

OFFICIAL



Mansfield Shire

# Council Meeting

Tuesday 17 September 2024 8:30 am  
Mansfield Shire Council Chamber  
33 Highett Street, Mansfield

Notice and Agenda of meeting livestreamed via the  
[Mansfield Shire Council website](#)  
Commencing at 8.30am

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

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

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## **Councillors**

Cr Steve Rabie (Mayor)  
Cr Mark Holcombe (Deputy Mayor)  
Cr James Tehan  
Cr Paul Sladdin  
Cr Rohan Webb

## **Officers**

Kirsten Alexander, Chief Executive Officer  
Melissa Crane, General Manager Infrastructure & Planning

## 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, his/her 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 Mansfield Shire Councillor Code of Conduct and Councillor Charter.

### 5. Acknowledgement of Country

The Council affirms its recognition of the Taungurung people being traditional owners 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 his 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.

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# Agenda

## 1. Opening of the meeting

## 2. Present

The Chair will call on each Councillor and ask them to confirm verbally that they can see all Councillors and hear the proceedings:

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

Councillors will respond to their name with: *“I can hear the proceedings and see all Councillors and Council officers”*.

The Chair will ask each Councillor 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 Mansfield Shire Councillor Code of Conduct and Councillor Charter. We will, at all times, faithfully represent and uphold the trust placed in us by the community.”*

## 5. Acknowledgement of Country

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 Holcombe
- Councillor Tehan
- Councillor Sladdin
- Councillor Webb

## 7. Confirmation of minutes

### Recommendation

THAT the Minutes of the Mansfield Shire Council meeting held on 20 August 2024 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:

*As we come to the completion of this Council term, I have been honoured to see many of the priority projects we identified at the commencement of our term reach completion. Some of them I would have thought would have been easy but have turned out to be more challenging than expected. Others have come with an enormous amount of work and I have been humbled by the energy, time and skill that has seen them through to great community outcomes.*

*One of the major highlights of this month has been the completion of the upgrades to the Kindergarten and Mechanics Institute. We joined the Hon. Jaclyn Symes MP, Member for Northern Victoria, to officially celebrate the upgrade and extension. This was a massive project, which was overseen by the Kindergarten Committee. One of the concerns that has come with our population growth is that we need to ensure families have access to the services they need. This project increases capacity from 62 places to 95, which puts us in a much better position as we plan for our future. The project also restored the much-loved historical Mechanics Institute to its former glory.*

*On a more personal note, I felt extremely privileged to speak at the official naming of the 'Alex Pullin Stadium' in honour of one of Mansfield's finest young achievers. When we built the dual court indoor sports stadium at the Mansfield Secondary College, the community overwhelmingly supported Alex 'Chumpy' Pullin's name for the stadium. Council has been advocating to deliver on this for years. The stadium looks incredible and the name is a fitting tribute to his memory and legacy. I hope it provides inspiration to future generations of Mansfield that they can achieve excellence in whatever field they choose.*

*This month, the final signage for the Heavy Vehicle Alternative Route was installed. This project diverts heavy vehicles away from residential areas and the central business district. Council promised to deliver improvements on the road network across the Shire to make it safer for road users while providing opportunities for future economic growth. The completion of this project is one of the many ways we have met this promise. Another example is in the continued works on the IMPACT route, with Highton Lane and Rifle Butts Road residents seeing significant improvements to their roads right now.*

*The CEO and I attended the State Council meeting held by the Municipal Association of Victoria (MAV) in Melbourne. We joined the 12 member councils that form the Hume Regional Local Government Network in submitting two recommendations, both of which were adopted. The first*

*was a request for support in advocating at both State and Federal level for increased funding for road maintenance and repair. The second was to seek commitment from the Minister for Planning to help councils have the power to 'keep it country'. We asked that the Minister create appropriate controls to recognise and retain the character of rural and regional townships to keep the country character of our small towns. Many of the towns in the North East are known for their unique character and distinct features. For Mansfield, we need to protect our wide streets, large lots and heritage buildings to preserve our charm and appeal whilst supporting our population growth. To help us do this, appropriate planning controls need to be implemented to avoid local policy being over-ridden by policy and regulations more appropriate to metropolitan Melbourne.*

*Council hosted a luncheon for the 13 successful community groups who received funding from the Social Inclusion Action Group initiative. They each receive up to \$5,000 to roll out initiatives designed to enhance social inclusion and connection. Congratulations to the successful applicants and I look forward to seeing how their initiatives will benefit our community.*

*I attended the inaugural Destination Management Action Plan networking event which is a Council led initiative to create an industry forum to promote networking, collaboration and cohesion amongst the wider tourism industry in our region. The networking event provided me with an opportunity to hear directly from tourism operators and I look forward to seeing how this initiative evolves and benefits the tourism industry.*

*It was an incredibly busy month as we head into Caretaker period ahead of the October elections. As I reflect on these achievements and consider how we have created a solid foundation for the future of Mansfield, I am humbled by a letter of thanks from Jamieson Primary School students who wrote in response to a visit where I spoke about the Mayoral role. This was certainly a moment I'll remember from this term. Knowing that this Council has strengthened this community for the future is what it's all about.*

*Cr Steve Rabie  
Mayor*

### **Recommendation**

THAT COUNCIL receive the Mayor's report for the period 21 August 2024 to 12 September 2024.



## 11. Reports from council appointed representatives

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

Committee	Responsible Councillor(s)
Australia Day Awards Committee	<ul style="list-style-type: none"> <li>▶ Mayor Cr Steve Rabie</li> <li>▶ Cr James Tehan</li> <li>▶ Cr Mark Holcombe</li> </ul>
Mansfield Shire CEO Employment Matters Committee	<ul style="list-style-type: none"> <li>▶ Mayor Cr Steve Rabie</li> <li>▶ Cr James Tehan</li> <li>▶ Cr Mark Holcombe</li> </ul>
Goulburn Murray Climate Alliance (GMCA)	<ul style="list-style-type: none"> <li>▶ Cr Rohan Webb</li> </ul>
Hume Regional Local Government Network (HRLGN)	<ul style="list-style-type: none"> <li>▶ Mayor Cr Steve Rabie</li> </ul>
Mansfield Shire Council Audit and Risk Committee	<ul style="list-style-type: none"> <li>▶ Mayor Cr Steve Rabie</li> <li>▶ Cr Mark Holcombe</li> </ul>
Municipal Association of Victoria (MAV)	<ul style="list-style-type: none"> <li>▶ Mayor Cr Steve Rabie</li> <li>▶ Substitute - Deputy Mayor Cr Mark Holcombe</li> </ul>
Rural Councils Victoria (RCV)	<ul style="list-style-type: none"> <li>▶ Mayor Cr Steve Rabie</li> <li>▶ Cr James Tehan</li> </ul>

### Recommendation

THAT COUNCIL note the verbal reports provided by Councillors in relation to their representation on 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
- New Initiatives
- Statutory & Strategic Planning
- Building Services
- Regulatory Services
- Waste Services
- Revenue Services
- Field Services
- Community Health and Wellbeing
- Visitor Services (Tourism & Events, Economic Development, VIC and Library)
- Communications
- Digital Transformation Project
- Electoral Roll

<b>Recommendation</b>
THAT COUNCIL receive and note the Chief Executive Officer's report for the period 1 August 2024 to 31 August 2024.
<b>Support Attachments</b>
1. CEO Monthly Report - August 2024 [13.1.1 - 52 pages]

## 13.2. Investment and Planning

### 13.2.1. Friends of the Great Victorian Rail Trail MOU

<b>File Number</b>	E6389	<b>Responsible Officer</b>	Economic Development Officer - Tourism, Events and Youth, Gareth MacDonald
<b>Purpose</b>			

To seek Council endorsement of the proposed Memorandum of Understanding (MOU) between Mansfield Shire Council and the Friends of the Great Victorian Rail Trail (GVRT) for the 2024 – 2028 period.

#### Executive Summary

The Great Victorian Rail Trail (GVRT) is a recreational trail that travels through Mansfield Shire, Murrindindi Shire and Mitchell Shire formerly known as “The Goulburn River High Country Rail Trail.”

The GVRT is one of Australia’s longest continuous rail trails and includes Victoria’s longest rail trail tunnel at Cheviot. The trail spans 134 kilometres from Tallarook to Mansfield via Trawool, Yea, Yarck and Bonnie Doon, with a branch line from Cathkin to Alexandra. Located less than one hour from Melbourne, the picturesque trail travels through the heritage listed Goulburn River Valley, classified by the National Trust for its scenic beauty.

The proposed MOU will be binding on each party for the period of the agreement and will be reviewed prior to June 2028. The MOU may be revised if the GVRT receives major development funding or significant increases in use because of major improvements. Review of the MOU may be at the instigation of either party.

#### Key Issues

The purpose of the proposed Memorandum of Understanding (MOU) is to specify the respective roles and responsibilities of the Friends of the GVRT and of Council towards the continuing development and ongoing maintenance of the GVRT. The overarching aim of the MOU is to recognise the positive and productive impact the Friends of the GVRT have on the trail, and to provide support and a framework for this collaborative approach to maintenance and operation of the trail to continue. A copy of the proposed MOU is attached to this paper.

Mansfield Shire Council is, and will continue to be, responsible for:

- Representation on the GVRT working group.
- Maintaining sections of the trail that sit within the municipal boundaries.
- Carrying out works in response to OH&S concerns.
- Management of complaints or feedback on sections of the trail within the municipal boundaries.
- Provide guidance and advice on events or projects the Friends group wish to undertake

- Provide insurance for the GVRT corridor.

The Friends of the GVRT, as part of the MOU, commit to undertaking the following:

- Providing input into the management, development and promotion of the Rail Trail.
- Advocating for improvements and applying for funding.
- Undertaking volunteer works along the trail in relation to both upkeep and promotion.
- Acting as a contact point for stakeholders back to Council on GVRT issues.
- Undertaking planting, weeding, litter collection and other maintenance work on the GVRT, with approval from Mansfield Shire Council.

### Recommendation

THAT COUNCIL endorses the Memorandum of Understanding with the Friends of the Great Victorian Rail Trail 2024-2028 and authorises the Chief Executive Officer to execute the agreement.

### Support Attachments

1. Memorandum of Understanding between Mansfield Shire Council and Friends of the GRVT [13.2.1.1 - 6 pages]

## Considerations and Implications of Recommendation

### Sustainability Implications

The Friends of the GVRT will assist Council with input into the ongoing management, development and promotion of the Trail. Their volunteer work on the upkeep of the trail will assist in ensuring it can be managed in a more sustainable manner.

### Community Engagement

As the proposed MOU will not impact on community members' access or use of the GVRT, no engagement has been undertaken with the broader community, however stakeholder engagement with the Friends of the GVRT has resulted in the proposed MOU agreement to assist with forming a collaborative approach to maintenance and operation of the trail.

### Collaboration

Not Applicable

### Financial Impact

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

### Legal and Risk Implications

Risk implications are managed through Council's insurance program and through project risk management plans as required. The formation of the MOU addresses potential reputational risks to Council through the active and collaborative management of the trail.

### 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 1: The health and wellbeing of families and communities is maximised

Strategy 1.1 Embed health and wellbeing enablers and protections to reduce risks to our communities.

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 3.3 Improve roads, drainage and footpaths

Strategy 5.1 Create conditions that enable local businesses

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

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

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

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

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

### Governance - Disclosure of Conflicts of Interest

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

### 13.2.2. Sustainable Tourism Plan

<b>File Number</b>	E10560	<b>Responsible Officer</b>	Coordinator Economic Development, Olivia Wanigatunga
<b>Purpose</b>			

To seek endorsement of the Sustainable Tourism Plan 2024 – 2028.

#### Executive Summary

Mansfield Shire Council led a comprehensive, consultative process to develop the Sustainable Tourism Plan 2024-28, engaging with almost 300 stakeholders across surveys, workshops, one on one sessions, group consultation and an industry focus group.

The Sustainable Tourism Plan 2024-28 incorporates two documents, both of which have been attached:

- A summary document that will act as a succinct overview of the consultation process and vision for Mansfield Shire as a destination. This concise version will also act as a guide for potential investors to demonstrate our commitment and efforts towards a sustainable future.
- A comprehensive Sustainable Tourism Plan document that provides a detailed insight into the consultation process, the framework behind the plan and Council’s key focus areas.

The Sustainable Tourism Plan 2024-28 recognises the collaborative approach Mansfield Shire will take with community, businesses and residents in the sustainable development of our tourism industry and destination.

As such, draft versions of both documents were circulated with community for feedback in late June – early August 2024, with changes now incorporated in the final versions.

The Sustainable Tourism Plan aims to achieve the collective vision:

*Mansfield Shire is a must-visit destination, renowned for its stunning natural environment, authentic rural experiences, and diverse range of year-round attractions. We are an inviting and welcoming community that celebrates and actively preserves its cultural and natural heritage.*

Other key highlights of the Plan include:

#### Guiding Principles

- We value our natural environment and recognise this is one of our major assets.
- We honour the rich culture and history of Mansfield Shire, respecting the traditional owners and acknowledging their ongoing contribution to the community
- We support industry growth by collaborating with stakeholders to create quality tourism experiences and promote sustainable tourism practices.
- We recognise that inclusion and accessibility is essential to delivering positive, safe communities and visitor experiences.

