



Mansfield Shire

Council Meeting

Tuesday 19 March 2024 5:00 pm
Council Chamber, 33 Highett Street, Mansfield

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

Our aspiration for our Shire and its community

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

Councillors

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

Officers

Kirsten Alexander, Chief Executive Officer
Melissa Crane, General Manager Infrastructure & Planning
Julie Williams, General Manager Business & Economic Development

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 20 February 2024 and 5 March 2024 be confirmed as an accurate record.

8. Representations

A petition has been received from Dean Hurlston to 'leave Australia Day alone and hold community events that celebrate Australia Day, acknowledge Indigenous Culture and mark Australia Day with Citizenship Ceremonies.

Petition Requirements: The submitted petition meets the required format of a petition in accordance with Chapter 2, Part C, Division 9 of Council's *Governance Rules*.

Recommendation

THAT COUNCIL:

1. Receive and note the petition from Dead Hurlston to leave Australia Day alone and hold community events that celebrate Australia Day, acknowledge Indigenous Culture and mark Australia Day with Citizenship Ceremonies, and
2. Refer the petition to the Chief Executive Officer for consideration and a response.

9. Notices of motion

Nil

10. Mayor's report

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

I was pleased to attend two very important events earlier this month, both held at Station Precinct.

Dr Helen Haines MP, Federal Member for Indi, together with myself and the Mansfield Historical Society President, the Hon Graeme Stoney AM, turned the sod to mark the commencement of construction of the long-awaited Mansfield Heritage Visitor Facility, soon to be the Mansfield Heritage Museum.

The event was witnessed by over 150 invited guests and members of the community and marked the culmination of a lot of hard work by numerous stakeholders over many years to see this key element of the Station Precinct delivered to our community. Aunty Bernadette Franklin recited the Welcome to Country and performed a smoking ceremony prior to speeches and the Historical Society accepted an important donation for the museum, to be held there in perpetuity. Mr Graham Amor gifted an aboriginal boomerang made from local blackwood given to his ancestors by the local aboriginals as a sign of friendship.

Mansfield Historical Society also took the opportunity to announce their new fundraising drive to raise \$600,000 for the fit out of the Museum once the construction has reached lock up stage.

The launch of the Social Inclusion Action Group (SIAG) followed at the Gadhaba Gathering Place. Mansfield is one of only five Local Government areas selected to receive funding from the state government for this program. It's designed to support social inclusion and connection and to promote good mental health. What I appreciate most about this group is that it's led and owned by the community, acknowledging that the best people to identify a community's needs, make decisions and develop decisions at a local level are community members themselves. I'm looking forward to seeing the positive outcomes that are sure to result when community members come together.

This month we've seen a huge leap forward in two of our major infrastructure projects, the Heavy Vehicle Access Route (HVAR) and the IMPACT Route.

The HVAR is one of this Council's biggest achievements. Construction of this route began in January 2022 and it's now nearing completion with the line marking in Dead Horse Lane having been completed just before the March long weekend. The \$2.6m project is part of Council's long-term traffic and transport strategy and will improve traffic flow around the township. With an increasing volume of trucks on the Maroondah and Midland Highways, community safety is enhanced along these routes by redirecting heavy vehicle traffic away from the school and central business districts.

We are very grateful for the understanding and patience of the businesses affected by the upgrade while works were completed.

One of the main objectives of this Council is to listen to our community. We achieve this through structured community consultation and engagement as well as in other ways. This month there have been two impressive engagement opportunities held both online and in person around the second major infrastructure upgrade which is the \$12.3m IMPACT Route. This project will see

major upgrades to Highton Lane, Chapel Hill Road, Archies Lane and the sealing of Rifle Butts Road. Another major win for safety on our roads, and Council looking to the future.

As part of that, Highton Lane will get a 1400m upgrade following the awarding of a \$4.27m contract to Alpine Civil. The upgrade will include new kerbs, stormwater infrastructure and footpaths. Rifle Butts Road residents who attended information sessions have confirmed that they have been asking for the road to be sealed for over 20 years and we are delighted to receive the funding required to see this happen. Once completed the new 26km route will link outlying towns and farm businesses via an all-weather access road and touring route between Mansfield, the Mansfield-Woods Point Road and Mt. Buller Road.

