

OFFICIAL



Mansfield Shire

# Council Meeting

Tuesday 16 July 2024 5:00 pm  
Mansfield Shire Council Chamber

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

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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 Investment & 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**

**13.2-13.3 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 lands of the Taungurung people and we wish to acknowledge them as Traditional Owners. We would also like to pay our respects to their Elders, past and present, and Aboriginal Elders of other communities who may be here today.”*

## 6. Disclosure of conflicts of interest

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 25 June 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:

*One of the major priorities for this Council has been progressing capital works projects. Many projects that have been lingering for a long time have now been completed. These are projects that contribute to the infrastructure our community needs most – the roads, bridges, culverts and drains. Recent projects include the High Street carpark and the upgrade to the Mt Buller Service Road. These improvements will address long standing parking and safety issues in both locations. The carpark is a great addition to the main business and shopping precinct. As our population has grown, we've needed a solution to our lack of parking for this area for a very long time.*

*Another project that I'm pleased to see progressing is our commitment to making sure our shire stays green and beautiful. That's why we're planting more than 200 street trees over July and August in a Council initiative to green our residential neighbourhoods.*

*Earlier this month I attended a meeting of the Hume Regional Local Government (LGA) Network. This is a partnership of Mayors and CEOs from across our region, representing 12 LGAs. We get together and discuss matters of mutual interest and to advocate as a collective. At the recent meeting, several motions were reviewed for the MAV State Council, including one submitted by Mansfield Shire. One of the key things that has come up recently is the need to protect the landscape of our region. Cindy McLeish, State Member for Eildon, worked with Tim McCurdy MP and Annabel Cleeland MP to organise a meeting for seven LGAs within the alpine approach to discuss this issue with their local State MPs. As a result, a joint letter, signed by the mayors of 7 Councils across the Hume region and the four affected State MPs, has been sent to the Victorian Premier requesting that the Victorian Government fund and prepare a Significant Landscape Assessment for Victoria's High Country and the alpine region for introduction into the local planning schemes. With an increasing concern that planning powers are becoming concentrated at state government level, this is one way we can try to ensure appropriate consideration of the significant landscape values of our region, with the view of "keep it country".*

*Even though we've had an extremely cold start to winter, it hasn't stopped us getting together and celebrating. The Lantern Festival saw more than 3,000 people come out on the longest night of the year to enjoy the locally produced food and wines, the performances and to have some fun as a community. There were twice as many people as last year and so many young*

*people and families having fun. High Street looked so beautiful all lit up and the lantern parade itself was a stunning success. It's great to see the overflow of the event being enjoyed by businesses. Thanks to Alli Walker Events for holding an event that I'm pleased to see growing year on year.*

*I'm also grateful to the Friends of the Library who continue to support and hold great community events. For example, they recently purchased books for all children who attended an author visit at the library. They cater for the fabulous Armchair Travel program, recently made a substantial financial contribution to funding the Library's Tech Help program and they regularly put on events during school holidays too. One such event was the recent Harry Potter evening, which was incredible! The amount of work and effort to pull this off was astounding. There were around 33 children on each evening, the majority were dressed in the Harry Potter theme. It's a wonderful way to introduce children to the pleasure of reading. Thanks for inviting me to this annual event, and my highest commendation to all of the organisers, participants and children who attended.*

*Our library is such a wonderful space. It's always a pleasure to visit and see what's on offer. From Children's Story Time, one-on-one tech help, charging stations for devices, computers and internet, bilingual picture books, Scrabble and jigsaw clubs. They also do Library outreach to Woods Point (which I have been on and thoroughly enjoyed). Please support our library and pop in one day, you will be warmly received, I'm sure.*

*I was pleased to attend the opening of NAIDOC Week this year, organised in collaboration with the Gadhaba Local Aboriginal Network and Community Bank Mansfield & District. The official start to NADOC week included a Welcome to Country smoking Ceremony and art display, with afternoon tea in the Visitor Information Centre.*

*Partnerships are critical to Council. One of the initiatives we are proud to support is the Social Inclusion Action Group (Mansfield SIAG). This group has now opened funding for applications from groups with a vision for positive change in their community. A total of \$60,000 will be available across two funding rounds, with opportunities of up to \$5,000 considered. I encourage anyone with a need or an idea to read more about the funding on Council's website.*

*And finally, Council hosted a Citizenship Ceremony last Tuesday, with four conferees (two from Russia, one from the UK and one from New Zealand) taking the Oath to become Australian Citizens..... Welcome to our Australian family!*

*Cr Steve Rabie  
Mayor*

### **Recommendation**

THAT COUNCIL receive the Mayor's report for the period 25 June 2024 to 9 July 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

#### Recommendation

THAT COUNCIL receive and note the Chief Executive Officer's report for the period 1 June 2024 to 30 June 2024.

#### Support Attachments

1. CEO Monthly Report – June 2024 [13.1.1.1 - 49 pages]

## 13.2. Investment and Planning

### 13.2.1. Property Leasing and Licencing Policy

<b>File Number</b>	E1533	<b>Responsible Officer</b>	Manager Planning & Environment, Maya Balvonova
<b>Purpose</b>			

To seek Council endorsement of the reviewed and updated Property Leasing and Licencing Policy.

#### Executive Summary

The Property Leasing and Licencing Policy was first implemented in 2017 and outlines the way in which Council administers the granting of leases and licenses for Council controlled land and buildings. The policy applies to Council owned land as well as Crown land where Council is the delegated Committee of Management.

#### Key Issues

The proposed policy updates and changes for each section are described as follows:

#### Policy Statement

Clarification has been added to explain how fees generated through leases and licences will be used to offset maintenance and upgrade costs of community facilities.

#### Definitions

Following feedback from community user groups and Council staff on the existing policy, the following additional definitions have been included:

- Consumer Price Index
- Community Group
- Sponsorship

#### Rent Model

Additional details have been included in the updated policy for the Rent Model formula, application of a Consumer Price Index (CPI) increase, and an updated description of the groups included in each Category for subsidised rental fees.

The Rent Model is based on applying a subsidised percentage of the market value of rent for a property or land. The following matrix details the methodology used to calculate the appropriate fee for each Lessee by allowing for the specific circumstance of individual organisations.

Category	Description	% of Market Value to be Charged
1	Sports and recreation groups who meet two or more of the following criteria: <ul style="list-style-type: none"> <li>• Hold a liquor licence;</li> <li>• Hold a food registration certificate in order to collect revenue;</li> <li>• Hire the facilities for functions/social events;</li> <li>• Charge entry to the premises</li> </ul>	17%
2	Sports and recreation groups who conduct sporting activities for members and guests that do not meet the criteria in categories 1 or 3.	14%
3	Community, sports, and recreation groups that meet the following criteria: <ul style="list-style-type: none"> <li>• Provide a community service; AND</li> <li>• Predominantly volunteer based; AND</li> <li>• Receive external recurrent grant funding;</li> </ul> OR <ul style="list-style-type: none"> <li>• Recurrent sponsorships</li> </ul>	5%
4	Community groups that meet the following criteria: <ul style="list-style-type: none"> <li>• Provide a community service; AND</li> <li>• Are 100% volunteer based; AND</li> <li>• Do not receive external recurrent grant funding;</li> </ul> OR <ul style="list-style-type: none"> <li>• Recurrent sponsorships</li> </ul>	1%
5	Other: Council reserves the right to enter into an agreement and negotiate the terms and conditions, annual rent, and operating subsidy on a case-by-case basis.	Not specified

*Table 1: Summary of community, sports, and recreation groups categories, their descriptions, and the percentage of market value to be charged for each category*

### Engagement and Submissions

Community engagement was open from 17 April to 7 May 2024, with six (6) submissions received. A summary of the submissions is as follows:

Submitter	Submission Comments	Officer Assessment
Delatite Cricket Club	Lack of clarity regarding definition of 'community service'	The Policy has been amended to separate Community, Sports and Recreation Groups into different categories.
	Inconsistency in how Sporting Groups are categorised.	As above.
	Rent Percentage Rates are unfairly high	The Description of the Rent Model details the categories of applicable rent percentages. The amount raised by user fees is less than 10% of the annual cost to Council to maintain the respective facilities.
	A Zero Licence Fee would be preferred	The rent paid enables user groups to contribute towards the ongoing maintenance and upgrade costs of the Council assets, under the terms of their agreement.