#### Council’s Key Focus Area

- Lead and support significant activation projects, individual town plans and opportunities to grow the visitor economy in our region, capitalising on our strengths and competitive advantages as identified in our tourism pillars
- Support the industry in best-practice tourism, product development and sustainable growth through grant funding, education, resources and marketing; and
- Deliver efficient, sustainable visitor servicing, positioning Mansfield as a sustainable tourism destination.

### Key Issues

Our Shire boasts a unique blend of natural beauty, vibrant culture, and thriving economy, making it an attractive place to live, work, and visit. The exponential growth in our population, coupled with over 600,000 annual visitors, underscores the need for a thoughtful approach to tourism management. This Sustainable Tourism Plan outlines our approach for nurturing our visitor economy sustainably, enhancing services and infrastructure, and preserving our natural environment.

In alignment with the Council Plan, the Sustainable Tourism Plan serves as a blueprint for enriching our visitor economy while safeguarding the unique charm and high quality of life in our Shire. Informed by community feedback and inspired by the Mansfield Community Vision within the Council Plan, it reflects our dedication to guiding, supporting, and advocating for the interests of both our residents and visitors.

Beyond Council, there are multiple organisations with responsibility for different aspects of tourism planning, management and delivery, including local and regional tourism organisations, state government agencies, private tourism operators and community organisations. These organisations perform a variety of functions, including marketing, visitor servicing, product and experience development, business development, area management and strategic planning. An operational Destination Management Action Plan will be developed in collaboration with the tourism industry to adopt an integrated, holistic approach to tourism planning which will determine priorities, timeframes, resourcing, and measures of success.

### Recommendation

THAT COUNCIL endorse the Sustainable Tourism Plan 2024-28.

### Support Attachments

1. Sustainable Tourism Plan 2024-28 [13.2.2.1 - 32 pages]
2. Sustainable Tourism Plan Summary [13.2.2.2 - 12 pages]

## Considerations and Implications of Recommendation

### Sustainability Implications

The plan has been developed with an overarching consideration of how to manage the increasing tourism within Mansfield Shire in a sustainable manner.

### Community Engagement

Community Engagement has been undertaken in accordance with Council’s Community Engagement Policy.

## **Collaboration**

Not Applicable

## **Financial Impact**

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

## **Legal and Risk Implications**

Not Applicable.

## **Regional, State and National Plans and Policies**

The plan has been developed in accordance with the Tourism North East Destination Management Plan 2023-33 and Visit Victoria Experience Victoria 2033.

## **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 2.1 Support our arts community and facilitate the delivery of festivals and events.

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

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

Strategy 3.1 Protect natural vistas and farmlets

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

Strategy 5.1 Create conditions that enable local businesses

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.



### 13.2.3. P191/23 - Lot 3 Soldiers Road Barwite

<b>File Number</b>	DA6213, P191/23	<b>Responsible Officer</b>	Coordinator Statutory Planning, Nicole Embling
<b>Purpose</b>			

The purpose of this report is to seek Council’s determination of application P191/23, lodged for use and development of land for Extractive Industry (Stone Extraction), at Lot 3 Soldiers Road Barwite. This application is being referred to Council for a determination as the number of outstanding objections (6) exceeds delegation.

<b>Executive Summary</b>	
<i>Application Details</i>	
<b>APPLICANT</b>	Garmour Pty Ltd
<b>PROPOSAL</b>	Use and development of land for Extractive Industry (Stone Extraction)
<b>APPLICATION LODGED</b>	17 November 2023 Further information provided on 2 August 2024
<b>NOTICE AND SUBMISSIONS</b>	Letters to owners and occupiers of neighbouring properties Sign on site Notice in the <i>Mansfield Courier</i> There are six (6) outstanding Objections
<i>Property Details</i>	
<b>PROPERTY ADDRESS</b>	Lot 3, Soldiers Road Barwite
<b>LAND DESCRIPTION</b>	Crown Allotment 3, Sec 6, Parish of Gonzaga
<b>RESTRICTIVE COVENANTS</b>	Nil
<b>LAND AREA</b>	113 hectares
<b>EXISTING USE</b>	Mostly vacant cleared grazing (farm) land
<i>Planning Provisions</i>	
<b>ZONE</b>	Clause 35.07 - Farming Zone (FZ)
<b>OVERLAYS</b>	Clause 42.01 - Environment Significance Overlay Schedule 2 – Catchments at Medium Risk of Water Quality Impacts (ESO2)  Clause 42.03 – Significance Landscape Overlay Schedule 1 – Alpine Approach Significant Landscape Area (SLO1)
<b>MUNICIPAL PLANNING STRATEGY</b>	<ul style="list-style-type: none"> <li>– Clause 02.03-1 – Settlement (Mansfield Township)</li> <li>– Clause 02.03-2 – Environmental and Landscape Values</li> <li>– Clause 02.03-4 – Natural Resource Management</li> <li>– Clause 02.03-7 – Economic Development (Tourism)</li> </ul>
<b>PLANNING POLICY FRAMEWORK</b>	<ul style="list-style-type: none"> <li>– Clause 12.05-2L – Significant landscapes, Ridgelines, and Alpine Approaches</li> <li>– Clause 13.07-1S – Land Use Compatibility</li> </ul>

	<ul style="list-style-type: none"> <li>- Clause 14.01-1S – Protection of Agricultural Land</li> <li>- Clause 14.02-1 – Catchment Planning and Management</li> </ul>
<b>PARTICULAR PROVISIONS</b>	<ul style="list-style-type: none"> <li>- Clause 52.06 - Car Parking</li> <li>- Clause 52.08 – Earth and Energy Resources Industry</li> <li>- Clause 52.09 - Extractive Industry and Extractive Industry Interest Areas</li> </ul>
<b>Permit Triggers</b>	
Clause 35.07-1 – Farming Zone	<ul style="list-style-type: none"> <li>- <i>A permit is required to use land for Extractive Industry</i></li> </ul>
Clause 35.07-4 - Farming Zone	<ul style="list-style-type: none"> <li>- <i>A permit is required for works associated with a Section 2 Use (Extractive Industry)</i></li> <li>- <i>A permit is required for works within 100m of a waterway</i></li> </ul>
Clause 42.01-2 - Environmental Significance Overlay (ESO2)	<ul style="list-style-type: none"> <li>- <i>A permit is required for to carry out works, where no relevant exemption applies</i></li> </ul>
Clause 42.03 - Significant Landscape Overlay (SLO1)	<ul style="list-style-type: none"> <li>- <i>A permit is required for works, where no relevant exemption applies</i></li> </ul>
Clause 52.08-1 - Earth and Energy Resources Industry	<ul style="list-style-type: none"> <li>- <i>A permit is required to use and develop land for earth and energy resources industry</i></li> </ul>

**Subject Land and Surrounds**

The subject land is approximately 10km north-east of Mansfield Township. Figure 2 below shows that it is one of many farming zone allotments in this area with access to Soldiers Road. The majority of the surrounding lots are developed with single dwellings supporting agricultural activities.

The subject land is approximately 113 hectares in area and is slightly irregularly shaped with the east and south boundaries being longer. The site is mostly clear and vacant, except some scattered large trees and five farm dams, catchments along natural waterways and drainage lines traverse the site.

The land has a relatively significant slope, over more than 100 metres variation in elevation from the south-west corner to the north-east corner. The subject land has direct views over the surrounding valley to the north and east with restricted views to the nearby mountain ranges to the east due to its topography.

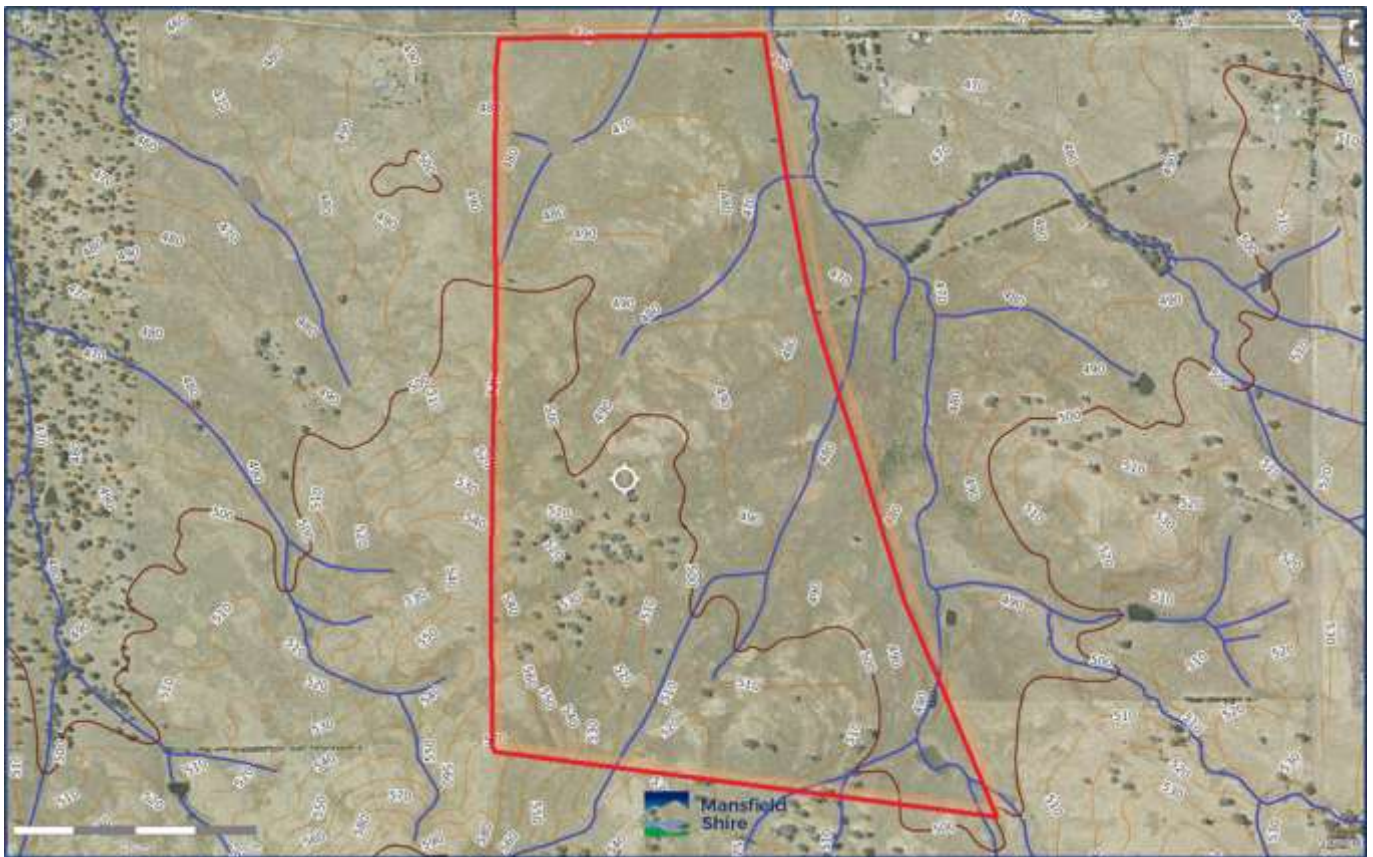


Figure 1: Aerial image of subject land with Waterways and Topography

The subject land and surrounding properties are in all in the Farming Zone with the Environmental Significance Overlay (Catchments at Medium Risk of Water Quality Impacts) and Significant Landscape Overlay (Alpine Approach Significant Landscape Area).