This Council's commitment to laying the foundations of strong infrastructure for the future of our community continues to be delivered. We're proud to have been able to deliver these upgrades and address the longstanding issues on these roads and drainage that our community have been dealing with for decades. These upgrades will make the drive home a lot safer and easier for residents, while providing better connections between Jamieson, Mansfield and Merrijig.

On Friday 8 March I attended the opening of the Mansfield Potters and Poets exhibition held at the Masonic Hall opened by the Hon Cindy McLeish MP. This was followed by the Pottery Festival in High Street over the long weekend. The median strip in High Street has been very busy lately, with a big shout out to Mansfield Hunting and Fishing for organising the Hunting and Fishing Outdoor Expo on Saturday 2 March, with estimates of 10,000 people attending. Council is proud to support these major events that continue to attract large numbers of visitors to our Shire.

*Cr Steve Rabie
Mayor*

Recommendation

THAT COUNCIL receive the Mayor's report for the period 20 February 2024 to 13 March 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"> ▶ Mayor Cr Steve Rabie ▶ Cr James Tehan ▶ Cr Mark Holcombe
Mansfield Shire CEO Employment Matters Committee	<ul style="list-style-type: none"> ▶ Mayor Cr Steve Rabie ▶ Cr James Tehan ▶ Cr Mark Holcombe
Goulburn Murray Climate Alliance (GMCA)	<ul style="list-style-type: none"> ▶ Cr Rohan Webb
Hume Regional Local Government Network (HRLGN)	<ul style="list-style-type: none"> ▶ Mayor Cr Steve Rabie
Mansfield Shire Council Audit and Risk Committee	<ul style="list-style-type: none"> ▶ Mayor Cr Steve Rabie ▶ Cr Mark Holcombe
Municipal Association of Victoria (MAV)	<ul style="list-style-type: none"> ▶ Mayor Cr Steve Rabie ▶ Substitute - Deputy Mayor Cr Mark Holcombe
Rural Councils Victoria (RCV)	<ul style="list-style-type: none"> ▶ Mayor Cr Steve Rabie ▶ Cr James Tehan

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
- ▶ Finance
- ▶ New Initiatives
- ▶ Statutory Planning
- ▶ Building Services
- ▶ Regulatory Services
- ▶ Leasing and Licensing
- ▶ Waste Services
- ▶ Revenue Services
- ▶ Field Services
- ▶ Community Health and Wellbeing
- ▶ Visitor Services (Tourism & Events, Economic Development, VIC and Library)
- ▶ Communications
- ▶ Digital Transformation Project

Recommendation

THAT COUNCIL receive and note the Chief Executive Officer's report for the period 20 February 2024 to 13 March 2024.

Support Attachments

1. CEO Monthly Report - February 2024 [13.1.1.1 - 46 pages]

13.2. Infrastructure and Planning Directorate

13.2.1. Nutrien AG Solutions and Corcoran Parker Pty Ltd – License Agreement – Fee Waiver

File Number	AG1423	Responsible Officer	Manager Planning & Environment, Maya Balvonova
Purpose			

To provide Council with an update on the licence arrangements in place for Corcoran Parker and Nutrien AG to for the use of the land contained in Certificate of Title Volume 9022 Folio 665 and known as the Trans-Shipment Yards, Lakins Road, Mansfield, VIC, 3722.

To seek Council a resolution on payment of outstanding licence fees following a request for waiver or reduction of annual fees from 2020 to 2022 inclusive, requested by both Corcoran Parker Pty Ltd and Nutrien AG Solutions.

Executive Summary

Council entered into licence agreements with Corcoran Parker and Nutrien AG, granting them ongoing access and utilisation of part of the land contained in Certificate of Title Volume 9022 Folio 665 and known as the Trans-Shipment Yards, Lakins Road, Mansfield, VIC, 3722. The licenced area is shown in Figure 1 below.