Submitter	Submission Comments	Officer Assessment
Friends of Mansfield Library	No explanation of the 'Framework'	The framework outlined in the policy establishes the requirements for Licencees and Lessees to demonstrate community benefit from their use of Council Property or Assets, outlines the methodology for calculating rental payments and sets out reporting requirements.
	'Policy Implementation' would benefit by referencing the associated procedures	The implementation will not require any process changes specifically.
	Support for the proposed Rent Model, Rent Calculation and Application of CPI	Noted
	'Annual Rent' calculation is not clear and they suggested an alternative calculation	Policy has been amended to include the calculation methodology for the Rent Formula.
Mansfield Tennis Association	Policy does not include a definition, or reference to, the Community Asset Committee	The policy doesn't apply to sites operating under a Community Asset Committee as they operate under separate arrangements than those for leases and licences.
MACE	Policy does not include a definition of 'Community Group'	The Policy has been amended to include a definition for Community Group.
Robinson Jui Jitsu	Supportive of the reasonable rent prices	Noted
Anonymous	Uncertainty of the Market Value and CPI Methodology	An explanation of the calculation methodology was provided through the Engage Comments Tool and the Policy has been amended to include the calculation methodology for the Rent Formula.

In response to these submissions, the following changes have been made to the Policy:

- Definition added for 'Community Group'.
- Process for rent review timing included.
- Rent model updated to better define each category for community, sports and recreation groups.
- 'Repairs, Maintenance and Works' subheading added to address an internal audit recommendation to outline Council's high-level approach to establishing building and facility asset maintenance, renewal and upgrade responsibilities.

A copy of the updated tracked changes Policy and community submissions is attached for reference.

## Recommendation

THAT COUNCIL endorse the revised Property Leasing and Licencing Policy 2024.

## Support Attachments

1. Property Leasing and Licensing Policy 2024 [13.2.1.3 - 6 pages]
2. Tracked Changes - Property Leasing and Licensing Policy 2024 [13.2.1.1 - 6 pages]
3. CONFIDENTIAL - Copy of Submissions [13.2.1.2 - 8 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 through Engage Mansfield from 17 April to 7 May 2024 seeking feedback on the draft policy. Six submissions were received for consideration in the final review of the policy. Details on how these submissions were considered have been provided in this report.

### Collaboration

Not Applicable

### Financial Impact

All work to review the policy 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 following policies have been considered in the preparation of this review:

- Township Reserves Policy
- Disposal or Sale of Council Assets Policy
- Child Safe Policy
- Community Engagement Policy
- Fair Access Policy

### 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 7 Financial sustainability and value for money

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

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

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

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

### 13.2.2. Road Management Plan and Register of Public Roads

<b>File Number</b>	E10327	<b>Responsible Officer</b>	Asset Management Officer, Sujita Sharma
<b>Purpose</b>			

To present the final Road Management Plan and Register of Public Roads to Council for adoption following consideration of feedback from deliberative engagement workshops and community submissions. To seek resolutions in relation to requests to include Fern Street, Barwite and the unnamed road off Howqua Track, Merrijig to be included in the Register of Public Roads.

#### Executive Summary

Council has developed and published a Road Management Plan (RMP) in accordance with the *Road Management Act 2004*, which has established a management system for road management functions, based on policy, operational objectives, and available resources.

The *Road Management Act* (the Act) was introduced to reform the law relating to road management in Victoria. The Act outlines the rights and responsibilities of road authorities and road users.

Section 19 of the Act requires Council to create and maintain a Register of Public Roads for which it is the coordinating road authority. The Act also empowers Council to create a Road Management Plan describing how it performs road management functions and duties. These duties apply to the roads that Council has recorded on its Register of Public Roads.

Under Section 17(3) of the Act, the Register of Public Roads must contain any road that Council has determined is reasonably required for general public use. For any road that has been determined to be a public road, Council, as the coordinating road authority, has statutory duties to inspect, maintain and repair the road to the standard specified in the Road Management Plan.

This report recommends adoption of the updated Road Management Plan and the Register of Public Roads.

This report also considers two requests to add roads to the Register of Public Roads, being Fern Street, Barwite and an unnamed road off Howqua Track.

#### Key Issues

The purpose of the Road Management Plan is to:

- Integrate with a Register of Public Roads for which Council is responsible;
- Document a system for the prioritised maintenance of roads and road related infrastructure consistent with the requirements of the Act, while recognising resource limitations;
- Specify intervention levels for routine inspections, maintenance and repair of roads for which Mansfield Shire Council is responsible;

- Detail the system that Council proposes to implement in the discharge of its duty to inspect, maintain and repair public roads for which it is responsible;
- Provide a publicly accessible document for all stakeholders to view.

The Mansfield Shire Council Road Management Plan was last amended in 2020 and was endorsed by Council at the meeting on 23 June 2020. Council's Register of Public Roads was last reviewed and adopted by Council on 22 November 2017 and includes all public roads which Council determined were reasonably required for general public use at that time.

Council officers have conducted a review of the current Road Management Plan, as required under the *Road Management Act 2004* and Regulation 8 of the *Road Management (General) Regulations 2016*, and a review of the Register of Public Roads. As an outcome of these reviews, and a review of the Register of Public Roads, some updates and changes are proposed to both documents.

The regulations require that a report of the review is made publicly available (Regulation 9). Regulation 10 requires that if an amendment to the Road Management Plan "relates to the determination of a standard of construction, inspection, maintenance or repair under Section 41 of the Act", a notice be published in the Government Gazette of the review and proposed changes to the Plan. The proposed amendments must remain available for public submissions for at least 28 days after the publication of the notice in the gazette. This process has been completed.

### **Proposed Changes to the Road Management Plan**

As a consequence of the recent review, changes are proposed to the following sections of the Road Management Plan:

- Section 4.2.1 - Criteria for Including Roads on Council's Register of Public Roads
- Section 5.4 - Department of Energy, Environment and Climate Action (DEECA)
- Section 6.2.1 - Proactive Inspections – Roads
- Section 6.2.5 – Bridges, Floodway's and Major Culverts
- Section 6.2.7 – Grading
- Section 6.2.8 – Resheeting / Resealing
- Section 6.2.9 – Sealing
- Section 6.3 - Condition Inspections
- Table 6.2.3 – Proactive Inspection Paths

The changes are proposed for the following reasons:

- Some sections needed clarification or updating to reflect name changes.
- Clarification of condition inspection intervals to match the current service delivery.
- Clarification of bridge inspection levels.
- Unsealed road grading priorities in the existing Plan have been updated to reflect what can be met with available resources, as changing current service delivery was not warranted. The grading program has been adjusted depending on the traffic volume on each road. This is based on the road classification as specified on the Council Register of Public Roads.
- Footpath vertical displacement intervention levels needed to be adjusted (to require rectification when the displacement is smaller) to better reflect the requirements of a functional footpath.



Attachment 1 “Road Management Plan” provides the updated version of the Plan and is recommended for Council endorsement now that the community engagement process has concluded.

**Proposed Changes to the Register of Public Roads**

An updated Register has been drafted, including all roads from the 2017 Register, with proposed additions. In developing the draft, Council officers considered that all roads registered in subdivisions that have been issued with a Practical Completion certificate, and where title has been transferred to Council are reasonably required for public use (as Council has approved the subdivision and provided engineering requirements). Eleven (11) additional roads have been put forward based on the criteria for adoption specified in the Road Management Plan. Some additions to the Register are due to corrections of road chainages, upgrades due to capital works and correction of anomalies.

Car parks constructed by Council have now also been included. It is noted that some of these car parks predate the 2017 Register of Public Roads but have been identified for inclusion through this review.

The full lists of roads and car parks that Mansfield Shire is responsible for are attached in Attachment 2 “Register of Public Roads” and are recommended for Council endorsement. Attachment 3 “Changes since 2017” provides a list of roads that have been amended/added since 2017 to the Register of Public Roads.

A summary of the length of roads managed by Council is as follows:

Type of Road	Length in Register in 2017	Length in Register in 2024	Additional Length being maintained
Sealed	250.3km	262.6km	12.3km
Unsealed	579.3km	584.9km	5.6km
<b>TOTAL</b>	<b>829.6km</b>	<b>847.5km</b>	<b>17.9km</b>

This demonstrates that Council now manages an additional 17.9 kilometres of road network since the Road Register was last adopted.