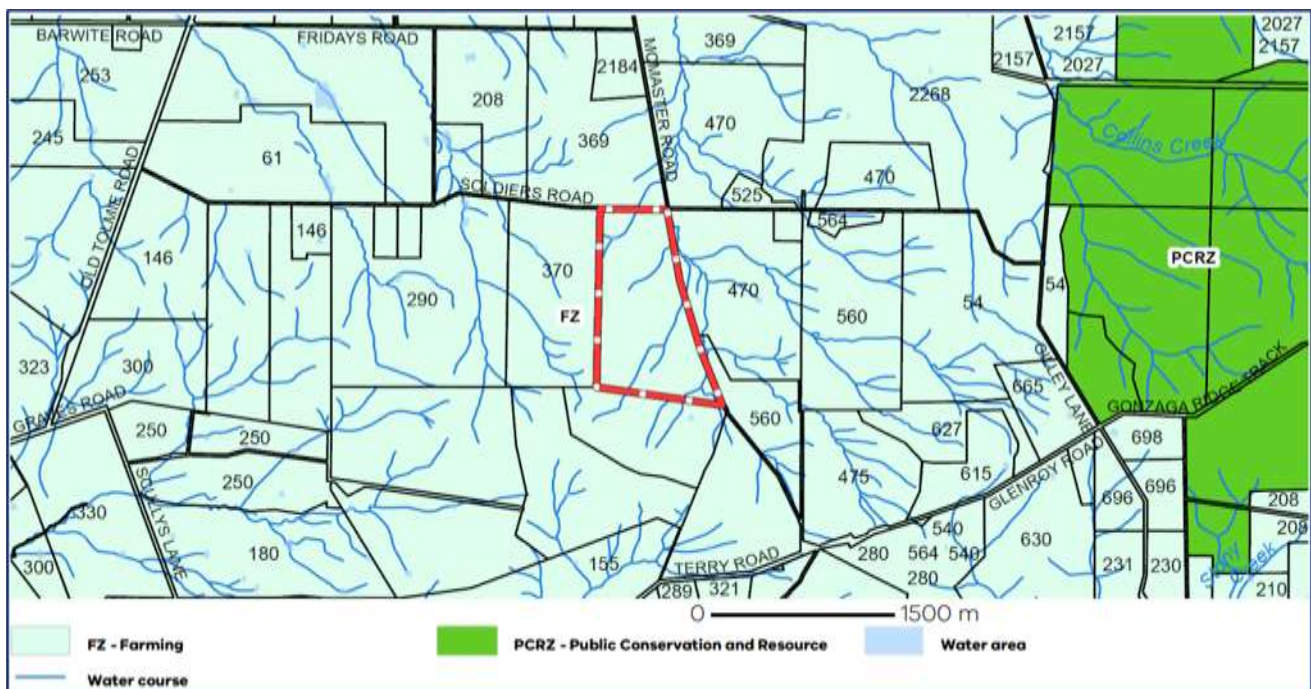


Figure 2: Zoning of the land and surrounds



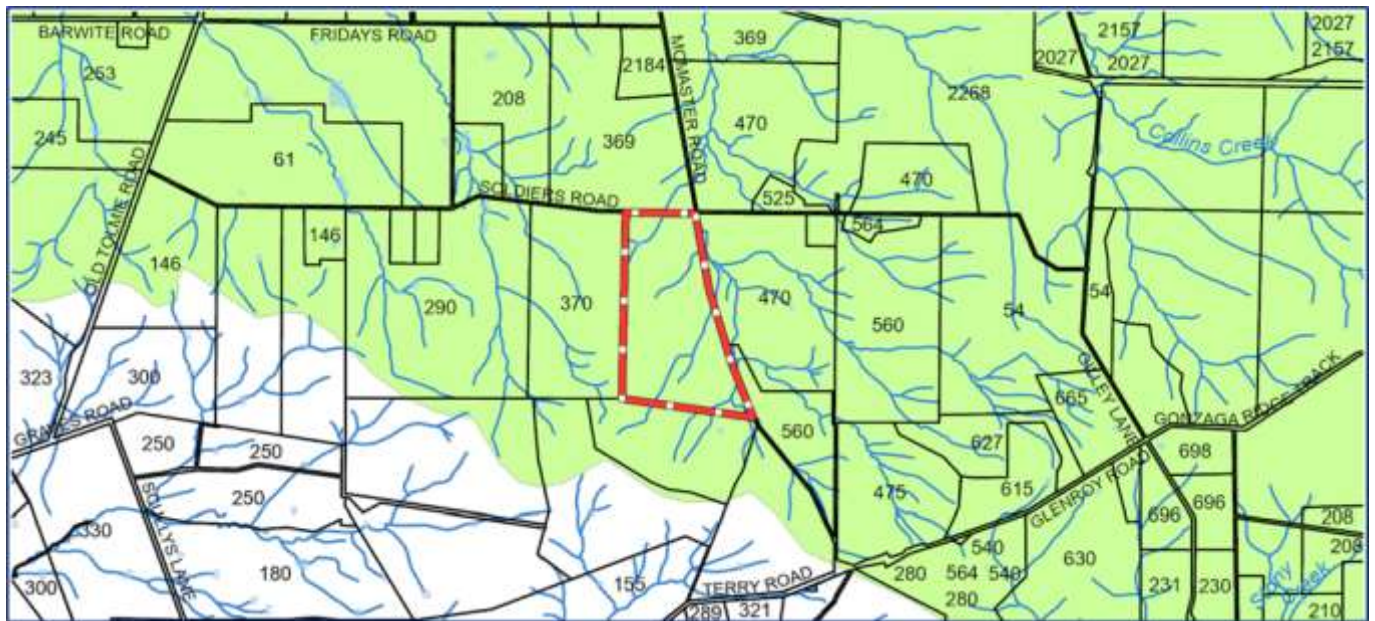


Figure 3: Environmental Significance Overlay, Schedule 2 applying to the land and surrounds

The subject land is near to the highest point of land in the area within the Environmental Significance Overlay and the waterways and drainage lines that traverse the site are considered minor tributaries of the Broken River, which is approximately 2.7km north of the land.

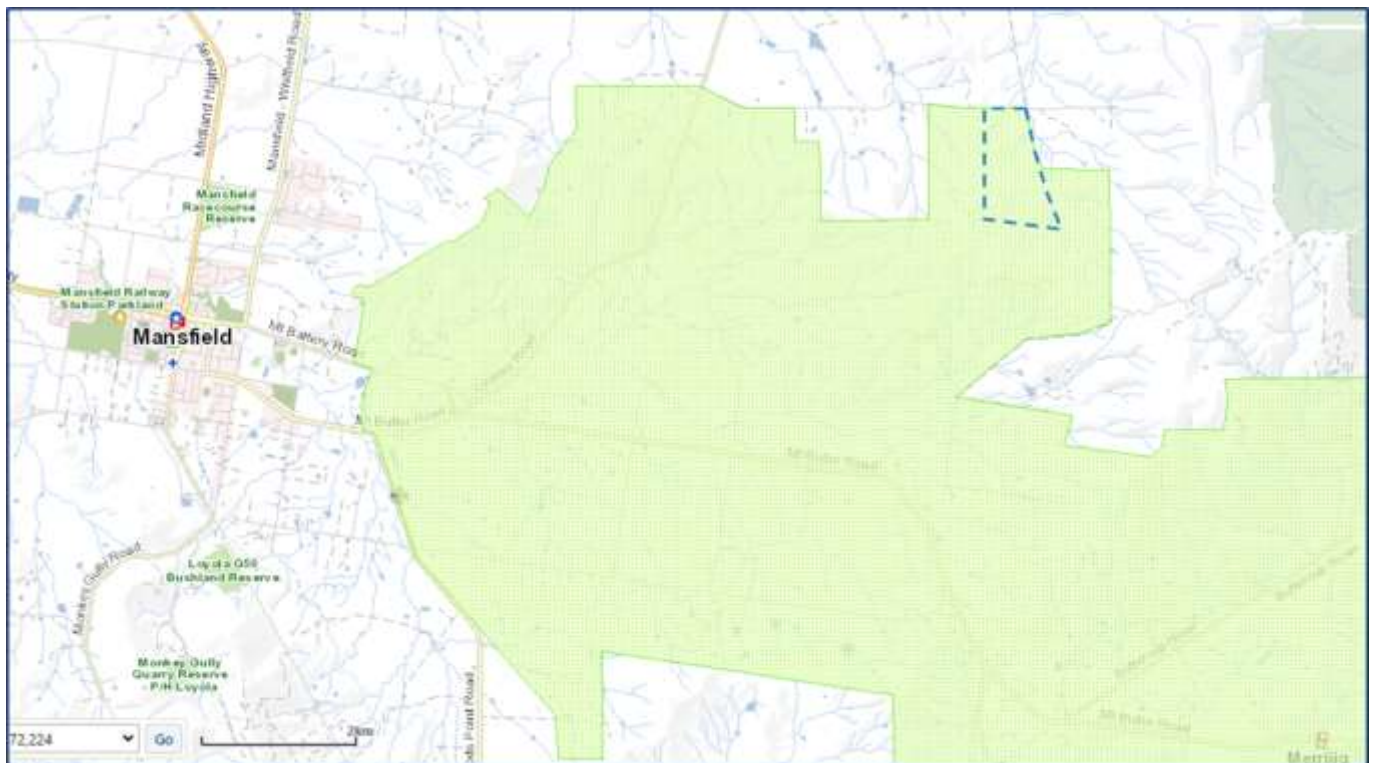


Figure 4: Significant Landscape Overlay, Schedule 1 apply to the land and surrounds

The Significant Landscape Overlay (SLO) for the Alpine Approaches applies to the land but not to the adjoining land to the north or east. The objectives of the SLO are:

- Identify and protect the visual values of the landscape of state significance on the approaches to mountains and ranges, including Mount Buller, Mount Stirling, Mount Timbertop, and other significant mountains.  
Protect short and long-distance views of Mount Buller from the Mt Buller Road, other approach roads and public viewpoints.



- Avoid the visual impact of buildings and works in the landscape.
- Minimise the visual impact of buildings and works by requiring setbacks from prominent visual areas, ridgelines and adjoining and nearby private land.

The SLO has been applied to entire properties which are able to be viewed from the Alpine Approach, along Mt Buller Road. An assessment of the subject land determines that the subject land is not visible from Mt Buller Road due to the natural topography of the land and is barely visible from the surrounding properties west of the subject land. The attached *SLO View Points* document includes Google Earth imagery with the subject land highlighted to demonstrate where it might be seen from.

The adjoining land to the east has an existing dwelling which is approximately 620 metres from the proposal. This land (470 Soldiers Road) previously had a permit for Stone Extraction for up to 1 hectare. The land to the south is vacant farming property which is land-locked and under the same ownership as surrounding land. The land to the west is a large open farming property with an existing dwelling approximately 800 metres from the proposal. The land to the north is vacant farming land. The submitted Operation Plan locates the nearby dwelling surrounding the subject land, as shown below.

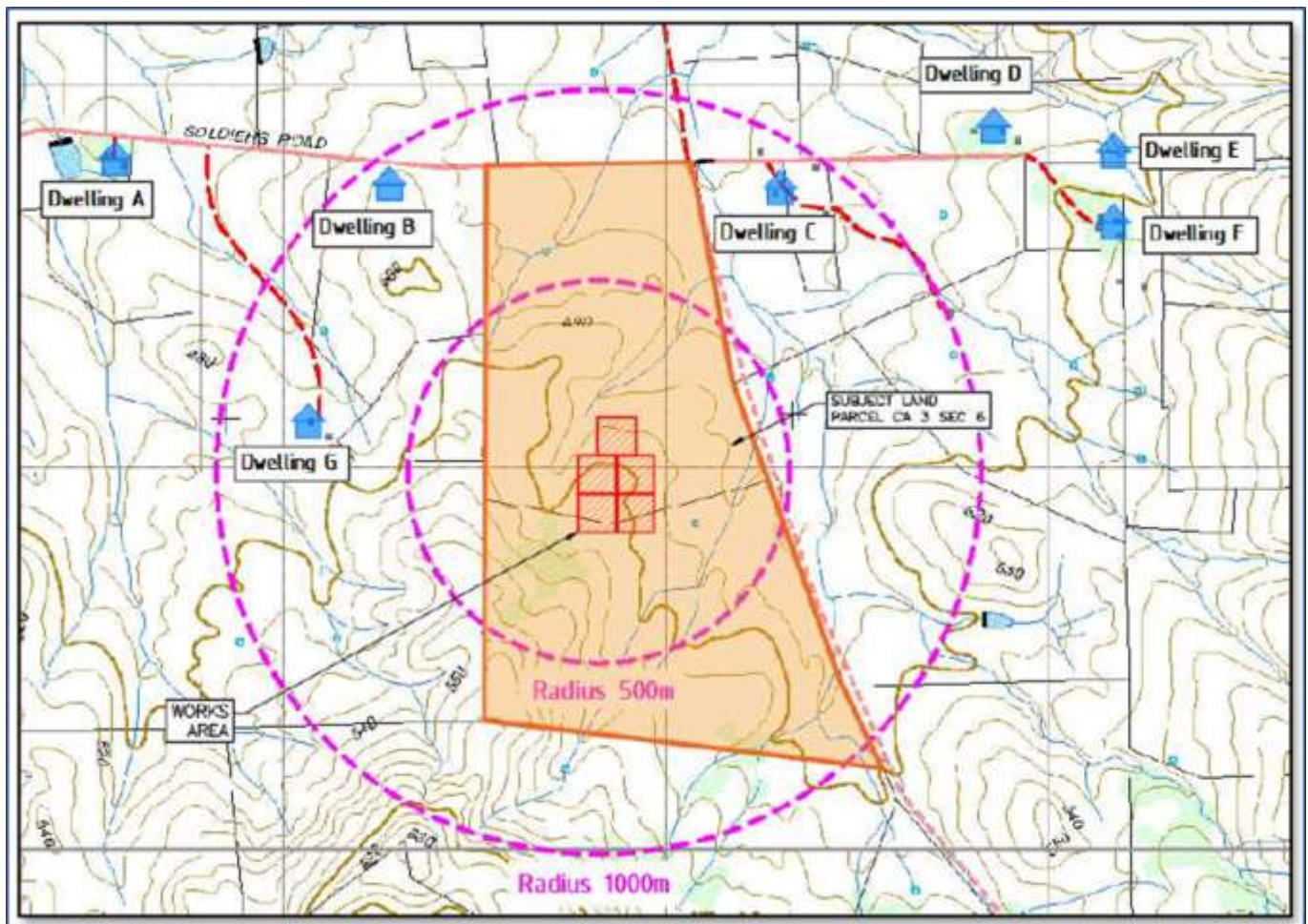


Figure 5: Mapped Dwellings on surrounding land. Source: Submitted Operations Plan

## Site History

The subject land has historically been vacant and used for cattle grazing and other light-agricultural activities. During 2014, part of the land was excavated to remove surface stone for agricultural improvement, where the removed rock was used onsite for erosion control and extracted areas were rehabilitated for pasture improvement. Council Officers provided the landowner with a formal notice of a planning permit exemption from the Government Gazette relating to the *Mineral Resources (Sustainable Development Act) Act 1990*.

