75% in 2025-26, including rates and charges. The proposed reduction of the municipal charge from \$359 to \$353 ensures that Council honours the commitment made to the community to keep the total rates and charges increase for 2025-26 at 2.75%, below the Victorian Government's Fair Go Rates System rate cap of 3%.

Reducing the municipal charge to \$353 will result in a \$42,857 decline in income compared to the adopted 2025-26 Budget. This will not require a Budget variation and will be offset by savings such as the reduction in Work Cover premium costs for 2025-26.

Legal and Risk Implications

Not Applicable

Regional, State and National Plans and Policies

The municipal charge is declared in line with the *Local Government Act 1989*.

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

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.

13.5.4. Native Title Claim

File Number	E3720	Responsible Officer	Chief Executive Officer, Kirsten Alexander
--------------------	-------	----------------------------	--

Purpose

To seek Council approval for the Chief Executive Officer to give notice of intention that Mansfield Shire Council become a party to a native title determination application to the Federal Court of Australia by the Dhudhuroa, Waywurru and Ngurai Illum People (native title claim group).

Executive Summary

The native title claim group is requesting determination that the Dhudhuroa, Waywurru and Ngurai Illum People hold native title of land across Central and North-Eastern Victoria including land within Mansfield Shire. Becoming a party to the determination ensures Council remains informed about the determination.

The native title claim group have submitted an application asking the Federal Court of Australia to determine that the group holds native title in the area highlighted below.



Figure 1: Native Title Claim (Source: National Native Title Tribunal)

The native title claim group consists of the people known as the Dhudhuroa, Waywurru and Ngurai Illum People, being those Aboriginal people who, according to their traditional laws and customs, hold the common or group rights over Dhudhuroa, Waywurru and Ngurai Illum Country.

The application area covers approximately 24,315 sq km and impacts the following local government areas: Alpine Shire, Benalla Rural City, Campaspe Shire, East Gippsland Shire, Falls Creek Alpine Resort (Unincorporated), Greater Bendigo City, Greater Shepparton City, Indigo Shire, Mansfield Shire, Mitchell Shire, Mount Hotham Alpine Resort (Unincorporated),

Murrindindi Shire, Strathbogie Shire, Towong Shire, Wangaratta Rural City, Wellington Shire and Wodonga City.

Key Issues

The area includes a northern portion of Mansfield Shire and although officers are not yet fully aware of the extent of potentially impacted areas, it is likely that Council would be interested in being a party to the application to be kept informed and to provide more information relating to Council's interests at the appropriate time.

It is only by becoming a party that Council can participate in court proceedings, including mediation and hearings, raise objections, present evidence, negotiate outcomes and be kept informed throughout the process. Council officers have been advised that the process is likely to take many years until a decision is made.

Native Title Claim Boundaries



Figure 2: Mansfield Shire boundary with the Native Title Claim shaded blue (Source: National Native Title Tribunal Victoria and Tasmania)

The native title claim enters the municipality on the eastern boundary south of Merton. While it doesn't align with any specific roads, it includes parts of Old Gobur Road and Finks Road, all of Merton township and the land to the north of Merton to the boundary of the municipality. The Merton Recreation Reserve, Merton Cemetery Reserve and Merton Community Hall are both included in the area impacted. The claim as it relates to Merton is as follows:



Figure 3: Merton (Source: National Native Title Tribunal Victoria and Tasmania)

The claim continues in a north-westerly direction, running north of North Creek Road and over O'Brien Road. The claim then moves in a southerly direction, following Hayfield Creek till it reaches Brankeet Creek, then follows this creek to the north until it intersects with North Creek, then follows North Creek to the boundary of the municipality.