Consultation was undertaken to obtain community feedback on the Road Management Plan and Register of Public Roads in late 2023 and early 2024. Two deliberative panel sessions were held with members of the public and Council staff, on 29 November and 30 November 2023. A public online survey regarding the same was open from 20 November to 22 December 2023. A final community workshop was held on 14 February 2024 online and in person with members of the public and Council staff. The updated Road Management Plan and Register of Public Roads were exhibited over the Engage platform from 1 February to 14 March 2024 to allow the community to participate in the online survey and provide feedback. Feedback from the deliberative and community workshops and online survey is summarised below and a community engagement report can be found in Attachment 4.

Council published a notice in the Government Gazette of the review and proposed changes to the Road Management Plan for a period of 28 days from 9 May to 5 June 2024. Submissions

were received from local residents requesting the inclusion of an unnamed track off Howqua Track to the Register of Public Roads. Council officers’ assessment of this request is detailed further below.

**Deliberative Panel and Community Workshop feedback**

The feedback received from the panel members during the workshops is summarised below:

Challenges Identified

- Increasing damage from weather events.
- Rising contractor and material costs.
- Insufficient funding for road maintenance.
- Community understanding of the roads managed by Council and by other authorities.
- Maintenance of major tourist routes.
- Maintenance of roadside drainage.
- Community expectations regarding the maintenance of all components of the road, not just the carriageway.

Opportunities Identified

- Greater resident education, including information on Council’s website about which roads are managed by Council, Department of Transport and Planning and the Department of Energy, Environment and Climate Action. The possibility for a road search function to help residents know who to contact for roads in poor condition.
- To upgrade unsealed roads (based on criteria for prioritisation).

**Online Survey**

Overall, 4 responses were received from the online survey via engage website. The details of the Engage online survey questions and a summary of the feedback responses are attached in Attachment 4 “Final Community Engagement Report”.

A summary of these responses is provided below:

Road	Request	Comments
Monkey Gully Road	Upgrade to sealed as a school bus route.	Council recently re-sheeted both roads as part of our annual resheeting program. We will seek funding opportunities to seal these roads.
Howes Creek Road	Upgrade to sealed as a school bus route.	
Kidston Parade South Side	Upgrade to sealed.	Council is looking to have the costs of sealing this part of Kidston Parade funded through the development of adjoining land rather than using ratepayers’ funds.
Old Howqua Track	Include on the road register and put it on a grading schedule.	This is an Unnamed Track off Howqua Track providing rear access to the properties along Wild Dog Road. The track is not listed on the Register of Public Roads as a new road (Howqua Track) was formed

		and is listed on the Register. The Register of Public Roads was established in 2004. Council officers have investigated the track following a site visit with the residents. Further assessment of this request is detailed below.
Walshs Road, Goughs Bay	Upgrade to sealed as highly travelled by tourists and campers.	Opportunities to fund the Council managed portion of this road will be investigated.

**Requests for Roads to be added on the Register of Public Roads**

The Register of Public Roads lists all roads to be maintained by Council. Standard criteria, defined in the RMP, are used to assess whether a section of road is reasonably required for general public use and should therefore be included on the Register of Public Roads. The register provides four classes of assets for roads as follows:

Road Hierarchy	Description	Maintenance Standards
1 – Link	Provides a link between major roads and regions and between significant population centres and major traffic generators such as residential, industrial and commercial nodes.	Graded at least once per grading season.
2 – Collector	Provides a route between, and through residential, industrial, commercial, agricultural, tourist and forest traffic nodes and the link and/or declared Road network.	Graded at least once per grading season.
3 - Access	Provides direct access for abutting residential, industrial, commercial properties and connects into the link, collector or declared Road network. There is minimal to no through traffic. Parking areas, including on-street and off-street parking are included as part of this Road class.	High traffic (>=50 light vehicles per day) graded once per grading season Low traffic (<50 light vehicles per day) graded once every two years, or twice on an “as-required basis” only.
4 – Limited Access	A rural or urban access track, providing access for agricultural purposes, fire and/or maintenance vehicles. This category of Road is typically unformed with nominal pavement, unsealed and considered a dry weather Road where seasonal closures may apply.	Graded once every two years, or twice on an “as-required basis” only.

Council has received requests for Fern Street and the unnamed track off Howqua Track to be upgraded and added to the Register of Public Roads. Prior to putting these requests to a council meeting for a decision, Council officers have sought input from the residents that would benefit from the inclusion as to any financial contributions they may be willing to make to the

upgrades required. Details on the requests for the roads to be added, assessment of the criteria set out in the Road Management Plan and residents' willingness to contribute are as follows:

### 1. Fern Street, Barwite

The property owner at 35 Fern Street, Barwite has requested to have the road upgraded and added to the Register of Public Roads for ongoing maintenance. The road provides access to two properties, 35 Fern Street and 560 Old Tolmie Road. It is noted that 560 Old Tolmie Road has frontage to Old Tolmie Road but does use Fern Street to access their dwelling. The property at 35 Fern Street has developed extensive gardens and invites people to visit the property through the open gardens program. Their request is based on the traffic that the open garden generates on the road. The property owner has advised that they do charge a small fee for people visiting the garden, part of which goes to the open garden committee. The property does not have access to their dwelling from a road on the road register.

Council has approached both the owners at Fern Street to request a contribution or part-payment towards the upgrade costs. The road in question is as identified on Figure 1 below:



Figure 1: Fern Street, Barwite

The following criteria is used to assess whether a section of *Road* is “reasonably required for general public use” and should therefore be included on Council’s Register of Public Roads.

Requirement	Assessment
<b>Mandatory</b>	
Whether the road is reasonably required for general public use.	The road provides vehicular access to two dwellings and is used to provide access to an open garden regularly held at 35 Fern Street.
<b>Non-Mandatory</b>	
Minimum of three (3) separately owned and occupied properties abutting the road.	Two properties are accessed via Fern Street. One has no other possible access and is used by public to access the open garden regularly at 35 Fern Street once a year.
Whether the properties abutting the road have alternative access right.	One property can access their property from Old Tolmie Road but has primary access from Fern Street.  One property has no alternative access.
Whether the road connects into, and forms part of, the wider network of public roads.	The road connects to Old Tolmie Road which is included in the Register of Public Roads.
Whether the road contains assets owned or managed by public service authorities.	There are existing low powerlines in the road reserve.
Whether the road is safe for public access.	The road alignment is considered reasonable for public access.
Whether the road is built to Council standards.	The road would require upgrade works to be considered to meet Council standards.
Whether landowners in abutting properties will contribute financially to upgrading the Road to Council standards.	The abutting landowner at 35 Fern Street is willing to contribute \$5,000 to the upgrade.

In this case, the road is considered “reasonably required for general public use” as it does meet the criteria. Therefore, Council officers do consider it appropriate to recommend its addition to the Register of Public Roads.

The estimated cost of the construction of the road to Council’s standard is outlined in the table below. This is an estimate of the costs for Council’s Field Services team to upgrade the road to a low traffic Access Road (<50 vpd), which would require maintenance grading every two years, or twice on an “as-required basis only”. As this road would provide access to two dwellings, it is considered that access would need to be maintained year-round, and, as such, Limited Access would not be appropriate.

Item	Length (m)	Estimated Cost
Resheeting existing gravel road with 40mm crushed rock	370	\$10,545
Supply and Installation of Culvert	-	\$1,500
Grading of road and installation of roadside drainage is estimated to require 1 day for the grading crew and 1 day for the water cart, roller and grader.	-	\$4,608 (Included in Council's existing Budget)
<b>Total Cost for Upgrade</b>		<b>\$12,045</b>
Less property owner contribution		(\$5,000)
<b>Approximate Council Contribution for upgrade works</b>		<b>\$7,045</b>

**Unnamed Track off Howqua Track, Merrijig**

Several property owners on Wild Dog Road, Merrijig have requested to add the Unnamed Track off Howqua Track to the Register of Public Roads because it serves as a rear exit from Geelong Grammar School Timbertop Campus and provides alternative access to properties along Wild Dog Rd. It is noted that all properties have access from Wild Dog Road that is already maintained by Council.