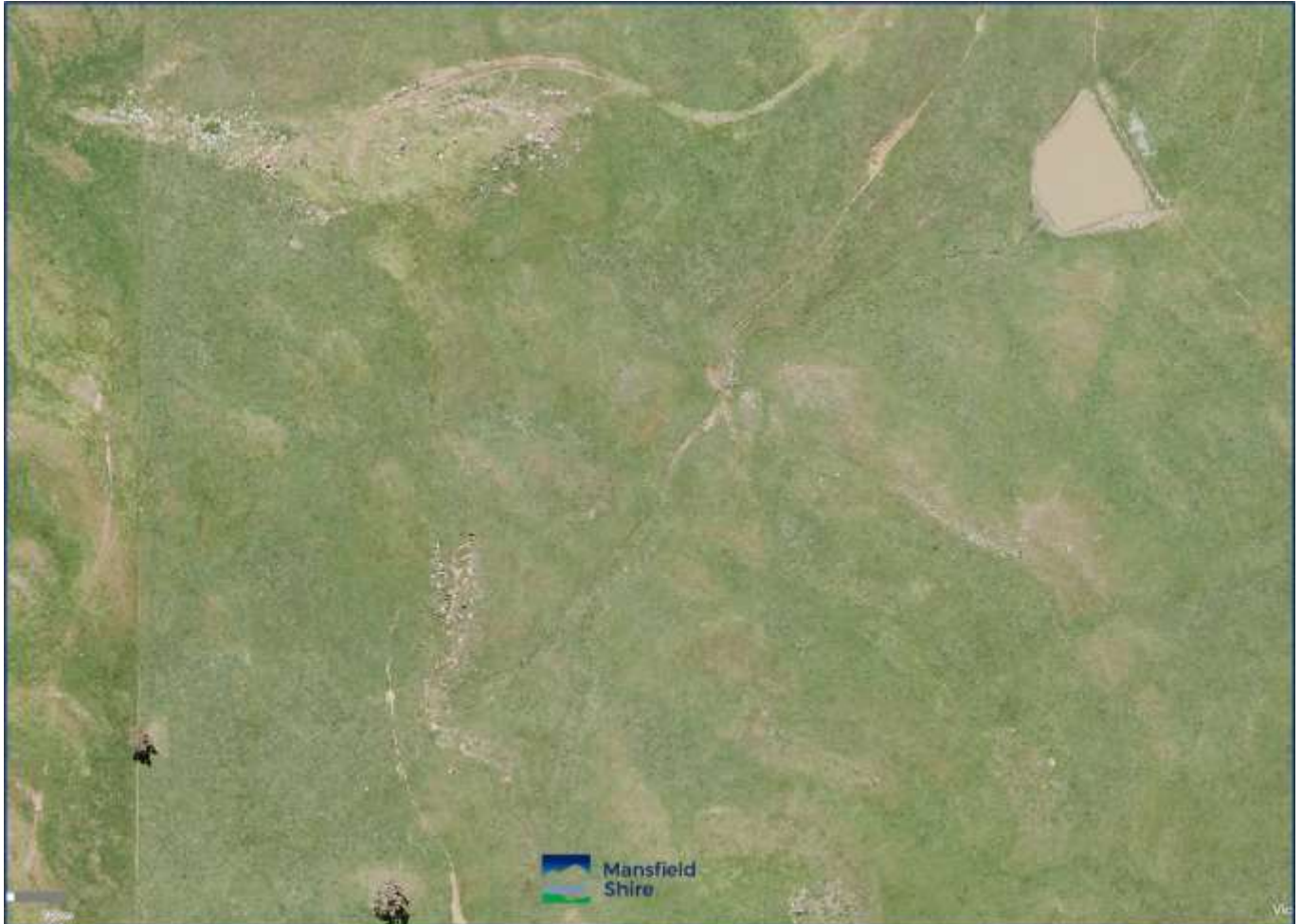


Figure 6: Partial aerial from 2017 showing previous extraction works on the subject land

It is important to note that this exemption can no longer apply as the works conducted onsite to date, and the proposed remainder of extraction, exceeds the allowable amount under the exemptions, and the rock has been (and is proposed to be) removed from the land and sold. Therefore, the previous exemption no longer applies, and the extractive work as proposed requires a Planning Permit.

## Proposal

The planning permit application proposes the use and development of land for extractive industry (Stone Extraction). The applicant is seeking approval for five proposed extractive areas that will have a proposed combined area of 5 hectares. The location of the extractive areas is adjoined in a patch that sets out the proposed staging, as shown below in the excerpt from the Operation Plan.



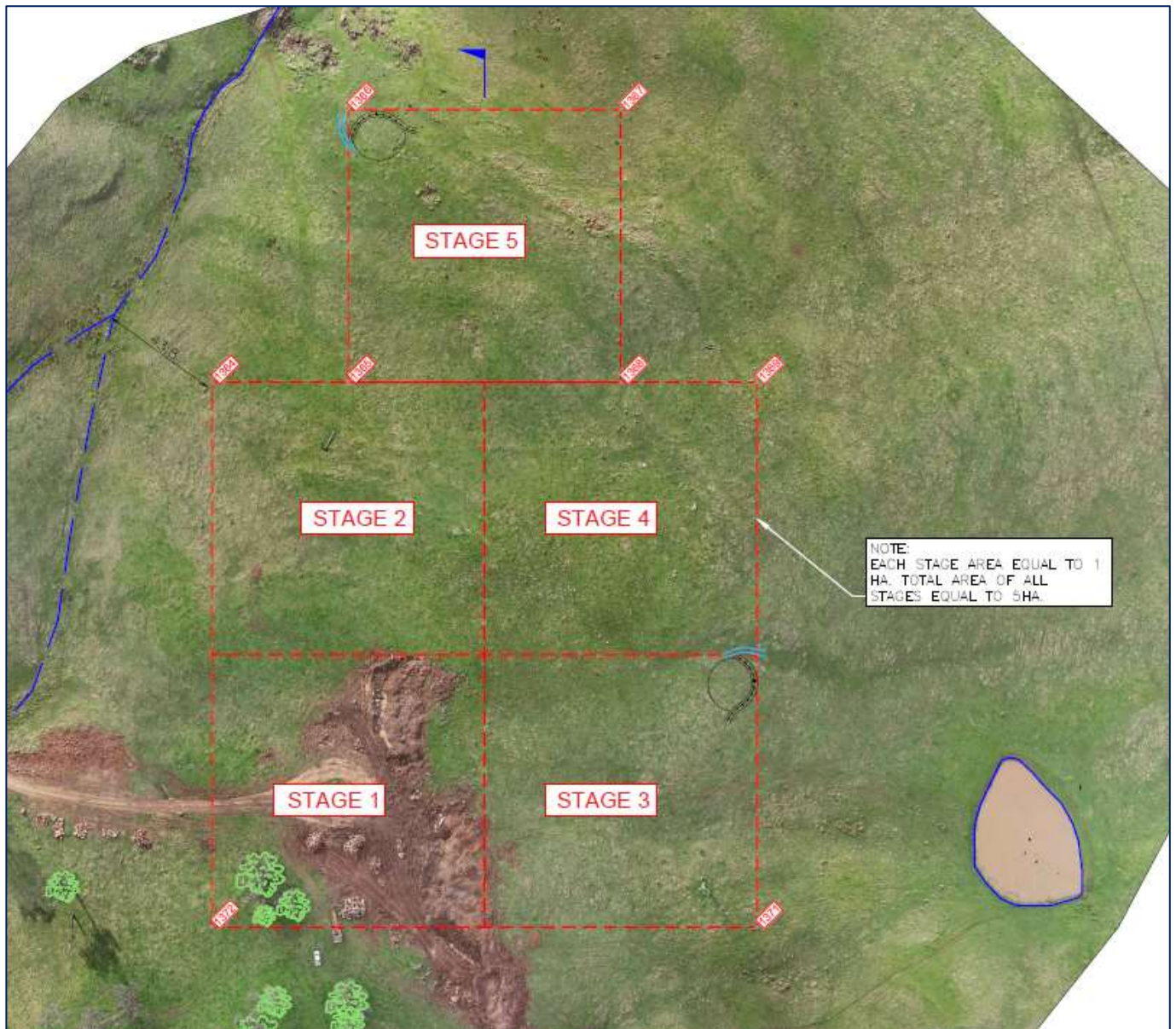


Figure 7: Proposed Extraction Sites in Stages. Source: Submitted Operation Plan

As the proposed work areas are not more than 5 hectares in area and 5 metres in depth the proposal is exempt from requiring a Work Authority through the Department of Earth Resources Regulation. Therefore, the proposal is required to be considered through the process of a planning permit application. Department of Energy, Environment and Climate Action, Earth Resources Regulator (ERR) have provided formal written acceptance (see attached) that the proposal meets the criteria to operate under the *Code of Practice for Small Quarries* and that a Work Plan is not required, pursuant to Section 77G of the *Mineral Resources (Sustainable Development) Act 1990*. ERR have confirmed that this exemption addresses the requirements of Clause 52.09-2 Extractive Industry and Extractive Industry Interest Areas:

*An application to use and develop land for extractive industry must be accompanied by:*

- *A copy of a work plan or a variation to an approved work plan that has received statutory endorsement under section 77TD of the Mineral Resources (Sustainable Development) Act 1990.*



- *The written notice of statutory endorsement under section 77TD(1) of the Mineral Resources (Sustainable Development) Act 1990.*
- *Any conditions specified under section 77TD(3) of the Mineral Resources (Sustainable Development) Act 1990.*

*These requirements do not apply if the proposed extractive industry is exempt from:*

- *The requirement to obtain a work plan under section 77G of the Mineral Resources (Sustainable Development) Act 1990; or*
- *The provisions of the Mineral Resources (Sustainable Development) Act 1990 under section 5AA of that Act.*

The proposal will require heavy vehicle access to and from the extractive areas, and it is proposed that a single truck and trailer be used with access into the site from the existing access direct off Soldiers Road.

A site inspection of the property has confirmed that Stage 1 of the proposal is mostly complete in relation to the extraction of stone, but still requires rehabilitation of the land. This portion of the application is retrospective.

Additionally, there is still some extracted stone being stored on the land along the internal accessway that was removed under the previous permit exemption. This application includes the transport of that stone off the property.

The proposal includes the following operations:

- 14 Truck Movements per day (7 full loads leaving)
- Expectation of approximately 300 Truck Loads per Stage  
Equates to a total of 215 approximate workdays  
Proposed to be completed within 4-5 years
- Proposed hours of operation 7am to 4pm, Monday to Friday
- No operations during days of Total Fire Ban
- Up to four (4) staff/operators onsite
- Progressive rehabilitation of the extraction sites, as detailed on Page 20 of the submitted Operation Plan, see attached

The submitted Operation Plan includes a Haul Route, as shown below. However, as the *Advisory Truck Route* (Heavy Vehicle Alternative Route) for Mansfield is now open, the Officer Recommendation includes a permit condition requiring an amended Haul Route to follow the *Advisory Truck Route* to Maroondah Highway from Mt Buller Road.

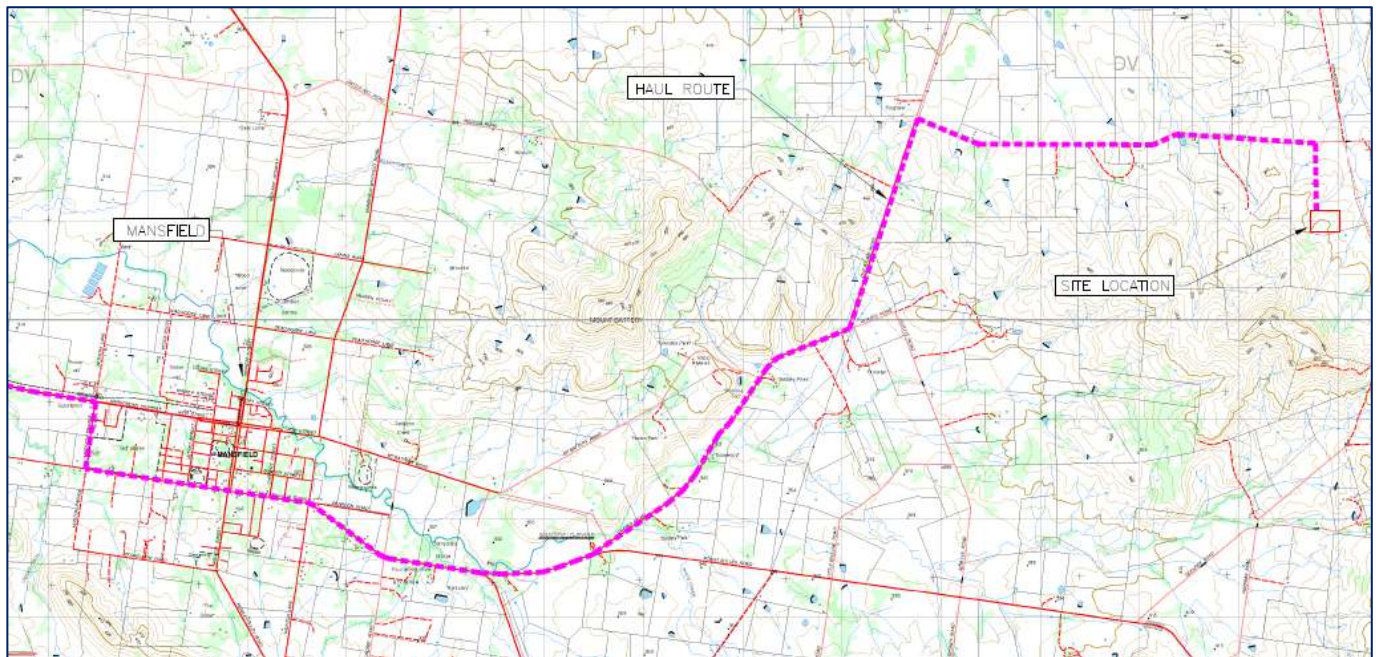


Figure 8: Proposed Haul Route

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

**Key Issues**

**Referral Authorities**

Referral Authority	Type of Referral	Response
Goulburn Murray Water (GMW) Clause 66.02-5	Section 55- Determining	Conditional consent
Department of Energy, Environment and Climate Action	Section 52 – Recommending	Unconditional Support
Department Transport and Planning (VicRoads) Clause 66.02-8	Section 55 - Determining	Unconditional Support
Heritage Victoria Clause 66.02-8	Section 55 - Determining	Unconditional Support
Earth Resources Victoria Clause 66.02-8	Section 52- Recommending	No formal response to referral request however, acceptance of the proposal was provided to the permit applicant – see attached
Council’s Engineering Team		Conditional consent
Council’s Field Services Team		Conditional consent

The Officer Recommendation includes the conditions required and requested by the referral authorities.