The original agreement was established between Mansfield Shire Council and Rodwell's & Co. Pty Ltd (now known as Nutrien AG Solutions) and Corcoran Parker for the period from 13 May 2014 to 30 June 2019. Since 2019, the Land Licence agreements were not renewed, although the agreements did include an overholding provision. These agreements were not included in the updated register of leases and licences created in 2020-21 by the Property area but have now been added since a full audit of all existing property agreements was undertaken in 2023.

As part of this review, Council officers identified that invoices had not been issued under the pre-existing agreements and raised invoices for the fees that were payable per the agreements for the years between 2016 and 2023. Nutrien AG Solutions and Corcoran Parker have settled the invoices for the period from 2016 to 2019, during which they operated under the previous licence agreements. The total amount due was \$4,665.30 each (excluding GST) and this amount has been invoiced and paid.

Corcoran Parker Pty Ltd and Nutrien AG Solutions have requested an exemption or reduction in the annual licence fees for 2020 to 2023 years, inclusive.

Key Issues

Licence Agreement Overholding Provision

During the COVID pandemic some user fees were waived for sites that were unable to be utilised due to various restrictions. Both companies have requested that the outstanding

invoices, totalling \$5,127.86 each (excluding GST) for the years 2020 to 2023, be waived or reduced on the following grounds:

1. There was no new licence agreement in place post 2019 (noting that the previous licence agreement does include an overholding provision).
2. As per tenants' statements, operations for both organisations were challenged through the COVID pandemic.
3. The operation of the trans-shipment yards post-pandemic was made difficult due to the condition of the site.

When assessing these grounds, the following is noted:

1. The previous licence has an overholding provision that allows invoicing to continue. The overholding provision is as follows:

14. Overholding
If the Licensee continues in occupation of the Licensed Area after the Expiry Date, with Council's consent:
14.1 the Licensee will occupy the Licensed Area at a total licence fee payable monthly in advance being an amount equal to one-twelfth of the aggregate of the Licence Fee and any other money payable by the Licensee to Council under this Licence as at Expiry Date, the first of the monthly payments to be made on the day following the Expiry Date;
14.2 as far as applicable, the Licensee will otherwise occupy the Licensed Area on the terms and conditions of this Licence;
14.3 the Licence Fee or any part of it may be reviewed whenever the Licensor determines it appropriate and any provisions in this Licence relating to calculation of, limitation on or right of review of the Licence Fee or any part of it will not apply;
14.4 either party may end the Licence by giving to the other 1 months' notice to the other party expiring on any date; and
14.5 If the Licensee defaults in the performance of its obligations under the Licence, the Licensor may terminate the Licence by giving the Licensee 24 hours' notice.

This demonstrates that Council has the right to invoice for these periods.

2. Despite the impact of the pandemic on various industries, COVID-19 did not affect the agricultural sector in Australia as severely as it did other industries. Throughout the pandemic, Australia's agricultural industries demonstrated remarkable resilience. It is also important to note that no financial evidence has been presented to Council to support tenants' statement and substantiate this claim.
3. When the issue of the condition of the site was brought to Council's attention, works were undertaken with drainage improvements and placement of additional gravel to improve the condition of the yards in the last 12 months.

Based on this assessment, it is the officer recommendation that the fees are not waived for these periods.

The following table details the fees owed per the licence agreement:

Financial Year	CPI Increase	Rent Fee (Ex GST)	Proposed Fee (Ex GST)	Notes
2016-2017	1.30%	\$1,133.64	\$1,133.64	<i>Paid in full</i>
2017-2018	2.10%	\$1,157.45	\$1,157.45	<i>Paid in full</i>
2018-2019	1.90%	\$1,179.44	\$1,179.44	<i>Paid in full</i>
2019-2020	1.30%	\$1,194.77	\$1,194.77	<i>Paid in full</i>
2020-2021	2.20%	\$1,221.05	\$1,221.05	Outstanding
2021-2022	1.10%	\$1,234.08	\$1,234.08	Outstanding
2022-2023	5.10%	\$1,297.44	\$1,297.44	Outstanding
2023-2024	6%	\$1,375.29	\$1,375.29	Outstanding
TOTAL		\$9,793.16	\$9,793.16	