The initial request was made to Council by the property owner of 146 Wild Dog Rd as part of the Road Management Plan and Register of Public Roads engagement process in December 2023, followed by requests from other property owners in February 2024 to add the unnamed track to the Register of Public Roads. Out of the seven (7) properties, one (1) has access to the rear of the property directly via Howqua Track. The road in question is as identified on Figure 2 below:

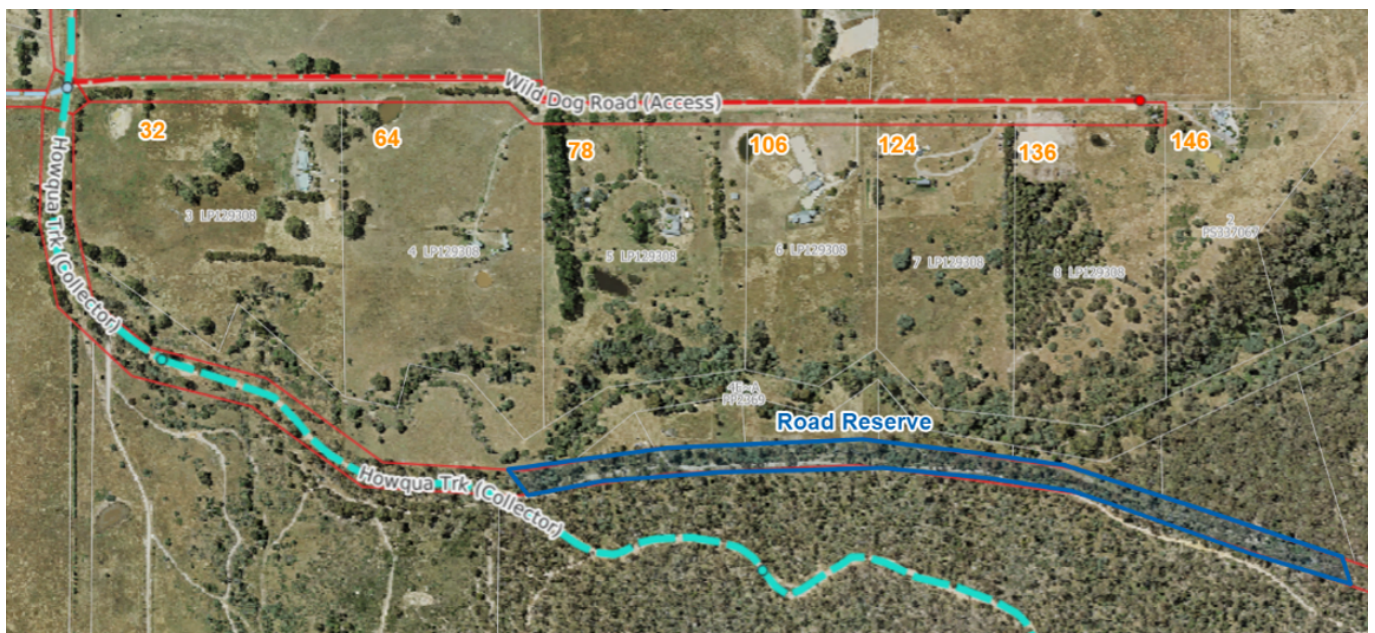


Figure 2: Unnamed Track off Howqua Track

Council officers met with local residents on site on 12 April to further investigate the matter. The unnamed track serves as a rear access to the properties along Wild Dog Road. The track was requested for inclusion in the Road Register for the following reasons:

- To maintain the fence line at the rear to retain livestock.

- Given the topography and crossing by a creek for some properties, residents rely on this track to access the rear section of their properties.

There is no record that Council has maintained this unnamed track. Council officers believe that the track was originally created by the logging industry and was probably graded by Department of Natural Resources and the Environment (DNRE) or Department of Sustainability (DSE) in the past. DNRE or DSE are predecessors of Department of Energy, Environment and Climate Action (DEECA). They no longer undertake any work on this track.

The track is not currently listed on the Road Register. The concept of the Road Register dates from the *Road Management Act 2004*. The earliest Road Register is from 2006 created in August 2007, noted as Road Register 2006. There is no record of either “Old Howqua Track” or an unnamed track in that vicinity on that register.

The track has existed in VicMaps since at least 2000. It is not managed by DEECA. It has a Vehicle Access Code of 4 – “No Vehicular Access”, and a class code of 9 – “TRAIL, Not designed for vehicular traffic.”

The unnamed track does exist largely on a Government Road Reserve. These government road reserves (which have no title) are best described as the gaps between crown allotments, and typically date from original survey (but were intended to carry roads). The earliest records are from around 1870 and suggest that the reserve existed before then. Aerial photography from 1959 suggests that this unnamed track was the original route of Howqua Track. However, a 1974 topographic map shows the current route of the Howqua Track, and so the old route probably stopped being used between 1960 and 1974. The unnamed track is not officially named in the State Government Map site, VicMaps.

### **Letter sent to residents**

On 20 May, Council officers sent letters to seven residents of Wild Dog Road seeking input on whether the owners would be willing to contribute financially if Council decides to add the track to the Road Register. Council officers received responses from three owners, stating they would not contribute financially to the upgrade of the track and requesting upgrade of the road and the addition of the track to the Road Register be undertaken by, and funded by Council. Council officers received no response from three property owners and not all responses received by Council were in favour of adding the track on the register.

Council also approached Geelong Grammar School regarding potential financial contributions towards the track upgrade should Council decide to add the track to the Road Register. Geelong Grammar School have advised they would be willing to contribute \$1,000 to the upgrade works, but with a condition that signage be placed on the road to identify it is a dead-end road, and that hunting was not allowed.

A summary of queries received as part of the submission along with Council’s response is tabulated below. The submitter has been provided with the below response:

Queries	Council’s response
<p>Could Council please advise why our section of Howqua Road to Wild Dog Road is the ONLY ROAD from Fire Management Plan's - Fuel Reduction Corridor Roads list, not on Shires Asset Register - of Public Roads?</p>	<p>The Municipal Fire Management plan (MFMP) is a sub plan of the Municipal Emergency Management Plan. The purpose of the MFMP is to implement measures designed to minimise the occurrence and mitigate the effects of bushfires. It is not for management of roads for access to private property but to allow for fire management activities.</p> <p>The list you are referring to is a list of roads where the plan allows the local fire brigade to undertake fuel reduction works as they feel necessary, normally identified in the prevention plans. This list refers to “Howqua Track to Wild Dog Road”, which is the section of land along Howqua Track, not the road reserve you are referring to. Howqua Track is on Council’s Register of Public Roads.</p>
<p>Could Council please advise why our section of the Road (Old/Howqua Road/Track) was not graded last fortnight as part of the Shire's Fire Management Works Program?</p>	<p>Council undertakes maintenance on roads within the Register of Public Roads as outlined in the Road Management Plan. The section of road you are referring to is not on the Register of Public Roads.</p>
<p>Could the council please advise when the section of the Old/Howqua Road/Track servicing the rear of our properties and the subject of the onsite visit and inspection by CEO and Shire Engineers on 12/4/24 will be graded as part of this road's ongoing maintenance program?</p>	<p>Council undertakes maintenance on roads within the Register of Public Roads as outlined in the Road Management Plan. The section of road you are referring to is not on the Register of Public Roads and will not be graded as part of the ongoing maintenance program. Consideration of adding a road to the Register is subject to a decision of Council.</p>

The following criteria is used to assess whether a section of *Road* is “reasonably required for general public use” and should therefore be included on Council’s Register of Public Roads.

Requirement	Assessment
<b>Mandatory</b>	
<p>Whether the road is reasonably required for general public use.</p>	<p>The road provides vehicular access to no dwellings but provides access to the rear of a 5 properties and alternate access to Geelong Grammar School.</p>
<b>Non-Mandatory</b>	
<p>Minimum of three (3) separately owned and occupied properties abutting the road.</p>	<p>The unnamed track provides vehicular access to no dwellings but provides access to the rear of 5 properties and alternate access to Geelong Grammar School.</p>



Requirement	Assessment
Whether the properties abutting the road have alternative access right.	All properties have alternative access from Wild Dog Road, but some have limited access to the rear of their properties where they are transected by the waterway.
Whether the road connects into, and forms part of, the wider network of public roads.	The road connects to Howqua Track which is included in the Register of Public Roads.
Whether the road contains assets owned or managed by public service authorities.	There are no services located in the road reserve.
Whether the road is safe for public access.	The road alignment is considered reasonable for public access.
Whether the road is built to Council standards.	The road would require upgrade works to be considered to meet Council standards.
Whether landowners in abutting properties will contribute financially to upgrading the Road to Council standards.	No contribution from property owners, but Geelong Grammar School are willing to contribute \$1,000 subject to the road being a No Through Road with “No Hunting” signs.

In this case, the road is not considered “reasonably required for general public use” as it does not meet the criteria as all properties have an alternate access from a road already on the Register of Public Roads. Therefore, Council officers do not consider it appropriate to recommend its addition to the Register of Public Roads.