## Public Notice

Advertising was carried out in accordance with the requirements of the *Planning and Environment Act* including Public Notice being sent to twenty-six (26) owners and occupiers of the adjoining and nearby properties, notice in the *Mansfield Courier* for two (2) weeks, and a sign onsite for the period of 5 to 27 February 2024.

Following the public notice period a total of seven (7) objections were received, in summary the objections relate to:

- Air pollutants
- Noise pollutants
- Increased traffic on Soldiers Road
- Dust
- Impact to Views
- Weeds/pest plant species
- Condition and maintenance of Soldiers Road
- Not in accordance with Significant Landscape Overlay
- Not in accordance with Environmental Significance Overlay
- Impact to Waterways
- Erosion
- Safety on Soldiers Road
- Setting a precedent in the area
- Speed limit on Soldiers Road
- Hours of operation

The Permit Applicant was provided copies of the objections for their consideration, and in response the applicant made some minor amendments to the Operations Plan, which was then provided to all objectors with an invitation to a consultative (mediation) meeting hosted by Council Officers. The consultative meeting was held in Council Chambers 17 April 2024 and involved three (3) Council Officers, the Permit Applicant and their Consultant, and two (2) of the objectors. As an outcome Council provided the following information with a copy of the Minutes of the Meeting to all Objectors:

- Information about how to lodge a request with VicRoads for consideration of a Road Speed Limit reduction, in relation to Soldiers Road.
- A copy of the relevant documents relating to previous stone extraction on the subject land.
- A copy of the existing Planning Permit for stone extraction on the adjoining land to the east at 564 Soldiers Road.

And the applicant agreed to the following:

- Reconsider the amount of Truck Movements required per day.
- Propose reasonable Road Maintenance contribution for Soldiers Road.
- Reconsider the operating hours.
- Consider proposing to cease operations on days of significant Bushfire Risk.
- Provide details about water storage onsite, including how it would be accessed and used.

The above information was provided in an amended Operation Plan, attached and has been sent out to all Submitters.

One objection has been withdrawn, the submitter confirmed that their concerns related to the state of Soldiers Road regardless of this application and they do not have any issues with the proposed Stone Extraction. The total outstanding objections is now six (6).

Objection/Concern	Officer Comments
<i>Air and noise pollutants</i>	<p>The location of the stone extraction is fairly central on the subject land with reasonable setbacks from existing sensitive land uses (dwellings) on nearby properties. The Operation Plan includes methods to mitigate air pollution, and the hours of operation are considered reasonable for noise creation in the Farming Zone. The Farming Zone is considered an industry-type zone where production and manufacturing can occur, therefore a level of noise pollution during reasonable hours is expected.</p>
<i>Increased traffic on Soldiers Road</i>	<p>The proposal is for a total maximum of 14 truck movements per day, with the Operation Plan detailing an expected average of six (6) truck movements per week over the course of a year. Considering the area is farming, normal agricultural activities often include truck movements for stock.</p> <p>It is recognised that the residents of Soldiers Road have experienced additional large vehicle traffic for many years, associated with the previous stone extraction activities at 370 Soldiers Road. This extent of works approved under the planning permit (1 hectare) has now been concluded and it is understood that there are no more vehicles carting stone from this property.</p>
<i>Dust</i>	<p>Any dust created by the extraction activities is not expected to impact on adjoining properties as there are reasonable setbacks from the boundaries.</p> <p>The Operation Plan, at section 8.6, includes the proposed use of a water truck on the internal access road and the haulage route where necessary to reduce dust impacts.</p>
<i>Impact to views</i>	<p>The attached SLO View Points documents include imagery which depicts where the proposed extractive works might be viewed from nearby properties.</p> <p>The visual impact of the extractive works will be temporary, as each stage will be rehabilitated prior to any works commencing in the next stage.</p> <p>The impact to existing views from adjoining properties, as has been raised through the objections, is not a matter that can be considered through a planning permit application. There have been significant VCAT Cases which have determined that there is no 'right to a view' and potential impacts to property values cannot be considered through planning processes.</p>



Objection/Concern	Officer Comments
<i>Weeds/pest plant species</i>	The Operation Plan has suitably detailed how mitigation measures will be implemented to reduce the risk of introduction of weed species and how any extractive works will be retained to not impact on waterways.
<i>Condition and maintenance of Soldiers Road</i>	The proposed truck movements along Soldiers Road are expected to have additional impact, compared to normal day-to-day agricultural and domestic road use. Through the consultation meeting process and in discussion with the permit applicant it would be expected through any permit approval that they are responsible for additional maintenance of the road. Additional maintenance could include additional grading or a contribution to Council's Road maintenance to increase the regularity of works to Soldiers Road.
<i>Not in accordance with SLO</i>	The Significant Landscape Overlay has been assessed in detail in the attached Assessment Against the Planning Scheme.
<i>Not in accordance with ESO</i>	The Environmental Significance Overlay has been assessed in detail in the attached Assessment Against the Planning Scheme.
<i>Impact to Waterways</i>	The Operation Plan has suitably detailed and mapped the existing waterways on the land and has included measures to reduce impact to the waterways. The Operations Plan states: <i>Small sedimentation ponds will be constructed at the low points of each stage to retain and filter runoff during rain events.</i>
<i>Erosion</i>	The proposed stages for stone extraction are not located on the steepest parts of the subject land. The area proposed has a gentle slope and with appropriate actions taken the risk of erosion will be minimal.
<i>Safety impacts on Soldiers Road</i>	Soldiers Road is an existing gravel road that is maintained by Council, for most of the road it has a drivable width suitable to cater for two-way traffic. However, there are two corners and some small sections where the road width is reduced. As is standard practice along rural roads, drivers must drive to conditions and may be required to wait to allow vehicles to pass. As there is limited large vegetation (trees) on the roadside there are generally good sight lines and oncoming traffic is visible.
<i>Setting a precedent in the area</i>	There is an existing history of stone extraction in the area on the subject land and adjoining properties. However, this does not set any precedent enabling future approvals. Each application for a planning permit must be assessed on its merits against the relevant provisions of the planning scheme and consider any concerns raised by submitters.
<i>Speed limit on Soldiers Road</i>	The speed limit of roads is set by VicRoads, which was discussed in detail during the consultative meeting with the applicant and submitters. Whilst the speed limit is set, that is the maximum speed limit, and drivers are required by law to drive to the conditions of the road.

Objection/Concern	Officer Comments
<i>Hours of operations</i>	<p>The hours of operation are detailed in the Operation Plan to be 7am to 4pm Monday to Friday, with no operations on weekends or public holidays.</p> <p>The proposed hours of operation are generally reflective of agricultural activities and are in accordance with the EPA Guidelines for noise.</p>

**Officer Assessment**

Clause 52.09 - Extractive Industry and Extractive Industry Interest Areas	
52.09-4 Decision Guidelines	Assessment
<i>The effect of the proposed extractive industry on any native flora and fauna on and near the land.</i>	<p>The subject land has some scattered native trees, including three (3) trees within Stage 1. As the extractive works have been completed in Stage 1 it has been demonstrated that there has been no impact to native flora and relevant permit conditions in the Officer Recommendation require the protection of native vegetation through Tree Protection Zones.</p> <p>Stages 2 to 5 are not within proximity of any vegetation. The subject land is currently, and will continue, being used for stock grazing which generally reduces the native fauna present on farming land. It is not expected that any native fauna will be impacted by the proposal.</p>
<i>The impact of the proposed extractive industry on sites of cultural and historic significance, including any effects on Aboriginal places.</i>	<p>The subject land is not within an Area of Cultural Heritage Sensitivity.</p> <p>In accordance with Section 24 of the <i>Aboriginal Heritage Act 2006</i> any aboriginal place or object discovered must be reported.</p>
<i>The effect of the proposed extractive industry on the natural and cultural landscape of the surrounding land and the locality generally.</i>	<p>A detailed assessment of the proposal in relation to the natural landscape has been considered through the Significant Landscape Overlay, see attached Assessment Against Planning Scheme.</p> <p>In summary, the location of the subject land and proposed works is not visible from the Alpine Approach and is in an area with minimal visual impact to surrounds and is therefore considered appropriate.</p>
<i>The ability of the proposed extractive industry to contain any emissions within the boundaries of the land in accordance with relevant legislation.</i>	<p>The submitted Operation Plan has sufficiently detailed how emissions will be contained and managed, including dust, noise and airborne emissions.</p> <p>The subject land is approximately 113ha and the proposed work area is less than 4.5% (5ha) of the site and is located fairly centrally, limiting impact to directly adjoining properties.</p>
<i>The effect of vehicular traffic, noise, blasting, dust and vibration</i>	<p>The proposal does not include any blasting, and the Officer Recommendation includes conditions restricting</p>

<b>Clause 52.09 - Extractive Industry and Extractive Industry Interest Areas</b>	
<b>52.09-4 Decision Guidelines</b>	<b>Assessment</b>
<i>on the amenity of the surrounding area.</i>	<p>the use of blasting, in accordance with the requirements from ERR for the acceptance of a Work Authority. The Operation Plan and Officer Recommendation restrict the proposal to no more than 7 full truck loads per day, limiting the impact of heavy vehicle traffic along Soldiers Road. Through the Consultative Meeting, the permit applicant confirmed their consent to contribute to the ongoing maintenance of Soldiers Road during the operational period which will ensure the road is of a suitable standard to cater for the operational vehicles and existing traffic.</p> <p>The proposed hours of operation are reasonable in the context of surrounding agricultural and residential land uses, with no operations on weekends and restricted hours being 7am to 4pm weekdays.</p> <p>The setback of the proposal from nearby dwellings will reduce potential impact from noise and vibration. The nearest dwelling is located more than 600 metres from the extraction area.</p>
<i>The ability to rehabilitate the affected land to a form or for a use which is compatible with the natural systems or visual appearance of the surrounding area.</i>	The Operation Plan includes a detailed rehabilitation schedule for each Stage to be rehabilitated prior to commencement of works in the subsequent Stage. The rehabilitation is a requirement of the recommended permit conditions in the Officer Recommendation.
<i>The ability to rehabilitate the land so it can be used for a purpose or purposes beneficial to the community.</i>	The subject land has historically been used for agricultural purposes, including stock grazing. This is proposed to continue during the extraction period and the Stages, once rehabilitated, will return to agricultural use.
<i>The effect of the proposed extractive industry on groundwater quality and the impact on any affected water uses.</i>	The proposed extraction areas have suitable setbacks from mapped waterways on the subject land and permit conditions by Goulburn Murray Water require immediate action should any works uncover groundwater.
<i>The impact of the proposed extractive industry on surface drainage and surface water quality.</i>	The Operation Plan includes relevant actions to restrict any impact to drainage lines, waterways and water quality. The Officer Recommendation includes suitable Engineering and Goulburn Murray Water conditions which would ensure water quality is not impacted by the proposal.
<i>Any proposed provisions, conditions or requirements in a work plan that has received</i>	The proposal is exempt from the requirements of a Work Plan, in accordance with the correspondence from ERR, see attached.



Clause 52.09 - Extractive Industry and Extractive Industry Interest Areas	
52.09-4 Decision Guidelines	Assessment
<i>statutory endorsement under the Mineral Resources (Sustainable Development) Act 1990.</i>	The proposal will be required to be in accordance with an approved Work Authority.

Clause 52.09-5 and Clause 52.09-6 of the Mansfield Planning Scheme sets out requirements for Permit Conditions for Extractive Industry, which have been included in the Officer Recommendation:

*A permit to use and develop land for extractive industry must not include conditions which require the use to cease by a specified date unless either:*

- *The subject land is situated in or adjoins land which is being developed or is proposed to be developed for urban purposes.*
- *Such condition is suggested by the applicant.*

*A permit to use and develop land for extractive industry must include:*

- *A condition that allows for a period of not less than five years for the use and development to commence before the permit expires under section 68 of the Act.*
- *Conditions that are consistent with the requirements specified in Clause 52.09-6.*

*The use and development of land for extractive industry must comply with the following requirements, to the satisfaction of the responsible authority:*

- *Except in accordance with a permit, no alteration may be made to the natural condition or topography of the land within 20 metres of the boundary of land. This does not apply to driveways, drains, bund walls or landscaping.*
- *Shrubs and trees must be planted and maintained to screen activity on the land.*
- *Parking areas must be provided for employees' cars and all vehicles used on the land.*

Section 68(A) of the *Planning and Environment Act 1987* specifies Expiration of Permits for Extractive Industry:

*(1) Despite Section 68(2)(b) and (3)(d), a permit that authorises the use of land for extractive industry expires if the use authorised by the permit is discontinued for a period of 10 years.*

In accordance with the Planning Scheme and Act, the Officer Recommendation includes a permit condition enabling five (5) years to commence and does not include any conditions relating to completion or discontinuance.