Table 1: Licence Fees

The following figures detail the area in question:

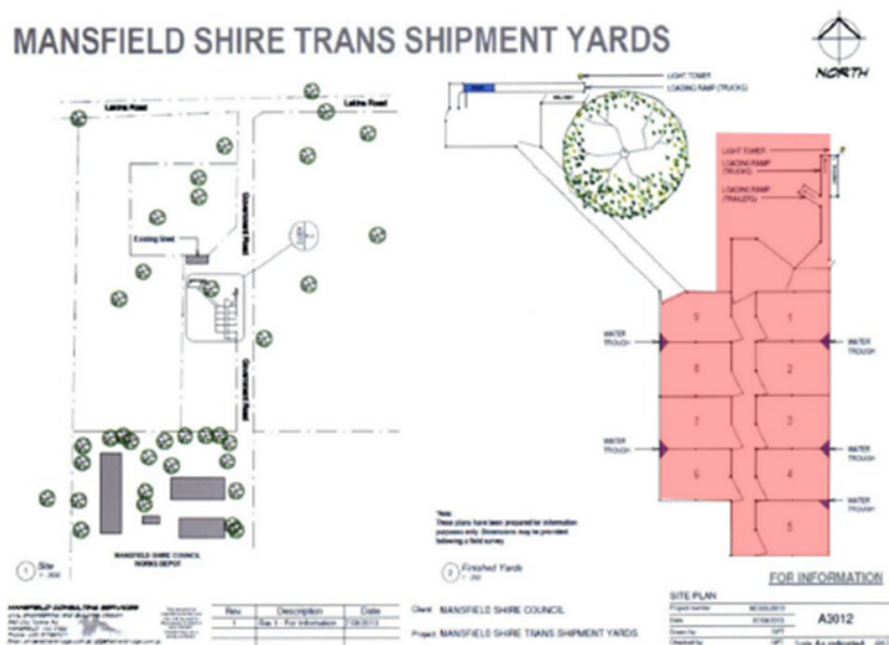


Figure 1: Mansfield Shire Trans-shipment Yards Site Plan, Lakins Road



Figure 2: Mansfield Shire Trans-shipment Yards Site Context

Upon becoming aware of the status of the licences, Council officers proceeded to enter into updated licences for the area being used for both parties. As part of this process, officers have conducted a market price re-assessment utilizing comparable sales data in the area. Implementing the annual CPI increase places the current licence fee either ahead with a 3.5% market value increase or aligns the licence fee with a 4% market value increase, consistent with the current market value indicator.

Description	Size/Value
Comparable sales in the area	\$49.90/m2
Trans-shipment Yards Size	693m ²
Trans-shipment Yards Land Value	\$34,580
3.5% Market Return	\$1,210.30
4% Market Return	\$1,383.00
<i>Current Charge for 2023-2024 with CPI 6% per tenant</i>	<i>\$1,375.00</i>
Total Charge for use of transshipment yards per annum	\$2,750.00

Table 2: Market Price Re-Assessment

The new licences now include a Market Review clause to be undertaken every 5 years, to ensure that the fees being charged reflect the value of the rent in the open market.

Recommendation
THAT COUNCIL refuse to provide an exemption or reduction of the annual license fees for the period between 2020 and 2022 for the use of the transshipment yards to Corcoran Parker or Nutrien Ag.
Support Attachments
Nil

Considerations and Implications of Recommendation

Sustainability Implications

Not Applicable

Community Engagement

Community Engagement was undertaken in accordance with Council's Community Engagement Policy by placing a notice of intention to enter into a licence agreement with Corcoran Parker and Nutrien Ag in the Mansfield Courier and on Council's website.