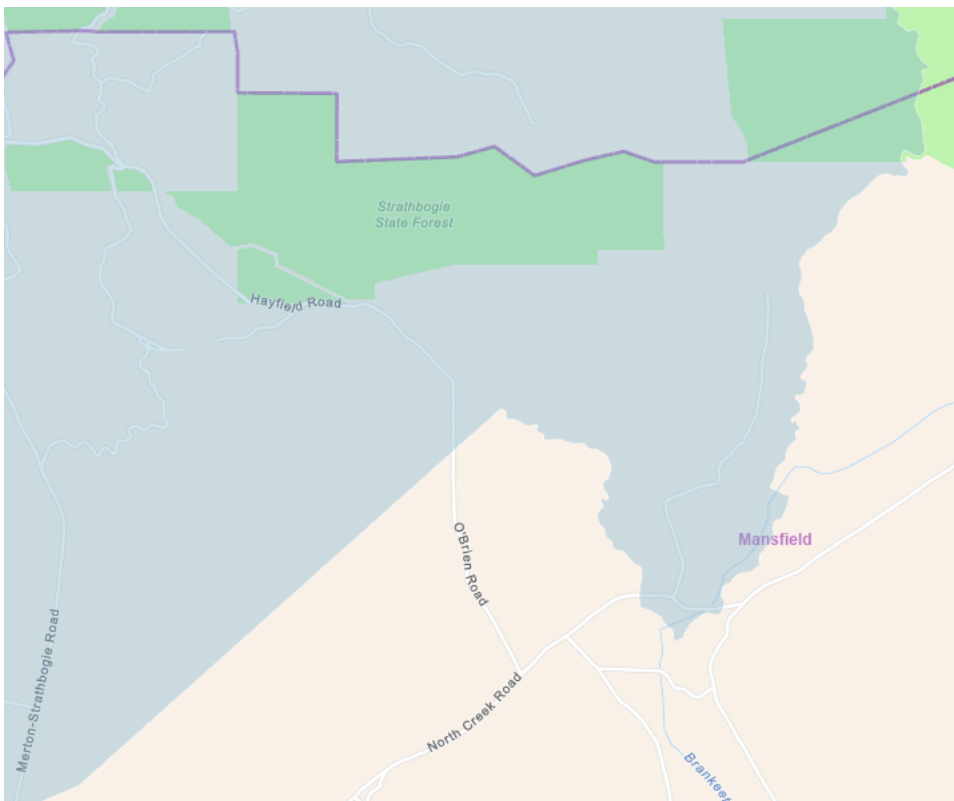


Figure 4: West of Merton (Source National Native Title Tribunal Victoria and Tasmania)

The claim touches back in on the norther boundary of the municipality at Bonnie Doon Road near Gerar Creek, but on only state government managed land. Towards Lake Nillahcootie, the claim enters the municipality close to Barjarg Road and heads in a westerly direction, turning more to the south near Howes Creek Track, till it reaches the Midland Highway.

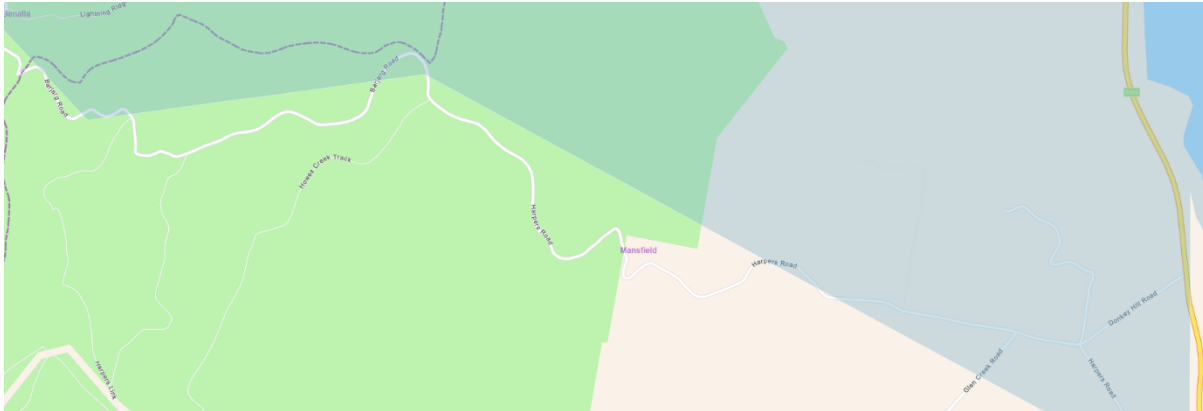


Figure 5: Barjarg (Source National Native Title Tribunal Victoria and Tasmania)

At Barjarg, the claim crosses the Midland Highway and winds around the southern end of Lake Nillahcootie, before it aligns with the Broken River.



Figure 6: Lake Nillahcootie (Source National Native Title Tribunal Victoria and Tasmania)

The claim continues to include all land north of the Broken River, through Barjarg, Bridge Creek and Barwite. This includes Bunstons, Tabletop and Tolmie.