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

Having assessed the application against the relevant clauses of the Mansfield Planning Scheme, it is considered that the proposal responds appropriately to the requirements of the

Scheme with respect to development in the Farming Zone, Significant Landscape Overlay, Environmental Significance Overlay, local and state policy, and the Particular Provisions for Extractive Industries. The concerns raised through submissions have been considered in relation to the relevant planning policies and suitable conditions are recommended to ensure the proposal has a limited impact on the surrounding landscape and that the extractive areas will be suitably rehabilitated.

The proposal is generally consistent with the relevant provisions of the Mansfield Planning Scheme, as discussed in this report. The application is therefore recommended for approval.

### Recommendation

THAT COUNCIL issue a **Notice of Decision to Grant a Permit** for Planning Application P191/24 allow *use and development of land for Extractive Industry (Stone Extraction)* on Crown Allotment Section 6, Parish of Gonzaga, commonly addressed as Lot 3 Soldiers Road, Barwite in accordance with endorsed plans and subject to the following conditions:

#### Endorsed Plans

1. Prior to the commencement of any works an amended Haul Route Plan is to be submitted and approved by the Responsible Authority. Once approved the plan will be endorsed to form part of the permit.  
The Plan must be amended to redirect the Haul Route to the *Advisory Truck Route to Maroondah Highway from Mt Buller Road*.
2. The development as shown on the endorsed plans must not be altered or modified without the written consent of the Responsible Authority.
3. The use and development must be undertaken in accordance with the approved and endorsed Operation Plan prepared by Malkin Consulting, dated 26 July 2024, or as amended that forms part of this permit to the satisfaction of the Responsible Authority.

#### Work Authority

4. The use and development must be conducted in accordance with an approved Work Authority to the satisfaction of the Responsible Authority.
5. No alteration may be made to the natural condition or topography of the land within 20 metres of the boundary of the land to the satisfaction of the Responsible Authority. This does not apply to driveways, drains, bund walls or landscaping.
6. Parking areas must be provided to employee' cars and all vehicles used on the land.

#### Hours of Operation

7. The use (stone extraction and all associated works and activities, including truck movements), must only operate between the following times:
  - a. 7:00am to 4:00pm, Monday to Friday (excluding Public Holidays)
  - b. No works or activities on Weekends (Saturday and Sunday)
  - c. No works or activities on declared days of Total Fire Ban

#### Sign

8. Prior to the commencement of any works a sign, not exceeding 0.3 square metres must be displayed at the entrance to the land detailing the name and contact details of the Contractor/Operator undertaking the extraction works, to the satisfaction of the Responsible Authority.

#### Dust

9. The Contractor/Operator must undertake dust suppression in the form of water spraying, or other natural based proprietary dust suppressant, to ensure dust caused by vehicles travelling along the internal access and Soldiers Road does not cause a nuisance to surrounding properties to the satisfaction of the Responsible Authority.

#### Vehicle Movements

10. Heavy vehicle movements associated with the use and development on Soldiers Road must not exceed fourteen (14) (or 7 return trips) per day, unless with the prior written consent of the Responsible Authority.

#### **Extraction Method**

11. Stone must be excavated via cut and fill methods. No chemicals, blasting, explosives or other methods are to be used to extract stone at any time without the prior written consent of the Responsible Authority.

#### **Treatment of Stone**

12. Treatment of extracted stone, including crushing and processing, must not be undertaken on the land without the prior written consent of the Responsible Authority.

#### **Amenity**

13. The use and development must be managed so that the amenity of the area is not detrimentally affected through the:
  - a. Transport of materials, goods or commodities to or from the land
  - b. Appearance of any works or materials
  - c. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste products, grit or oil.

To the satisfaction of the Responsible Authority.

14. At all times noise emanating from the land must comply with the requirements of the *Environment Protection Regulations 2021* (as amended from time to time) as measured in accordance with the Noise Protocol to the satisfaction of the Responsible Authority.

#### **Tree Protection Zones**

15. The Tree Protection Zones of native vegetation must not be used for:
  - a. Vehicular access or parking
  - b. Excavations
  - c. Storage or dumping of materials, tools, equipment or waste.

#### **Engineering**

16. For the duration of the use and development a monetary contribution must be provided to Council annually between 1 April and 31 May, towards the additional maintenance and/or grading of Soldiers Road between Old Tolmie Road and the subject land. The monetary contribution amount must be agreed prior to payment and will be a minimum amount of \$8,800 annually to the satisfaction of the Responsible Authority.
17. Any damage to Council assets related to the use and development, such as roads and stormwater infrastructure, must be repaired at the cost of the permit holder to the satisfaction of the Responsible Authority.
18. Access to the property must be via the existing crossover and internal access track no additional access is to be created without the prior written consent of the Responsible Authority.
19. The internal access track must be of an all-weather standard with dimensions adequate to accommodate emergency vehicles and be sufficient to meet CFA access requirements.
20. Polluted and/or sediment laden run-off must not be discharged directly or indirectly into drains or watercourses.
21. Interrupted overland flow from this development must not impact on adjacent lots.
22. All works must be undertaken in a manner that minimises soil erosion to greatest extent practicable, and any exposed areas of soil must be stabilised to prevent soil erosion, to the satisfaction of the Responsible Authority.
23. All topsoil removed during stone extraction works must be stockpiled, maintained in a weed free condition, respread on disturbed ground after the completion of each Stage and revegetated to prevent erosion, all to the satisfaction of the Responsible Authority and in accordance with the endorsed Operation Plan.

24. All vehicles, earth-moving equipment and other machinery must be cleaned of soil and plant material before entering and leaving the site to prevent the spread of weeds and pathogens to the satisfaction of the Responsible Authority.

### **Goulburn Murray Water**

25. All construction and ongoing activities must be in accordance with EPA Publication 1834.1 Civil Construction, Building and Demolition Guide (September 2023).
26. Goulburn Murray Water must be notified as soon as possible of any potential water quality impacts identified in relation to this proposal.
27. Should groundwater be intercepted the applicant must contact Goulburn Murray Water to discuss whether a take and use licence is required.
28. Drilling or excavation in close proximity to waterways is to be avoided. Should the applicant need to excavate on a water (non-registered or designated), or alter a waterway to enable this construction to occur, contact will need to be made with Goulburn Murray Water to discuss the Waterway Determination process and the relevant Catchment Management Authority [*Goulburn Broken Catchment Management Authority*] to discuss if a Works on a Waterway [Permit] would be required.
29. There must be no excavation, stockpiling or other works within 30 metres of any waterway or drainage lines.
30. Sediment control principles outlined in EPA Publication 1834.1 Civil Construction, Building and Demolition Guide (September 2023) must be implemented on the site to ensure that run-off sediment laden is able to leave the site or be discharged to waterways or drainage lines. Appropriate sediment control measures must be maintained to ensure their effectiveness.
31. All drainage/stormwater run-off from within work areas and any stockpile areas must be directed towards a sedimentation basin. Inlet and outlet structure must be appropriately beached to ensure that no erosion occurs, and the basin must be periodically cleaned of sediment to ensure it maintains capacity and functions appropriately.
32. Stockpiles or topsoil, subsoil, or extracted material must be either revegetated or stored in a manner whereby any run-off containing sediment is directed towards the sedimentation basin.

### **Expiry**

33. This permit will expire if the development is not started within five (5) years of the issued date of this permit.  
In accordance with Section 69 of the *Planning and Environment Act 1987*, before the permit expires or within six (6) months afterwards, the owner or occupier of the land to which it applies may submit an application to the Responsible Authority for an extension of the expiry date referred to in this condition.

### **Support Attachments**

1. Assessment against Planning Scheme [**13.2.3.1** - 20 pages]
2. ERR Formal Written Acceptance [**13.2.3.2** - 2 pages]
3. Operation Plan [**13.2.3.3** - 50 pages]
4. SLO View Points [**13.2.3.4** - 3 pages]
5. CONFIDENTIAL - Copy of Objections [**13.2.3.5** - 15 pages]

## **Considerations and Implications of Recommendation**

### **Sustainability Implications**

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

## Community Engagement

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

## Collaboration

Not Applicable

## Financial Impact

The application has been assessed within existing Council resources in the Statutory Planning Department. An application fee of \$1,232.30 was received for the application. An advertising fee of \$406.10 was also received.

## Legal and Risk Implications

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

## Regional, State and National Plans and Policies

The application has been assessed under the provisions of the *Planning and Environment Act 1987* and the Mansfield Planning Scheme.

## Innovation and Continuous Improvement

Not Applicable

## Alignment to Council Plan

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

Strategy 3.1 Protect natural vistas and farmlets

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.



### 13.3. People, Communications and Governance

#### 13.3.1. S6 Instrument of Delegation – Council to Members of Staff

<b>File Number</b>	E2478	<b>Responsible Officer</b>	Governance and Risk Officer, Chelsea Young
<b>Purpose</b>			

To seek Council endorsement of the revised S6 Instrument of Delegation – Members of Staff.

#### Executive Summary

Delegations to undertake a specific duty or power in accordance with a specific section of an Act of Parliament are essential to enable Council staff to carry out professional duties, particularly in areas which involve enforcement, such as Planning, Local Laws, Environmental Health, Animal Management, Parking Control and Road Management.

Council subscribes to a delegations and authorisations service produced by the legal firm Maddocks. The firm reviews all legislation that impacts local government in Victoria and distributes an updated schedule of delegations that reflects any legislative changes bi-annually. This template is used by many Victorian councils and reflects common practice within the industry.

Drawing on these updates, the Instruments of Delegation are updated periodically as legislation is amended, or new legislation is introduced which impacts upon the operations of Council.

#### Key Issues

These Instruments outline the staff who act on behalf of Council or the Chief Executive Officer.

Due to recent legislative changes this report seeks Council endorsement of the revised Instrument of Delegation: Schedule S6 Instrument of Delegation to Council Staff.

The following legislative changes have been made to the S6 Instrument:

- Removal of sections 12(2), 12(4)-(7) of the Road Management Act 2004.
- Deletion of the Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020
- Inclusion of the Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024 that commenced on 29 June 2024.
- Amendments to the Food Act 1984 pursuant to the Regulatory Legislation Amendment (Reform) Act 2024.

<b>Recommendation</b>
<p>THAT COUNCIL:</p> <ol style="list-style-type: none"> <li>1. Revoke the existing Schedule 6 - Instrument of Delegation from Council to Members of Council Staff previously endorsed by Council on 21 May 2024.</li> <li>2. Endorse the Schedule 6 - Instrument of Delegation from Council to Members of Council Staff dated 17 September 2024.</li> <li>3. Approves Mayor Cr Steve Rabie to sign and Deputy Mayor Cr Mark Holcombe to witness the signing of Schedule 6 - Instrument of Delegation from Council to Members of Council Staff.</li> </ol>
<b>Support Attachments</b>
<ol style="list-style-type: none"> <li>1. S6. Instrument of Delegation – Council to Members of Staff [13.4.1.1 - 69 pages]</li> </ol>

## Considerations and Implications of Recommendation

### Sustainability Implications

Not Applicable

### Community Engagement

Not Applicable

### Collaboration

Not Applicable

### Financial Impact

Council has an annual subscription for the Maddocks delegations and authorisations service that is included in Council’s operational budget allocations. Appropriate delegations and authorisations allow Council and Council staff to operate effectively within legislative frameworks.

### Legal and Risk Implications

The review and update of Council’s Instruments of Delegation and Instruments of Appointment and Authorisation contribute to Council’s risk minimisation initiatives with regard to non-compliance with statutory legislation.

Officers with delegated powers will be required to familiarise themselves with the new delegations, once approved by Council, as a further means of mitigating risk in relation to delegated powers.

Council has a statutory obligation under s11 of the Local Government Act 2020 to review the delegations it makes to Council staff.

### 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

## **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. Community Health and Wellbeing

### 13.4.1. Sports and Recreation Facilities Review

<b>File Number</b>	E3711	<b>Responsible Officer</b>	Community Networks and Wellbeing Officer, Alex Nannes
<b>Purpose</b>			

This report provides Councillors with a summary of community engagement and feedback received for the Mansfield Shire Council Sports Facilities Strategy Update and seeks Council’s adoption of the updated strategy and endorsement of the proposed community reference group and aquatic facility working group.

#### Executive Summary

Council currently owns or manages several sports and active recreation facilities across the municipality. These facilities add to the culture, lifestyle and character of the region as well as enhance liveability.

In 2018, Council endorsed the Mansfield Shire Sport Facilities Strategy 2018-2028 providing a framework for the effective provision, management, and development of sporting facilities over the next ten years.

Significant population growth and contemporary trends in sport and recreation have provided a need for an update of the strategy and associated plan. The completion of a sports and recreation strategic plan review to respond to population growth and inform open space project priorities was included as a major initiative in Council’s 2023-24 Budget.