The estimated cost of the construction of the track to Council’s standard is outlined in the table below. As this road would not provide access to any dwellings, it is considered that access would not necessarily need to be maintained year-round, and, as such, Limited Access would be appropriate. This is an estimate of the costs for Council’s Field Services team to upgrade the track to a Limited Access Road, which would require maintenance grading to be undertaken every two years. The cost below is to maintain the track finishing at the gate to Geelong Grammar School. The gate is placed at the end of the property at 146 Wild Dog Rd.

Item	Length	Estimated Cost
Maintenance formation grade 0-700m + Resheeting from 700m -1200m: 500T 40mm Class 4 crushed rock required	1200m	\$15,000
Culvert to be placed at 300m and 560m (375mm)		\$3,000
Existing culvert cleaning / jetting, labour to place, spread and compact		\$5,220
<b>Cost for Road Construction Works</b>		<b>\$23,220</b>
Cost for vegetation management for envelope clearing		\$2,500
<b>Total Cost of Upgrade works</b>		<b>\$25,720</b>
Less contribution from Geelong Grammar School		\$1,000
<b>Approximate Costs to Council of Upgrade works</b>		<b>\$24,720</b>

## Recommendation

### THAT COUNCIL:

1. Adopts the updated Road Management Plan.
2. Adopts the updated Register of Public Roads.
3. Allocates appropriate funds, less the landowner contribution, to upgrade Fern Street to Council's standard as specified in the Road Management Plan.
4. Declares Fern Street to be a public highway under Section 204(1) of the *Local Government Act 1989*
5. Approves the inclusion of Fern Street on the Register of Public Roads.
6. Does not approve the declaration of the unnamed track off Howqua Track as a public highway, or its inclusion on the Register of Public Roads.

## Support Attachments

1. Road Management Plan 2024 [13.2.2.1 - 30 pages]
2. Register of Public Roads - June 2024 [13.2.2.2 - 20 pages]
3. Changes since 2017 [13.2.2.3 - 2 pages]
4. Community Engagement Report [13.2.2.4 - 5 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 by several rounds of engagement including deliberative sessions, online survey submissions, a letter to residents inviting them to the deliberative sessions and community workshop, along with public exhibition for 28 days via the Engage platform. A notice has also been published in the Government Gazette of the review and proposed changes to the Road Management Plan for a period of 28 days. Feedback from these engagements has been crucial in shaping the final version of the Road Management Plan and Register of Public Roads.

Although there is not a requirement for public consultation on additions of roads to the Register, and the changes proposed to the Road Management Plan are generally for clarification or to reflect current service delivery levels, the effective management and maintenance of roads is important to the Mansfield Shire community (as demonstrated by Community Satisfaction Survey feedback).

Both the Road Management Plan and the Register of Public Roads have been exhibited for public feedback and the feedback has been assessed prior to recommendation for formal adoption by the Council.

### Collaboration

Not Applicable

### Financial Impact

All work to update the Road Management Plan and Register of Public Roads has been undertaken internally by Council Officers within existing staff resources.

The Road Management Plan provides a structure for Council to balance road maintenance resources against public need. As such, the review has not recommended ambitious increases in road management, but instead improvements and clarifications that are manageable within Council's existing resources.

Any decision to add roads to the Register of Public Roads can have the effect of diluting the available funds and resources to maintain all public roads and must be carefully considered against the criteria developed to assist in identifying roads that may be reasonably required for inclusion, as outlined in the Road Management Plan.

Any roads added to the Register of Public Roads will require inspection, maintenance and repair. This does impose some extra demand on Field Services resources. The total length of additional sealed roads is 12.3 km (for a total of 263 km). The total length of additional unsealed roads is 5.6 km (for a total of 585 km). It is considered that the additional roads can be managed within existing Field Services resources.

### **Legal and Risk Implications**

There is potential for reputational risk if roads are not maintained and renewed and plans not implemented in line with community expectations. Council has transparently and actively engaged with the community during preparation of the updated Road Management Plan to obtain feedback on the proposed plan.

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

Section 19 of the *Road Management Act 2004* requires Council to create and maintain a Register of Public Roads for which it is the coordinating road authority. The Act also empowers Council to create a Road Management Plan describing how it performs road management functions and duties. These duties apply to the roads that Council has recorded on its Register of Public Roads.

Under Section 17(3) of the Act, the Register of Public Roads must contain any road that Council has determined is reasonably required for general public use. For any road that has been determined to be a public road, Council, as the coordinating road authority, has statutory duties to inspect, maintain and repair the road to the standard specified in the Road Management Plan.

### **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 3.3 Improve roads, drainage and footpaths.

The Road Management Plan Guides Council in the management and maintenance of roads under its control. Identification of roads as "reasonably required for public use" ensures that Strategy 3.3 directs resources adequately.

### **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. P011/24 - 434 Buttercup Road Merrijig

<b>File Number</b>	DA23 P011/24	<b>Responsible Officer</b>	Coordinator Statutory Planning, Nicole Embling
<b>Purpose</b>			

This report seeks Council’s determination of planning permit application P011/24, lodged for a two (2) lot subdivision and change of use to two (2) Permanent Dwellings. This application is being referred to Council for determination as Councillors have ‘called up the application’ and the Officer recommendation is to issue a notice of decision to refuse to grant a permit.

<b>Executive Summary</b>	
<i>Application Details</i>	
<b>APPLICANT</b>	Mary Dunn
<b>PROPOSAL</b>	Two (2) lot subdivision and change of use to two (2) Permanent Dwellings
<b>APPLICATION LODGED</b>	25 January 2024
<b>NOTICE AND SUBMISSIONS</b>	Notices sent to nineteen (19) Owners/Occupiers of surrounding properties (6 to 27 March 2024). Notice on site - Yes Two (2) objections were received.
<i>Property Details</i>	
<b>PROPERTY ADDRESS</b>	434 Buttercup Road, Merrijig
<b>LAND DESCRIPTION</b>	Crown Allotment 33 Parish of Merrijig, TP360590
<b>RESTRICTIVE COVENANTS</b>	Nil
<b>LAND AREA</b>	Approximately 8.67ha
<b>EXISTING USE</b>	Dwelling, two Cottages used for Tourist (Group) Accommodation, and associated domestic-style agricultural activities
<i>Planning Provisions</i>	
<b>ZONE</b>	Clause 35.07 Farming Zone
<b>OVERLAYS</b>	Clause 42.01 - Environmental Significance Overlay (ESO2), Schedule 2 – Catchments at Medium Risk of Water Quality Impacts Clause 42.03 - Significant Landscape Overlay (SLO1), Schedule 1 – Alpine Approach Significant Landscape Area
<b>MUNICIPAL PLANNING STRATEGY</b>	Clause 02.03-1 – Settlement Clause 02.03-2 – Environmental and Landscape Values Clause 02.03-4 – Natural resource management Clause 02.03-3 – Environmental Risks and Amenity Clause 02.03-6 – Housing Clause 02.03-7 – Economic development

<b>PLANNING POLICY FRAMEWORK</b>	Clause 13.02-1S – Bushfire Planning Clause 14.01-1S – Protection of Agricultural Land Clause 14.01-1L – Dwellings and Subdivisions in Rural Areas Clause 14.01-2S – Sustainable Agricultural Land Use Clause 14.02-1S – Catchment Planning and Management Clause 14.02.1L - Catchment Planning and Management Clause 14.02-2S – Water quality Clause 15.03-2S – Aboriginal Cultural Heritage Clause 16.01-3S – Rural Residential Development
<b>PARTICULAR PROVISIONS</b>	Nil
<i>Permit Triggers</i>	
<b>FARMING ZONE</b>	Clause 35.07-1 – A permit is required to use land for two (2) dwellings on a lot less than 40 hectares. Clause 35.07-3 – A permit is required to subdivide land.
<b>ENVIRONMENTAL SIGNIFICANCE OVERLAY (ESO2)</b>	Clause 42.01-2 – A permit is required to subdivide land.
<i>Other</i>	
<b>CULTURAL SENSITIVITY</b>	The subject land is partially located in an area of aboriginal cultural heritage sensitivity. However, the proposal for a two lot subdivision and change of use for two dwellings is exempt from the requirements of obtaining a Cultural Heritage Management Plan.

The permit applicant, Mary Dunn, seeks approval for a two (2) lot subdivision and change of use (existing Group Accommodation Cottages) to two (2) Permanent Dwellings on the land at 434 Buttercup Road, Merrijig (Crown Allotment 33 Parish of Merrijig).

### Subject Land

The subject land is 434 Buttercup Road, Merrijig, located approximately 2.5 kilometres to the North of Merrijig township.