Figure 7: Barjarg to Bridge Creek (Source NTV Victoria and Tasmania)



Figure 8: Bridge Creek to Barwite (Source National Native Title Tribunal Victoria and Tasmania)

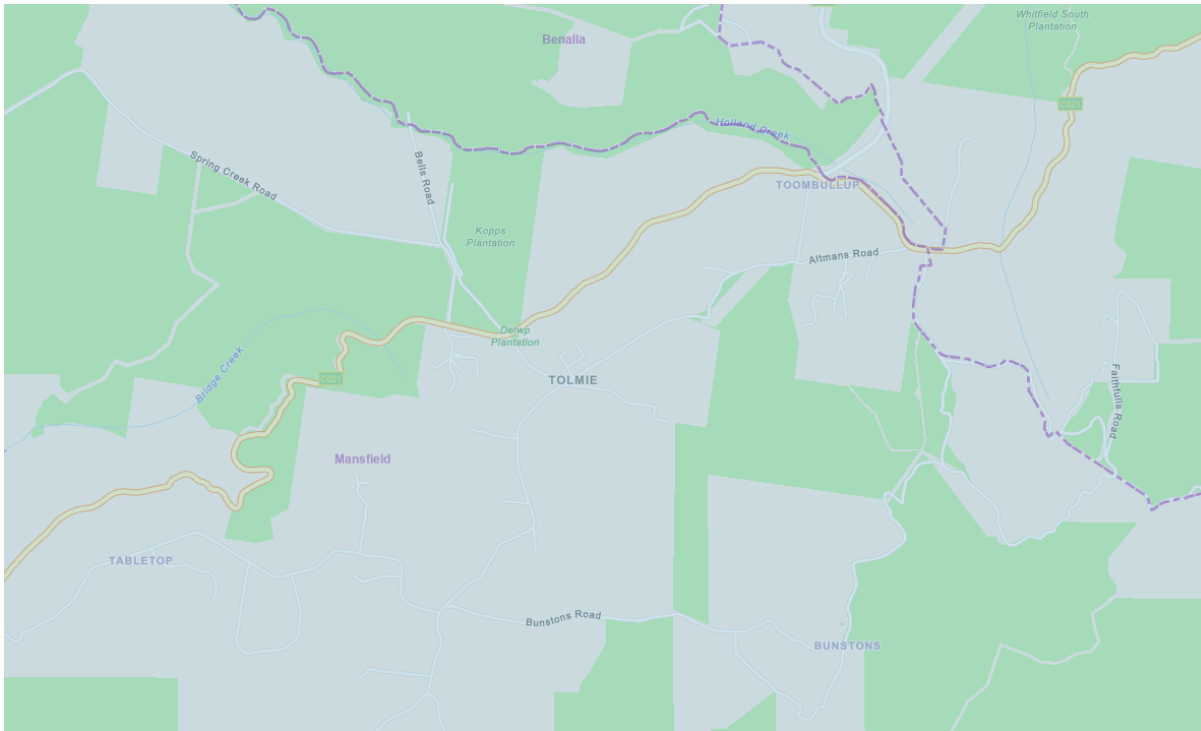


Figure 9: Bunstons, Tabletop and Tolmie (Source National Native Title Tribunal Victoria and Tasmania)

The claim then continues through state government land till it reaches the western boundary of the municipality.



Figure 10: Barwite to edge of municipality (Source National Native Title Tribunal Victoria and Tasmania)

Recommendation
THAT COUNCIL approves the Chief Executive Officer to give notice of intention for Mansfield Shire Council to become a party to a native title determination application and notes that Council can choose to withdraw at any time during the process.
Support Attachments
1. Notice of an application for determination of native title in Victoria [13.5.4.1 - 1 page]

Considerations and Implications of Recommendation

Sustainability Implications

Not Applicable

Community Engagement

The native title claim has been publicly advertised by the National Native Title Tribunal.

Collaboration

Council will continue to liaise with the other local government areas affected by the native title claim and the Taungurung Land & Waters Council as the application progresses through the Federal Court of Australia.

Financial Impact

There is no filing fee to provide a notice of intention if completed prior to the closing date (1 October 2025) and this can be prepared/submitted within existing staff resources.

Legal and Risk Implications

While the implications of the native title claim are not known at this point, by becoming a party Council can participate in court proceedings, negotiate to ensure that its interests are protected and that it is kept informed through the process.

Regional, State and National Plans and Policies

The *Native Title Act 1993* (Cth) provides a process through which Indigenous Australians can lodge an application to seek a determination of native title.

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.

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 4 July 2025.
Support Attachments
<ol style="list-style-type: none"> 1. Mansfield Shire Council Action Register as at 4 July 2025 [14.1.1 - 6 pages] 2. CONFIDENTIAL Mansfield Shire Council Action Register as at 4 July 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. Land Disposal: 2597 Mt Buller Road, Merrijig

Confidential

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

19. Reopen meeting to members of the public

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

20. Close of meeting