The 2024 Strategy Update aims to provide Council with a four-year plan, guiding development requirements for sports facilities in the Mansfield Shire by considering growing residential population, changes in participation trends, the Fair Access Policy and aspirations of clubs, groups, and State Sporting Associations. The 2024 Strategy Update is provided in Attachment 1.

The updated strategy will:

- Inform what existing facilities need upgrading and when.
- Inform what additional facilities are required, where and when.
- Improve liveability, and health and wellbeing outcomes for all residents
- Reflect the needs of the community

Out of scope. This strategy will not include:

- Community sports and recreational facilities that are not Council owned or managed.
- Needs analysis or feasibility for an aquatic centre as this is addressed in a separate project run by Year-round Aquatics Facility Mansfield (YAFM), with Council proposing to partner with YAFM to progress the design and advocacy for this facility.

- Strategies on how to promote an active lifestyle to the community. This is addressed by RESPOND and other Health and Wellbeing programs.

**Key Issues**

Community consultation, undertaken through Engage Mansfield, seeking feedback on the updated strategy, closed on 28 June 2024 and 11 responses were received. A summary of the responses is provided below, and the responses received can be found in Attachment 2.

Community identified need not included in the scope	Officers' response
A year round indoor aquatic facility	A meeting with members of the Year-round Aquatic Facility Mansfield (YAFM) group, Council Officers, and the CEO (Chief Executive Officer) was held on 20 August 2024. It was discussed that a Project Control Working Group be established to assist with progressing the short-term goal of applying for a grant to install a retractable cover on the existing pool. The grant submission is due in November 2024. The PCWG would then work towards the long-term goal of getting an indoor aquatic facility in Mansfield Shire, which will involve preparation of a design and advocacy in partnership with YAFM. The working group would include YAFM members, Council Officers and other interested community groups and members.
400m running track	Council officers propose to further investigate the feasibility and potential locations for a 400m running track, in conjunction with a new alternate playing field (see below).
Mountain Bike trails to be upgraded	Council officers identified the need for further investigation and consultation on Mountain Bike trails, which is proposed as part of the Tracks and Trails Strategy development during 2024-25.
More clarification on planned infrastructure at alternate (new) playing fields	Council officers will progress the investigation and planning for a new alternate playing field during 2024-25 and will continue to update the community and seek funding opportunities for design and construction of a new facility once an appropriate location has been identified.

One community response referred to Cricket engagement numbers in the Strategy being incorrect. Engagement numbers were sourced from Cricket Victoria and will be reviewed in the 2024-25 season and compared with local data to ensure accuracy.

The other 3 responses did not require Council Officer action due to the Strategy being positively supported by those community members and/or suggestions to explore a collaboration with AFL (Australian Football League) General Manager to be considered by Council Officers. The CEO recently attended the AFL North East Border Regional Football and Netball Facilities and Strategy Launch event on 4 September and a collaboration with the AFL over the feasibility and planning of a new playing field and associated facilities will be explored.

Through the process of updating the Strategy a need to establish an ongoing sport and recreation reference group was identified to provide an opportunity for regular interaction and collaboration with Council over sports and recreation facility needs and to help guide the implementation of the updated Strategy's recommendations.

**Recommendation**

**THAT COUNCIL:**

1. Notes the community feedback received.
2. Adopts the Mansfield Shire Sport Facilities Strategy 2018-2028: 2024 Strategy Update.
3. Endorses the establishment of a Sport and Recreation Reference group to collaborate with Council and help guide the implementation of the Strategy’s recommendations.
4. Endorses the establishment of the Aquatic Facility Project Working Group to progress improvements to the usability and accessibility of the current aquatic facility, and work towards the long-term goal to establish a year round aquatic facility for Mansfield Shire.

**Support Attachments**

1. Mansfield Sports Facilities Strategy Update 2024 [13.5.1.1 - 19 pages]
2. CONFIDENTIAL - Sports Strategy Update - Feedback - 04.07.2024 [13.5.1.2 - 6 pages]

**Considerations and Implications of Recommendation**

**Sustainability Implications**

Not Applicable

**Community Engagement**

Community Engagement has been undertaken in accordance with Council’s Community Engagement Policy. The draft strategy update was made available on Engage Mansfield and 11 responses were received. These responses have been considered and have informed the final strategy and the proposed community reference group and aquatic facility project working group.

**Collaboration**

In response to the community feedback received, a collaboration with the AFL will be explored to progress planning for a new playing field and associated facilities.

**Financial Impact**

The 2024 Strategy Update of the previously developed Mansfield Shire Sport Facilities Strategy 2018-2028 has been prepared within existing Council resources. Expenditure estimates for the 2024 Strategy Update actions will be developed and funding options considered – including the sourcing of grant funding where possible.

**Legal and Risk Implications**

Not Applicable

**Regional, State and National Plans and Policies**

The Strategy complements Council’s Fair Access Policy which was required to be developed and put in place by 1 July 2024 by all Victorian local government authorities to remain eligible for State government community sports infrastructure funding.

**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

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

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

## **Governance - Disclosure of Conflicts of Interest**

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

### 13.4.2. Social Inclusion Action Group Funding Outcomes Rounds One and Two

<b>File Number</b>	E11193	<b>Responsible Officer</b>	Coordinator Community Strengthening, Allison O'Keefe
<b>Purpose</b>			

This report provides information to Council on the outcome of the Mansfield Shire Social Inclusion Action Group's Initiatives Funding 2023-24 Rounds One and Two, including the successful applicants.

#### Executive Summary

The Royal Commission into Victoria’s Mental Health System, released in 2021, included *Recommendation 15* focused on supporting good mental health and wellbeing in local communities. It recommended that the Victorian Government:

*15.1 - establish and recurrently resource ‘community collectives’ for mental health and wellbeing in each local government area.*

*15.2 - support each community collective to bring together a diversity of local leaders and community members to guide and lead efforts to promote social connection and inclusion in Victorian communities.*

*15.3 - test and develop a range of initiatives that support community participation, inclusion, and connection.*

Social Inclusion Action Groups (SIAGs) were established in five Local Government Areas (LGA) to support grassroots work and build on the strengths of the community to support mental health and wellbeing, with a focus on social inclusion and connection.

The Mansfield Social Inclusion Action Group started meeting in February 2024. The Coordinator of the Mansfield Shire SIAG is the Coordinator Community Strengthening.

One of the group's first priorities was distribution of the initiative funding received from the Department of Health, of \$50,000 annually. The group was keen to provide seed funding to as many groups or individuals as possible that fulfilled the eligibility criteria and would create change in a positive way.

The Initiative Funding Action Plan’s two funding rounds are designed to start supporting social inclusion initiatives, increase knowledge of the group within the community through promotion of the rounds and to start identifying future partnering opportunities within the community. Both funding rounds were launched on 17 June 2024 with the first round closing on the 31 July and the second on 14 August.

The SIAG grants process was developed to ensure good governance and compliance purposes whilst ensuring the application process was easy and accessible to all groups and organisations wanting to apply. The funding rounds were promoted by the group members to their individual community connections and networks, via social media to Community Facebook pages, in the

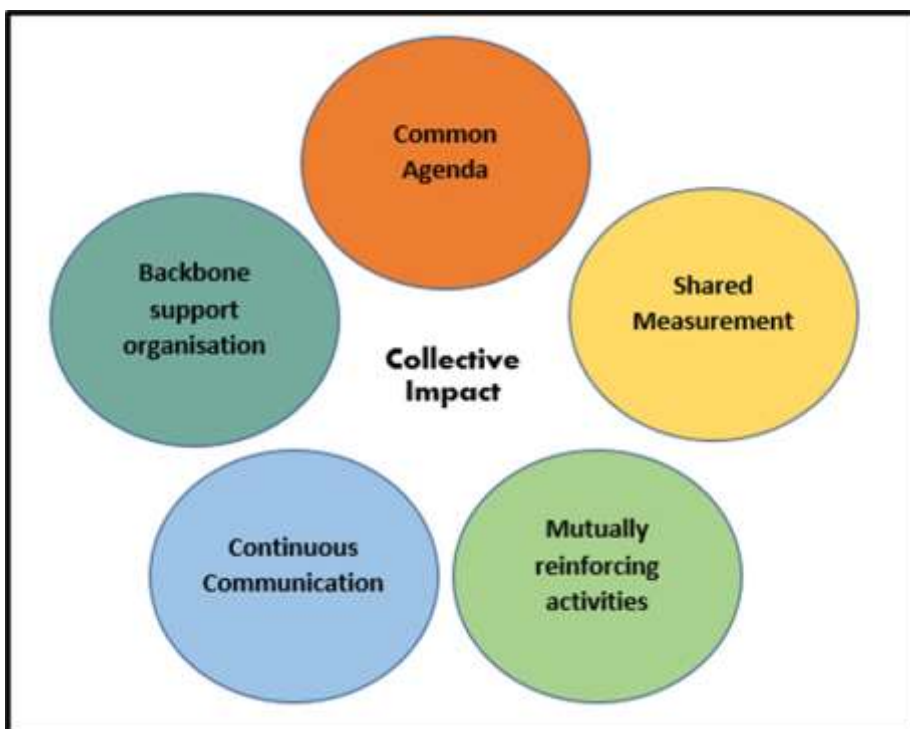
Mansfield Courier, and with flyers displayed around local businesses. Information on the application process was made available on Council's website.

This report provides a summary of the outcomes of the funding rounds and information on the successful recipients.

### Key Issues

As outlined in the report presented to the 18 April 2023 Council Meeting, SIAGs are a prevention initiative that will be:

- Community led and owned, empowering communities to identify their own needs, make decisions and develop solutions at a local level.
- Considering equity and inclusion for SIAG (Social Inclusion Action Group) membership and when making decisions about flexible funding. The SIAG needs to reflect the diversity of the community it serves.
- Applying a place-based approach.
- Informed by evidence and local knowledge.
- Operating from community development and collective impact approaches and principles, including the five conditions of collective impact.



The groups are supported by a Coordinator at each LGA who works to support members from all parts of the community to be empowered to have an active voice at the table. While taking a place-based approach and building on local knowledge and evidence, SIAGs also consider evidence of successful initiatives across the State and within other jurisdictions, testing these for the local context.

SIAG Funding Round One resulted in 19 applications being received from 17 community groups, sporting groups and not-for-profit organisations. Throughout the application period

support and advice was given to potential applicants on how to develop their ideas to be closely aligned to the eligibility and selection criteria. A SIAG subgroup completed an initial review of all submitted applications providing recommendations and feedback. Applications for Round One were then reviewed by the full group at the SIAG meeting on 7 August 2024 with ten successful initiatives selected and approved by the group to receive funding.

Funding Round Two had four second round applications received. Applications were reviewed through the same process and presented to the group at the SIAG meeting on 21 August 2024 with three being selected for funding.

In summary 23 applications were received across both funding rounds, from 21 different community groups, sporting groups and not-for-profit organisations. A total of 13 successful applications were selected by the group, for a total cost of \$49,061.98.

The group is keen to partner with the unsuccessful applicants from these rounds in the future and has provided feedback for communication to the applicants. Council Officers will explore options for alternate grant opportunities or partnerships and will provide this along with the feedback.

Successful applicants from SIAG Funding Rounds One and Two are:

	Applicant	Grant
1	Mansfield Badminton Association (Partial funding)	\$4,319.98
2	Jamieson Community Group and Assoc. Bodies Inc	\$3,830.00
3	The Goughs Bay Area Progress Association	\$5,000.00
4	Let's Talk	\$1,680.00
5	Mansfield Social Table Tennis	\$2,540.00
6	Mansfield Living with Parkinson's Support Group	\$5,000.00
7	Mansfield Armchair Cinema	\$4,800.00
8	Mansfield District Hospital RESPOND Project	\$3,940.00
9	Cycling Without Age	\$5,000.00
10	Merton Recreation and Memorial Hall Reserve Inc.	\$3,267.00
11	Jamieson Community Group	\$2,325.00
12	Active Dads	\$4,200.00
13	Anglican Parish Mansfield	\$3,160.00

All applicants were notified of their application's outcome following the update provided at the Councillor Briefing on 3 September 2024. The applicants were also invited to a celebration on 11 September 2024.

<b>Recommendation</b>
THAT COUNCIL notes the outcome of the Social Inclusion Action Group Initiatives Funding 2023-24 Rounds One and Two, including the award of \$49,061.98 in total funding to 13 successful applicants.
<b>Support Attachments</b>
Nil



## Considerations and Implications of Recommendation

### Sustainability Implications

Social Inclusion Action Groups (SIAGs) were established to support grassroots work and build on the strengths of the community to support mental health and wellbeing, with a focus on social inclusion and connection. The initiatives supported in the funding rounds were selected with the objective of creating sustainable and demonstrated improvement in social inclusion and connection in the Mansfield Shire community.

### Community Engagement

The funding rounds were promoted by the group members to their individual community connections and networks, publicly advertised via social media to Community Facebook pages, in the Mansfield Courier, and with flyers displayed around local businesses. Information on the application process was made available on Council's website.

### Collaboration

Collaboration was undertaken between the initial 5 Local Government Area sites, Wangaratta, Benalla, Mansfield, Latrobe and Frankston, and the Office of Mental Health through a community practice process.

### Financial Impact

The program is accounted for in the 2024-25 Budget, with income from the State government Department of Health supporting the fully funded program, including initiative grant funding of \$50,000 per year.