The land is triangular shaped and has an area of approximately 8.67 hectares with frontage to three roads, Buttercup Road, Purcells Road and School Lane. The property has a primary frontage to the north side along Buttercup Road, serviced by an existing vehicle crossover. There is another gate towards the south boundary along Purcells Road. The property has access to reticulated electricity and has existing onsite potable water and wastewater treatment infrastructure.

The majority of vegetation on the site is clustered around the dwelling, cottages, and along the boundaries adjacent to Buttercup and Purcells Road. There are limited waterways near the site, mostly confined to neighboring lots. Additionally, a single dam is located in the southeast corner of the lot; however, it is not connected to any registered waterways.



Figure 1: Aerial of the Subject Land

The site and its surrounding lots are in the Farming Zone and the Environmental Significance Overlay, Schedule 2 and Significant Landscape Overlay, Schedule 1 apply. The surrounding properties are characterised by existing small lots mostly developed with single dwellings and used for light agriculture, lifestyle properties, and some tourist accommodation. There is limited large-scale broad acre farming in the immediate surrounds. The map below (Figure 2) demonstrates the existing parcel boundaries surrounding and the concentration of dwellings.



Figure 2: Site and surrounds, yellow icons denote existing Dwellings

## History of the Land

In 1997 the Shire of Delatite issued two Planning Permits for the subject land P096/0119 and P097/0119 which allowed the construction of the existing Dwelling and Two Cabins [Cottages]. The development was completed in accordance with the permits, and since their completion, the dwelling has been used as a permanent residence and the two cabins for short-term tourist accommodation, advertised as Blue Gum Ridge Cottages.

## Proposal

The proposal is to excise the existing main dwelling from the balance of the land which contains two (2) existing cottages, currently used for short-term accommodation.

The proposal will create two lots as follows:

### Proposed Lot 1

- Proposed lot area 4.43 ha
- Existing access from Buttercup Road
- Will consist of the existing primary dwelling and the associated outbuildings towards the north-east corner of the lot

### Proposed Lot 2

- Proposed lot area 4.27 ha
- Proposed new access from Purcells Road
- Will retain the two existing Cottages onsite and dam



Figure 3: Proposed Plan of Subdivision

Change of Use

The proposed change of use relates only to the two existing cottages, which are proposed to become permanent dwellings, being two dwellings on a small lot in the Farming Zone.

Farm Management Plan

A Farm Management Plan was provided by the applicant that details the existing native vegetation, weed species and mentions that the creation of a new driveway and dam on the property are unlikely to have a significant impact on any of the native vegetation.

Further actions proposed by the farm management plan include improvements for the existing pastures on the property, and the protection and enhancement of large old trees on the property.

**Referral Authorities**

Referral Authority	Type of Referral	Response
Goulburn Murray Water (GMW) Clause 66.02-5	Section 55 - Determining	No objection, subject to conditions being placed on any permit issued.
Councils Environmental Health Team	For Comment	Conditional consent.
Council's Engineering Team	For Comment	Conditional consent.

**Public Notice**

Advertising was carried out in accordance with the requirements of the *Planning and Environment Act* including Public Notice being sent to nineteen (19) owners and occupiers of the adjoining and nearby properties, and a sign onsite for the period of 6 to 27 March 2024.

Following the public notice period a total of two (2) objections were received, in summary the objections relate to:

- Change in Land Use is not appropriate in the Farming Zone
- Subdivision would restrict future farming use of the land
- Potential implications to native vegetation
- Proposal does not comply with the Planning Scheme, relating to Small Second Dwellings
- The application has not addressed all relevant sections of the Mansfield Planning Scheme.

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

Copies of the Objections were given to the permit applicant who provided a written response.

The applicant specified that the Planning Application is not prohibited under the relevant provisions of the Planning Scheme and that it is a reasonable proposal considering that there are multiple smaller lots and small farming enterprises in the surrounding area [see Figure 2 above].

Additionally, the permit applicant agrees with the objectors that the native vegetation on the lot requires protection, and they support any council requirements [conditions on any permit issued].



**Key Issues**

**Consideration of Objections**

<b>Objection</b>	<b>Applicant Response</b>	<b>Officer Comment</b>
<b>Change in use is not appropriate in the Farming Zone</b>	<i>As is evident along Buttercup Road, there are a significant number of smaller lots, all within the Farming Zone. The Subject Land, like many of these smaller lots, supports a small farming enterprise, which can continue on each of the newly created lot and does not require a change to the zoning.</i>	<p>The proposal for the change of use of the two existing Cottages approved for tourist/group accommodation requires assessment against the relevant local and state planning policies and the decision guidelines of the Farming Zone, which has been included in the Assessment Against the Planning Scheme, as attached.</p> <p>Overall, it is considered that the change of use is not suitably justified in relation to agricultural activities on the land and has not been supported by a relevant justification for the need for permanent residences.</p>
<b>Subdivision does not align with the Farming Zone</b>	<i>As is evident along Buttercup Road, there are a significant number of smaller lots, all within the Farming Zone. The Subject Land, like many of these smaller lots, supports a small farming enterprise, which can continue on each of the newly created lot and does not require a change to the zoning.</i>	<p>The proposed subdivision to create two lots, both about 4.5ha, does not align with the decision guidelines of the Farming Zone which relate to supporting and enhancing agricultural uses and deterring loss and fragmentation of farming land.</p>
<b>Subdivision is prohibited in the Farming Zone to create a lot for a Small Second Dwelling</b>	<i>The two cottages on the Subject Land are not classed as a Small Second Dwelling. Both cottages have approvals as group accommodation. The above application for subdivision is therefore not prohibited under the relevant provisions of the Planning Scheme.</i>	<p>The proposal includes a change of use for the two existing tourist accommodation Cottages to become Permanent Dwellings, the application does not include any proposal for a Small Second Dwelling, as defined in the Planning Scheme.</p> <p>It is acknowledged that an application for subdivision of a Small Second Dwelling is prohibited, however, that is not relevant to this application.</p> <p>This application is not prohibited as Clause 35.07-3 Subdivision (Farming Zone) states: <i>A permit may be granted to create smaller lots if... the subdivision is to create a lot for an existing dwelling. The subdivision must be a two-lot subdivision.</i></p>
<b>Existing Permit for Cottages was under condition for their use for Tourism</b>		<p>As previously mentioned regarding the History of the Land, planning permits issued in 1997 approved the two Cottages for tourist accommodation. Those permits do not include any specific requirements which would restrict a future planning permit considering an alternative use for the building.</p>

Objection	Applicant Response	Officer Comment
		However, any proposed change of use is required to be assessed against the state and local provisions of the Mansfield Planning Scheme.
<b>Proposal would be more suited to a Rural Living or Residential area</b>	<i>The Subject Land, like many of these smaller lots, supports a small farming enterprise, which can continue on each of the newly created lot and does not require a change to the zoning.</i>	The proposed creation of two lots of approximately 4.5ha each would meet the minimum lot size of the Rural Living Zone however, this is not a consideration of the application as the subject land is in the Farming Zone and re-zoning of the land is not a part of the application or is there any reasonable justification for consideration of a re-zoning.
<b>Application has not addressed all relevant sections of the Planning Scheme</b>		The documentation submitted as part of the application included a general response to the Mansfield Planning Scheme sufficient to enable an Officer Assessment of the application. A 'complete' response to the specific policies of the Planning Scheme is not a mandatory requirement for a planning permit.

**Officer Assessment**

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

Legacy of existing development pattern

The Buttercup Road area, as demonstrated in Figure 2, is developed in a form with undersized lots (significantly less than 40ha) and dwellings used for residential and tourist accommodation purposes. The history of approvals generally pre-dates the current Farming Zone and relevant local and state policies which aim to prevent fragmentation of land and direct development to specific growth areas.

It is acknowledged that Merrijig is considered a high-demand area for rural-living type development with its proximity to Mt Buller and Mt Stirling, and with significant views, hence its inclusion in the Significant Landscape Overlay. The demand, however, is not a suitable reason to encourage further fragmentation and to increase residential land uses in this area. The subject land is an existing undersized lot in the Farming Zone established with a dwelling and two Cottages, which are being used for tourist accommodation, it is considered that the existing use and development of the land is consistent with the surrounding land uses and does not pose any great risk in regard to land use conflict. However, the proposed change of use and subdivision would increase the number of permanent residents on the land and divide the useable land for any agricultural purposes. Creating two parcels of land at approximately 4.5ha each greatly limits the ability for sustainable agricultural land practices.

