

OFFICIAL



Mansfield Shire

MINUTES

Council Meeting

Tuesday 17 September 2024

Our aspiration for our Shire and its community

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

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1. Opening of the meeting

Mayor Steve Rabie opened the meeting at 8:38 am.

2. Present

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

In Attendance:

Chief Executive Officer:

Kirsten Alexander

General Manager Investment & Planning:

Melissa Crane

Executive Manager People, Communications & Governance:

Janique Snyder

Executive Manager Community Health & Wellbeing:

Nola Bales

Governance & Risk Officer:

Chelsea Young

Economic Development Officer - Tourism, Events and Youth:

Gareth MacDonald

Coordinator Economic Development:

Olivia Wanigatunga

Coordinator Statutory Planning:

Nicole Embling

3. Apologies

Councillor Paul Sladdin

4. Statement of commitment

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

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

5. Acknowledgement of Country

Councillor Mark Holcombe recited Council's Acknowledgement of Country:

"Our meeting is being held on the 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

Nil

7. Confirmation of minutes

Councillor James Tehan/Councillor Mark Holcombe:

THAT the Minutes of the Mansfield Shire Council meeting held on 20 August 2024 be confirmed as an accurate record.

CARRIED

8. Representations

13.2.3 P191/23 - Lot 3 Soldiers Road Barwite

- Glenda Didier (online)
- Nick Malkin (in person)

9. Notices of motion

Nil

10. Mayor's report

Councillor James Tehan/Councillor Mark Holcombe:

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

CARRIED

11. Reports from council appointed representatives

Councillor Rohan Webb/Councillor Mark Holcombe:

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

CARRIED

12. Public question time

Nil

13. Officer reports

13.1. Chief Executive Officer's report

Councillor Mark Holcombe/Councillor James Tehan:

THAT COUNCIL receive and note the Chief Executive Officer's report for the period 1 August 2024 to 31 August 2024.

CARRIED

13.2. Investment and Planning

13.2.1. Friends of the Great Victorian Rail Trail MOU

Councillor James Tehan/Councillor Mark Holcombe:

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.

CARRIED

13.2.2. Sustainable Tourism Plan

Councillor Mark Holcombe/Councillor Rohan Webb:

THAT COUNCIL endorse the Sustainable Tourism Plan 2024-28.

CARRIED

13.2.3. P191/23 - Lot 3 Soldiers Road Barwite

Councillor Rohan Webb:

THAT COUNCIL issue a **Notice of Decision to Grant a Permit** for Planning Application P191/23 to allow *use and development of land for Extractive Industry (Stone Extraction)* on Crown Allotment 3, 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 to an 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 drain 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 waterways 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 no sediment laden run-off 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.

LAPSED

Councillor James Tehan called for an alternate motion.

Councillor James Tehan/Councillor Mark Holcombe

THAT COUNCIL issue a **Notice of Decision to Grant a Permit** for Planning Application P191/23 to allow *use and development of land for Extractive Industry (Stone Extraction)* on Crown Allotment 3, 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 to 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 eight (8) (or 4 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 \$15,000 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 drain 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 waterways 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 no sediment laden run-off 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.

CARRIED

Councillor James Tehan/Councillor Mark Holcombe

THAT COUNCIL adjourn the meeting for 5-minutes.

CARRIED

The Council Meeting - 17 September 2024 was adjourned at 10:14 am.

The Council Meeting - 17 September 2024 re-commenced at 10:30 am.

13.3. People, Communications and Governance

13.4.1. S6 Instrument of Delegation – Council to Members of Staff

Councillor Rohan Webb/Councillor Mark Holcombe:

THAT COUNCIL:

1. Revoke the existing Schedule 6 - Instrument of Delegation from Council to Members of Council Staff previously endorsed by Council on 21 May 2024.
2. Endorse the Schedule 6 - Instrument of Delegation from Council to Members of Council Staff dated 17 September 2024.
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.

CARRIED

13.4. Community Health and Wellbeing

13.4.1. Sports and Recreation Facilities Review

Councillor Mark Holcombe/Councillor James Tehan:

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.

CARRIED

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

Councillor Mark Holcombe/Councillor Rohan Webb:

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.

CARRIED

13.5. Executive Services Directorate

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

Councillor Mark Holcombe/Councillor James Tehan:

THAT COUNCIL receive and note the Mansfield Shire Audit and Risk Committee report for the 12 months ended 30 June 2024.

CARRIED

13.5.2. Independent Audit Member Recommendation

Councillor Mark Holcombe/Councillor James Tehan:

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.

CARRIED

13.5.3. Taungurung Land & Waters Council - Local Government Forum

Cr Rohan Webb raised a point of order regarding the relevance of remarks made by Cr Holcombe.

Mayor Cr Rabie asked for clarification of the applicable Governance Rule from Cr Webb and then upheld the point of order.

Councillor Mark Holcombe/Councillor Rohan Webb:

THAT COUNCIL:

1. Notes the Terms of Reference for the Taungurung-Local Government Forum;
2. Agrees to become a member of the Forum and nominates the Mayor and CEO as Council’s representatives;
3. Actively participates by ensuring representatives attend regular meetings held by the Forum; and
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.

CARRIED

14. Council Meeting Resolution Actions Status Register

Councillor Rohan Webb/Councillor Mark Holcombe:

THAT COUNCIL receive and note the Mansfield Shire Council Meeting Resolution Actions Status Register as at 9 September 2024.

CARRIED

15. Advisory and Special Committee reports

15.1. Audit & Risk Committee Meeting Agenda & Minutes

Councillor Mark Holcombe/Councillor James Tehan:

THAT COUNCIL receive the Agenda & Minutes of the Mansfield Shire Audit and Risk Committee meeting held 26 August 2024.

CARRIED

16. Authorisation of sealing of documents

Nil

17. Closure of meeting to members of the public

Councillor James Tehan/Councillor Mark Holcombe:

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

CARRIED

The Council Meeting - 17 September 2024 was closed to the public at 11:21 am.

Chief Executive Officer, Kirsten Alexander, declared a conflict of interest to item 18.1.

Chief Executive Officer, Kirsten Alexander, and General Manager Investment & Planning, Melissa Crane, left the meeting at 11.23 am.

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

Councillor Rohan Webb/Councillor Mark Holcombe:

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

CARRIED

Council re-opened the meeting at 11:26 am.

Chief Executive Officer, Kirsten Alexander, and General Manager Investment & Planning, Melissa Crane, returned to the meeting at 11.28 am.

20. Close of meeting

The Council Meeting - 17 September 2024 was closed at 11:29 am.

CONFIRMED this **fifteenth** day of **October 2024**



Mayor