### Legal and Risk Implications

The Mansfield Shire SIAG was empowered by Council to make decisions on the allocation of the initiative grant funding, with funding awarded through a competitive process based on objective criteria determined by the group. The funding rounds were publicly advertised to ensure equitable and transparent access to the opportunities. Group members assessing the applications were provided with training and information to ensure that potential conflicts of interest were managed and declared.

### Regional, State and National Plans and Policies

Is in accordance with the Mental Health and Wellbeing Act 2022 and in accordance with Council's Community Grants Policy.

### Innovation and Continuous Improvement

The SIAG program is a new program developed by the Department of Health through the Office of Mental Health, designed to test and develop a range of initiatives that support community participation, inclusion, and connection.

### Alignment to Council Plan

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

Strategy 1.1 Embed health and wellbeing enablers and protections to reduce risks to our communities.

Strategy 1.2 Connect, develop and support children and young people.

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

### **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. Mansfield Shire Audit and Risk Committee – Chair’s Report to Council

<b>File Number</b>	E10900	<b>Responsible Officer</b>	Chief Executive Officer, Kirsten Alexander
<b>Purpose</b>			

To present Council with an overview of the activities, findings and recommendations of the Mansfield Shire Audit and Risk Committee for the financial year ending 30 June 2024.

#### Executive Summary

The Audit & Risk Committee Charter and the *Local Government Act 2020* require the Audit & Risk Committee to present a biannual report on its activities, findings and recommendations to Council.

This Annual Report of the Audit and Risk Committee fulfils the requirements of the governing legislation.

#### Key Issues

The role of the Audit and Risk Committee is to provide independent assurance and assistance to the Council (and management) on Council's risk, control and compliance framework, and its external accountability responsibilities as defined in the governing legislation and in adherence to the various requirements of the Victorian Auditor-General's Office (VAGO).

The Audit and Risk Committee considered the attached report at its meeting on 26 August 2024 and has recommended the report to Council. The report presents an overview of the activities of the Mansfield Shire Audit and Risk Committee for the 12 months to 30 June 2024, structured as follows:

- Overview
- Introduction
- Role of the Audit and Risk Committee
- Membership of the Audit and Risk Committee
- Meeting Attendance
- Annual Highlights
- Summary of the Work of the Committee
- Overall Assessment

<b>Recommendation</b>
THAT COUNCIL receive and note the Mansfield Shire Audit and Risk Committee report for the 12 months ended 30 June 2024.
<b>Support Attachments</b>
1. Audit and Risk Committee - Report to Council [13.6.1.1 - 7 pages]

## Considerations and Implications of Recommendation

### Sustainability Implications

Not Applicable

### Community Engagement

Not Applicable

### Collaboration

Not Applicable

### Financial Impact

Not Applicable

### Legal and Risk Implications

Not Applicable

### Regional, State and National Plans and Policies

It is a requirement under Section 54(5) of the *Local Government Act 2020* that the Audit and Risk Committee prepare a biannual audit and risk report for the CEO to table at the next Council meeting.

### Innovation and Continuous Improvement

Not Applicable

### Alignment to Council Plan

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

Strategy 1.1 Embed health and wellbeing enablers and protections to reduce risks to our communities.

### 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. Independent Audit Member Recommendation

<b>File Number</b>	E11404	<b>Responsible Officer</b>	Governance and Risk Officer, Chelsea Young
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**Purpose**

To seek Council endorsement for the nomination of Mr Peter Johnston to a third three year term as an independent Audit and Risk Committee member.

**Executive Summary**

The Mansfield Shire Council Audit and Risk Committee (ARC) comprises two Councillors and three independent committee members.

The term of appointment for each independent member is, where possible, arranged to provide an orderly rotation of membership. Each independent member is appointed for a three-year term.

Peter Johnston has been an independent member of the Mansfield Shire Council ARC since November 2019 and was reappointed for a second three-year term in November 2021 which is expiring in November 2024. Peter Johnston is seeking re-appointment for a third three-year term.

**Key Issues**

Recruitment and appointment of independent Committee members requires a public process. However, under section 7.3 of the Charter of the Audit and Risk Committee (“the Charter”), Council may use its discretion to directly appoint an independent member for a second and/or three-year term without going through a public recruitment process.

It is proposed that Council directly appoints Peter Johnston for a third three-year term. All other members of the Committee are supportive of the proposal. Peter Johnston is currently the Chair of the committee and an active participant of the ARC and brings a set of skills that are considered highly desirable to the Committee. Council will also benefit from the continuity of Peter Johnston being appointed for a second term.

This will be Peter’s final re-appointment as a Mansfield Shire Council ARC member as section 7.2 of the Charter states that independent members shall be eligible for appointment for up to a maximum of three, full three-year terms each.

AFS, Mansfield Council’s internal auditors, recently undertook a review of the effectiveness of the ARC – there were no issues raised during this process regarding the performance or skills mix of the Committee.

**Recommendation**

THAT COUNCIL appoints Mr Peter Johnston to the Mansfield Shire Council Audit and Risk Committee for a third three-year term commencing 13 November 2024.

**Support Attachments**

Nil

## Considerations and Implications of Recommendation

### Sustainability Implications

Not Applicable

### Community Engagement

Not Applicable

### Collaboration

Not Applicable

### Financial Impact

Not Applicable

### Legal and Risk Implications

Maintaining a good mix of skills and experience in the ARC members is an important risk mitigation measure, ensuring the Committee has the capability to provide independent assurance and assistance to Council on its risk, control and compliance framework.

### 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.

### 13.5.3. Taungurung Land & Waters Council - Local Government Forum

<b>File Number</b>	E100	<b>Responsible Officer</b>	CEO, Kirsten Alexander
<b>Purpose</b>			

The purpose of the report is to seek authorisation from Council for Mansfield Shire to actively participate in the Taungurung Land & Waters Council (TLaWC) - Local Government Forum (the Forum).

#### Executive Summary

The Taungurung Traditional Owner Group, represented by the Taungurung Land & Waters Council (TLaWC), is the recognised Traditional Owner group for the land within the Mansfield Shire municipal boundaries. The Taungurung Recognition and Settlement Agreement (RSA) and the Taungurung Land Use Activity Agreement (LUAA) set out the rights and obligations of parties when working on Taungurung land. There are 14 other Victorian local government authorities whose municipal boundaries similarly encompass Taungurung land.

TLaWC has proposed the establishment of a Taungurung - Local Government Forum (the Forum), has invited the 15 councils to be represented on this Forum, and has shared a proposed Terms of Reference for the Forum (refer attached).

The Forum is proposed to provide a structure for TLaWC and the Local Governments to share information, develop collaborative working arrangements and make decisions to support the work of all groups. In doing so the Forum would enable Local Governments and TLaWC to more effectively fulfil their responsibilities, functions, and aspirations.

#### Key Issues

The stated purpose of the Forum is to 'foster and govern a constructive and meaningful operational partnership between TLaWC and Local Governments on Taungurung Country' and includes governance and procedural arrangements.

The objectives of the Forum are to:

- Work together in partnership
- Respect, celebrate and support Taungurung People, Culture and Country
- Achieve our responsibilities together

The Taungurung - Local Government Forum is proposed as a permanent forum. Agreeing to membership of the Forum will commit Council resources to actively participate in the Forum. Participation at this point is understood to include the Mayor and Chief Executive Officer to attend a minimum of two meetings of the Forum per year.

A TLaWC priority of the Forum is the establishment of 'a collective fund to support the relationship and achievement of our connected responsibilities and goals', funded by contributions from the participating councils. This matter has been flagged by TLaWC as an

initiative that they would like the Forum and associated working group to progress through to an agreed resolution as a priority. The magnitude of the financial contribution to be sought from Mansfield Shire Council in support of the objectives of the Forum is not currently known and will only become clear over time and through active participation in the Forum. Further information will be provided for Council consideration once available.

The following is noted in the proposed Terms of Reference:

It is recognised that, in some circumstances, Members may not be able to make a decision on behalf of their organisation without approval. For example, Local Government Members may need to seek a resolution of their Council. The Forum will seek to accommodate organisational decision-making processes.

Organisations may cancel their membership at any time in writing to the co-Chairs.

<b>Recommendation</b>
<p>THAT COUNCIL:</p> <ol style="list-style-type: none"> <li>1. Notes the Terms of Reference for the Taungurung-Local Government Forum;</li> <li>2. Agrees to become a member of the Forum and nominates the Mayor and CEO as Council's representatives;</li> <li>3. Actively participates by ensuring representatives attend regular meetings held by the Forum; and</li> <li>4. Considers at a future Council Meeting a recommendation relating to any proposed financial commitment in support of the Forum objectives which exceeds that which is required to meet Council's statutory obligations.</li> </ol>
<b>Support Attachments</b>
<ol style="list-style-type: none"> <li>1. Terms of Reference [13.6.3.1 - 7 pages]</li> </ol>

## Considerations and Implications of Recommendation

### Sustainability Implications

The Forum is proposed to provide a sustainable structure for TLaWC and Local Governments to share information, develop collaborative working arrangements and make decisions to support the work of all groups. The Forum is proposed to enable Local Governments and TLaWC to more effectively fulfil their responsibilities and commitments under relevant legislation. It will also enable a combined approach to government on issues of shared importance, such as review of cultural heritage processes and regulation.

### Community Engagement

At this stage Council has not undertaken community engagement in relation to the decision on whether to participate in the Forum. Participation in the Forum will allow Council representatives to explore the potential costs and benefits of the partnership in order to better inform future engagement with the community. If participation in the Forum is likely to result in a real or perceived change in Council's service delivery or to the use of public facilities or spaces, community engagement would be undertaken. Any proposed financial contribution to the Forum would be included for community consultation as part of Council's annual Budget engagement.



## Collaboration

The Forum is a partnership between TLaWC and the 15 Local Governments on Taungurung Country as listed below:

- Alpine Shire Council
- Benalla Rural City Council
- City of Greater Bendigo
- Campaspe Shire Council
- Macedon Ranges Shire Council
- Mansfield Shire Council
- Mitchell Shire Council
- Mount Alexander Shire Council
- Murrindindi Shire Council
- Greater Shepparton City Council
- Strathbogie Shire Council
- The Rural City of Wangaratta
- Wellington Shire Council
- Whittlesea City Council
- Yarra Ranges Council

The Forum is also proposed to include State government representatives from Local Government Victoria, Department of Government Services and from First Peoples – State Relations, Department of Premier and Cabinet.

## Financial Impact

There is no immediate financial cost associated with membership of the Forum, and the only identified resource implications at this time are the commitment of the Mayor and Chief Executive Officer to actively participate in Forum meetings, and the nomination of an officer to participate in working group meetings, anticipated to be convened four times per year.

TLaWC has advised that it has secured State Government funding to enable it to recruit a resource for a 12-month period, and that this resource will provide support to the Forum. Beyond the 12-month mark TLaWC has received no further commitment of funding to support the proposed Forum.

## Legal and Risk Implications

Agreeing to membership of the Forum does not commit Council to contributing towards a collective fund as proposed by TLaWC. Reputational risks may arise through participation or non-participation in the Forum. These risks will be managed through an open and transparent process and through exploring the costs and benefits (financial and non-financial) against the proposed funding contribution, based on a methodology developed by the working group.

## Regional, State and National Plans and Policies

TLaWC and Local Governments share interrelated responsibilities and priorities. One function of the Forum will be to support the delivery of obligations, and implementation of commitments within relevant legislation and agreements, including:

- Local Government Act 2020,
- Aboriginal Heritage Act 2006,

- Taungurung Recognition and Settlement Agreement (RSA), particularly Schedule 5,
- Taungurung Land Use Activity Agreement (LUAA),
- Victorian Aboriginal and Local Government Strategy 2021,
- Planning and Environment Act 1987, and
- Charter of Human Rights and Responsibilities Act 2006.

### **Innovation and Continuous Improvement**

The proposed Forum is understood to be the first time a collaborative body of this type has been developed.

### **Alignment to Council Plan**

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

## 14. Council Meeting Resolution Actions Status Register

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

<b>Recommendation</b>
THAT Council receive and note the Mansfield Shire Council Meeting Resolution Actions Status Register as at 9 September 2024.
<b>Support Attachments</b>
1. Mansfield Shire Council Action Register as at 9 September 2024 [14.1 - 7 pages]

## 15. Advisory and Special Committee reports

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

The Agenda & Minutes of the Mansfield Shire Audit and Risk Committee, held 26 August 2024, are attached for the Councils information.

<b>Recommendation</b>
THAT COUNCIL receive the Agenda & Minutes of the Mansfield Shire Audit and Risk Committee meeting held 26 August 2024.
<b>Support Attachments</b>
1. Audit and Risk Committee Agenda - 26 August 2024 [15.1.1 - 52 pages] 2. Audit and Risk Committee Minutes - 26 August 2024 [15.1.2 - 6 pages]

## 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*.

<b>Recommendation</b>
THAT COUNCIL close the meeting to members of the public under Section 66(2)(a) of the Local Government Act 2020 to consider Confidential Reports in accordance with section 66(2) of the Local Government Act 2020 for reasons set out in section 18 below.

## 18. Confidential Reports

### 18.1. CEO 12 Month Performance Review

**Confidential**

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

## 19. Reopen meeting to members of the public

<b>Recommendation</b>
THAT COUNCIL reopen the meeting to members of the public.

## 20. Close of meeting