The legacy of previous approvals should not influence further fragmentation of land and allow further intensity of residential land uses.

### Removal of Tourism

The proposal for the change of use to permanent dwellings would remove an existing tourist accommodation asset from the highly sought after Merrijig location. This property has direct access to Merrijig Township via School Lane and is approximately 30 minutes' drive from Mt Buller. The Blue Gum Ridge Cottages accommodation website currently states that they are no longer accepting bookings, however, boasts about the activities in the area, including hiking and walking, down-hill and cross-country skiing, mountain and trail bike riding, fishing, water sports, and horse riding.

Mansfield Shire is in a popular tourist region and the proposal to remove two established short-term holiday accommodation options does not align with the strategic directions of the Planning Scheme.

### Future development potential

Should the proposal be approved, it is unknown as to how the future use of the land would be managed, especially should the land be sold. It is relevant to consider future use of the existing Cottages as permanent dwellings, each currently one-bedroom and relatively small. Given the unusual layout in respect to 'normal dwellings' further extensions to these Cottages could be expected and then would likely increase the residential land use and number of permanent residents on the land.

### Conclusion

Having assessed the application against the relevant clauses of the Mansfield Planning Scheme, it is considered that the subdivision fails to find support in numerous state and local policies; as well as the Farming Zone purposes and relevant decision guidelines. The proposal represents an outcome that planning policy in the Mansfield Planning Scheme explicitly seeks to discourage. If this proposal is supported the result would further fragment land in the Farming Zone.

The application is therefore recommended for refusal.

### **Recommendation**

THAT COUNCIL resolves to issue a **Notice of Decision to Refuse to Grant a Permit** for Planning Permit Application P011/24 for a two (2) lot subdivision and change of use to two (2) Permanent Dwellings on Crown Allotment 33 Parish of Merrijig, commonly addressed as 434 Buttercup Road, Merrijig, for the following reasons:

1. The proposal is inconsistent with the Municipal Planning Strategy in relation to agricultural land, specifically Clause 02.03-4, which seeks to avoid fragmentation of productive agricultural land and ensure that land holdings remain a viable size for agricultural production without creating expectation of rural lifestyle land use in the Farming Zone. The proposal would:
  - a. Create two excessively large house lots with proposed Lot 2 containing two dwellings; and
  - b. Fails to protect potential productive agricultural land on the site and surrounding area from land fragmentation and incompatible use and development;
2. The proposal is inconsistent with the Planning Policy Framework in relation to agricultural land and rural subdivision/development, specifically Clauses 14.01-2S and

16.01-3S, which aim to manage subdivision and development in rural areas to protect and enhance agriculture and avoid fragmentation of productive agricultural land. The proposed subdivision and change of use further fragment land and encourage rural-living type development in a farming area.

3. The proposal is inconsistent with Planning Policy at Clauses 14.01-1S and 14.01-1L of the Scheme, as it:
  - a. Is not required to support agricultural use of the land;
  - b. Will further intensify small lots in the area and could result in a loss of rural character;
  - c. Reduces the long-term viability of rural production in the area by way of creating a rural-residential parcels in an active Farming Zone area; and
  - d. Creates two parcels of land which are far below the minimum 40ha lot size as required by the Farming Zone (and well in excess of the 2ha envisaged in this clause);
4. The proposal is inconsistent with the purpose and decision guidelines of the Farming Zone, which seeks to encourage the retention of productive agricultural land and to ensure that non-agricultural uses do not adversely affect the use of land for agriculture. The proposed subdivision could lead to the concentration and proliferation of dwellings in the area, with impacts on existing agricultural activities, and provides no agricultural benefit to the land and surrounding area, contrary to the decision guidelines of the zone.

### Support Attachments

1. Assessment against Planning Scheme [13.2.3.1 - 20 pages]
2. Application Documents [13.2.3.2 - 61 pages]
3. CONFIDENTIAL - Copy of Objections [13.2.3.3 - 3 pages]
4. CONFIDENTIAL - Applicant response to Objections [13.2.3.4 - 1 page]

## 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 agricultural land use, with the requirement to make the subdivision as sustainable as possible within the current legislation.

### Community Engagement

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

### Collaboration

Not Applicable

### Financial Impact

The application has been assessed within existing Council resources in the Statutory Planning Department. An application fee of \$1,415.10 was received for the application. An advertising fee of \$160.65 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 Refuse to a Grant a Permit be issued, the permit applicant may seek a review of this decision at the Victorian Civil and Administrative Tribunal (VCAT). If Council determines to issue a Notice of Decision to Grant a Permit the Submitters (Objectors) may seek a review of Councils Decision at the VCAT, or the permit applicant may seek a review at the VCAT of any conditions placed on the permit.

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

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

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

- Strategy 3.1 Protect natural vistas and farmland

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. Equal Opportunity and Human Rights Policy

<b>File Number</b>	E1533	<b>Responsible Officer</b>	Executive Manager People, Communications & Governance, Janique Snyder
<b>Purpose</b>			

To seek Council endorsement of the revised Equal Opportunity and Human Rights Policy.

#### Executive Summary

The Equal Opportunity & Human Rights Policy, first implemented in 2002, confirms Council’s commitment to considering and respecting human rights when making decisions that impact people and the community while at the same time ensuring compatibility and compliance with the Charter of Human Rights and Responsibilities Act 2006.

#### Key Issues

A review of the Equal Opportunity and Human Rights Policy has been completed and a revised and updated Policy has been developed with minor changes. A tracked changes copy of the revised Policy is attached for reference. Following consideration by Council, community notification of the updated policy will be undertaken through Mansfield Matters and Council’s website.

#### Recommendation

THAT COUNCIL endorse the Equal Opportunity and Human Rights Policy 2024.

#### Support Attachments

1. Equal Opportunity and Human Rights Policy 2024 [13.4.1.1 - 7 pages]
2. Tracked Changes - Equal Opportunity and Human Rights Policy 2024 [13.4.1.2 - 7 pages]

### Considerations and Implications of Recommendation

#### Sustainability Implications

Not Applicable

#### Community Engagement

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

#### 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**

The policy aims to minimise risks of potential legal proceedings and to ensure Council is a workplace which promotes equality before the law for all persons.

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

The Equal Opportunity and Human Rights Policy addresses the Charter of Human Rights and Responsibilities Act 2006.

## **Innovation and Continuous Improvement**

Not Applicable.

## **Alignment to Council Plan**

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

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

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

### 13.3.2. LG Community Satisfaction Survey 2024

<b>File Number</b>	E392	<b>Recommending Officer</b>	Coordinator Communications, Governance & Risk, Tanya Tabone
<b>Purpose</b>			

This report presents the Community Satisfaction Survey 2024 results for Mansfield Shire to Council.

#### Executive Summary

Each year Local Government Victoria (LGV) commissions a Community Satisfaction Survey (CSS) across the local government sector. All Victorian councils are encouraged to participate with 62 of the 79 councils participating in 2024, including Mansfield Shire Council.

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

The Community Satisfaction 2024 survey asked a range of core questions (used for all councils), optional questions (selected by councils on an “opt in” basis) and includes the ability to add tailored, local issues of individual council’s choice. The questions in this year’s survey were identical to those used for Mansfield Shire in 2023.

400 participants were surveyed during the period 29 January 2024 to 18 March 2024 with 239 respondents from Mansfield and 161 respondents from outlying communities.

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

- Previous years (2015 - 2023)
- State-wide average
- Small rural council group average

The report also provides detail of the results by age and gender demographics. All scores in the survey are out of 100.

Councils who were part of the 2024 Small Rural group were:

- Alpine, Ararat, Benalla, Buloke, Central Goldfields, Gannawarra, Hepburn, Hindmarsh, Indigo, Loddon, Mansfield, Murrindindi, Northern Grampians, Pyrenees, Queenscliffe, Strathbogie, West Wimmera and Yarriambiack.

#### Key Issues

Mansfield Shire Council’s overall performance continues to rate statistically significantly higher (at the 95% confidence interval) than both the State-wide and Small Rural group council averages (index scores of 54 and 53 respectively), despite a general State-wide decline in results observed this year.

Mansfield Shire Council’s 2024 overall performance index score of 57 reflects a decline of two points on 2023. This result follows the pattern for State-wide and the Small Rural group council averages, which showed a general decline.



Overall performance for Mansfield Shire is rated highest among residents aged 18 to 34 years (index score 60), and lowest among those aged 35 to 49 years (53).

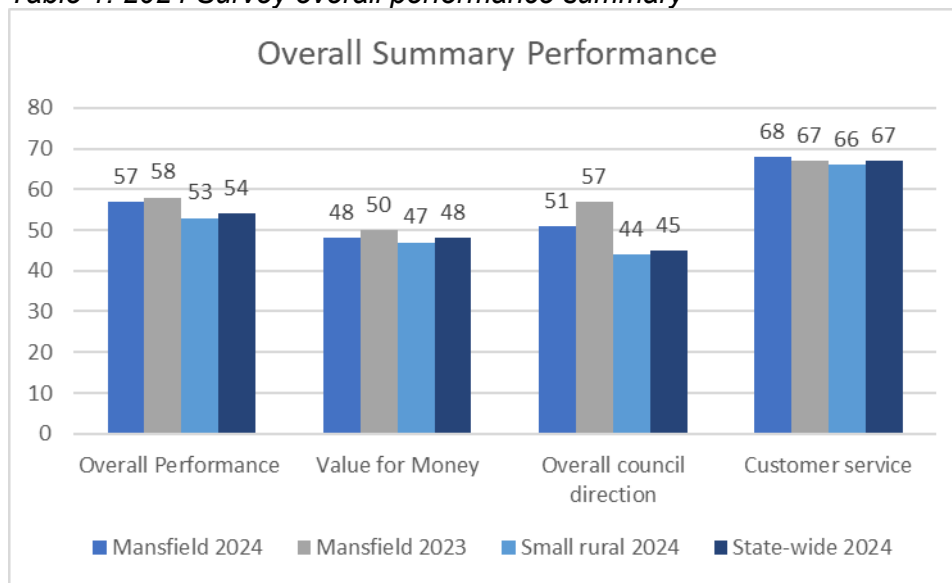
**Council performance compared to State-wide and Small Rural council group**

The overall performance index scores out of 100 of the comparative groups are as follows:

	2024 Index Score	2023 Index Score
Mansfield	57	59
State-wide	54	56
Small Rural council group	53	55

Table 1 illustrates the overall summary performance index scores including a comparison to Council’s 2023 score and the State-wide and small rural group average scores for 2024.

Table 1: 2024 Survey overall performance summary



Mansfield Shire Council’s overall performance decline in 2023 and 2024 follows a strong upward trend over the previous three years, with those earlier years’ results reflecting the COVID pandemic period. It also coincides with a period of strong population growth, with Mansfield Shire’s population growing at one of the highest rates in Victoria.

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

Table 2: Summary of Council performance compared to group average

Top 4 performing areas		Bottom 3 performing areas	
	Appearance of public areas		higher
	Art centres & libraries		higher
	Tourism development		higher
	Recreational facilities		on par
	Planning & building permits		lower
	Population growth		lower
	Unsealed roads		higher
	Customer service		on par

## Top Performing Areas

The appearance of public areas remains Council's highest rated area (index score of 80). Council has maintained this rating following a significant improvement in 2021. Residents living in 'Mansfield' region contribute strongly to this score (index of 82 - down two index points on 2023) as compared to residents of the 'Other' region (index score of 77 – no change since 2023).

The next highest rated area was art centres and libraries (score of 78) which increased five points on 2023, following the increased opening hours and programs introduced at the Mansfield Library during 2023-24. Tourism development (score of 69) and recreational facilities (score of 69) also increased on 2023 and rated well above the State-wide and the Small Rural group council averages.

## Lower Performing Areas

For a third year, Council scored lowest, relative to its performance in other areas, in planning and building permits (index score of 36, reflecting a decline of five points on 2023), and planning for population growth (index score of 38, reflecting a decline of two points on 2023).

Residents aged 35-49 years were the strongest contributors to the decline in the perception of Council's planning for population growth in 2024 (index score of 29, reflecting a seven point decline on 2023). The 50-64 age group saw an increase of three points in 2023 (index score of 38) following a decline of 17 index points in 2022 (index score of 35).

Feedback from JWS indicates that these results are influenced primarily by community concerns over population growth (with Mansfield Shire having experienced a high rate of growth in recent years), rather than being a response to Council's performance in the assessment of planning permits. The real improvement in planning performance demonstrated in permit timeframes over the last two years is not being reflected in the community satisfaction scores.

Service areas related to roads, including maintenance and the condition of both unsealed and sealed roads, also returned lower ratings. The decline in the rating for unsealed roads over the 2023 result is interesting given the increased road grading performance over recent years, with more kilometres of unsealed roads graded and a sustained focus on renewal of gravel roads. However, the result may be related to increased/faster deterioration during wetter conditions, as well as a community desire for sealing of unsealed roads and confusion over the responsible authority (deterioration of roads managed by the Department of Transport). Despite this, Mansfield Shire Council performs higher than the Small Rural group average in both service areas.

## Demographic and Geographic Influencers

Consistent with the State-wide trend, all demographic and geographic cohorts, excluding those aged 18-34 years, declined in their perceptions of Council's overall performance in 2024.

Residents aged 18-34 years rated Council's overall performance highest (index score 60, a four point increase on 2023), while residents aged 35-49 years rated Council's overall performance the lowest (index score 53, down four points on 2023).

Mansfield residents scored Council’s performance higher than those of Mansfield’s outlying communities across all categories other than planning and building permits. Both groups scored Council’s performance equally in customer service and town planning.

Table 3 details the service areas with the greatest differential scoring between Mansfield residents and residents of the outlying areas of Mansfield.

Table 3: Comparison in perceived performance – Other areas compared to Mansfield residents

Performance Area	Outlying Communities	Mansfield
Streets and footpaths	47	54
Emergency and disaster management	61	67
Unsealed roads	39	47
Tourism development	65	72

**Focus**

The data indicates that Council should continue to focus on improving performance in the individual service areas that most influence perceptions of overall performance, including planning for population growth, maintenance of unsealed roads, and town planning. Council should look to maintain and build upon its peak performance in ‘art centres and libraries’ in the year ahead and also focus on the condition of local streets and paths.

Council has a number of initiatives underway or planned in the 2024-25 Budget, to support its general planning activities and planning for population growth including:

- Streamlining of planning services to make it easier to apply for permits, make payments and track applications as part of our digital transformation program.
- Completion of the Mansfield Flood Study and Infrastructure Plan.
- Planning Scheme Amendments to protect the alpine approaches and properly identify flood affected areas in Mansfield.
- Completion of strategic plans for outlying communities.
- Continuing to advocate for road safety improvements at key intersections with arterial roads, including at black spot locations.
- Completion of priority road upgrades, including upgrades to Highton Lane and Rifle Butts Road as part of the IMPACT Route project.
- Construction of new shared paths and “missing links” in the path network.

<b>Recommendation</b>
THAT COUNCIL receives and notes the 2024 Local Government Community Satisfaction Survey report for Mansfield Shire Council.
<b>Support Attachments</b>
1. Mansfield Shire Council Community Satisfaction Survey 2024 [13.4.2.1 - 93 pages]

**Considerations and Implications of Recommendation**

**Sustainability Implications**

Not Applicable

## Community Engagement

LGV consultants JWS Research surveyed 400 residents within Mansfield Shire aged over 18 years. The break down presented below indicates 239 were Mansfield residents and 161 were surveyed from outlying communities surrounding Mansfield.

Demographic	Actual survey sample size
Mansfield Shire Council	400
Men	188
Women	207
Mansfield	239
Other	161
18-34 years	32
35-49 years	57
50-64 years	83
65+ years	228

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

### Collaboration

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

### Financial Impact

The Community Satisfaction Survey 2024 was undertaken at a cost of \$13,100 (incl. GST) to Council, which was included in the 2023-24 Budget.

### Legal and Risk Implications

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

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

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

There are no inherent risks associated with this report.

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

Not Applicable.

## **Innovation and Continuous Improvement**

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

## **Alignment to Council Plan**

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

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

Strategy 6.2 Building organisational capacity through its people

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

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

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

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

## 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 8 July 2024.
<b>Support Attachments</b>
1. Mansfield Shire Council Action Register as at 8 July 2024 [14.1.1 - 9 pages]

## 15. Advisory and Special Committee reports

Nil

## 16. Authorisation of sealing of documents

Nil

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

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

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

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

<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. Tender Award: Chapel Hill Road - Delatite River Bridge Strengthening

#### Confidential

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

## 18.2. Tender Award: Landfill Disposal Services

### Confidential

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

## 19. Reopen meeting to members of the public

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

## 20. Close of meeting