Collaboration

Not Applicable

Financial Impact

The proposed licence agreements and the waiver or reduction of outstanding fees will not negatively impact on Council's operational budget. The recovery of the amounts outstanding from prior years will have a small positive impact and this work is supported by existing staff resources.

Council generally undertakes works on the site every 4 or 5 years (depending on condition at the time), with the \$8,250 being spent on the site in 2023. Assuming an increase in costs going forward, a budget of \$10,000 for management of the site for a 5-year period from a maintenance perspective. These costs are covered with the \$13,750 in income from the two agents that use the site. The lease has a requirement that any damage to the area above and beyond "fair wear and tear" is to be paid for by the lessee.

Legal and Risk Implications

The license agreement has been drafted in accordance with the Local Government Act 2020. The intention to enter into a lease agreement will be advertised in the Mansfield Courier and on Council's website, in accordance with Section 115 of the Local Government Act 2020.

Regional, State and National Plans and Policies

The Mansfield Shire Council Leasing and Licensing Policy 2022 is relevant to this matter:

Innovation and Continuous Improvement

Not Applicable

Alignment to Council Plan

Theme 1: Connected and Healthy Community

Strategic Objective 2: Activities that promote connection and fitness of our people and visitors

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

Theme 3: A Trusted, Effective and Efficient Council

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

Strategy 8.1 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. Planning Permit Application P197/23 - 28 Stoneleigh Road Mansfield

File Number	DA4831 P197/23	Responsible Officer	Senior Statutory Planner, Claire Wilkinson
Purpose			

The purpose of this report is to seek Council’s determination of application P197/23, lodged for the development of land for two (2) dwellings and subdivision of land into two (2) lots. This application is being referred to Council for a determination as the estimated cost of development exceeds delegation (\$1.2 Million).

Executive Summary	
<i>Application Details</i>	
APPLICANT	Carolyn Anderson
PROPOSAL	Development of land for two (2) dwellings, subdivision of land into two (2) lots
APPLICATION LODGED	10 January 2024
NOTICE AND SUBMISSIONS	Notices sent to six (6) Owners/Occupiers of surrounding properties (12 February 2024 – 5 March 2024). Notice on site - Yes Two (2) objections received, one of which has since been withdrawn.
<i>Property Details</i>	
PROPERTY ADDRESS	28 Stoneleigh Road, Mansfield
LAND DESCRIPTION	Lot 3 LP 125881
RESTRICTIVE COVENANTS	Nil
LAND AREA	0.4060 hectares
EXISTING USE	Single dwelling (to be removed)
<i>Planning Provisions</i>	
ZONE	Clause 32.08 – General Residential Zone
OVERLAYS	Nil
MUNICIPAL PLANNING STRATEGY	Clause 02.03-1 – Settlement Clause 02.03-5 – Built environment and heritage Clause 02.03-6 – Housing Clause 02.03-9 – Infrastructure
PLANNING POLICY FRAMEWORK	Clause 11.01-1S – Settlement Clause 11.01-1R – Settlement – Hume Clause 11.01-1L-01 – Mansfield Township Clause 15.01-1S – Urban design Clause 15.01-2S – Building design Clause 15.01-3S – Subdivision design Clause 15.01-5S – Neighbourhood character

	Clause 16.01-1S – Housing supply Clause 16.01-1L – Housing supply in Mansfield Township Clause 16.01-2S – Housing affordability Clause 18.02-4S – Roads Clause 19.03-1L – Development and infrastructure contributions plans Clause 19.03-3S – Integrated water management
PARTICULAR PROVISIONS	Clause 52.06 – Car parking Clause 55 – Two or more dwellings on a lot and residential buildings Clause 56 – Residential subdivision
<i>Permit Triggers</i>	
GENERAL RESIDENTIAL ZONE	Clause 32.08-3 – A permit is required to subdivide land.
GENERAL RESIDENTIAL ZONE	Clause 32.08-6 – A permit is required to construct two (2) or more dwellings on a lot

Subject Land and Surrounds

The land is rectangular in shape and is approximately 4,062sqm in area with direct frontage on the south boundary to Stoneleigh Road. The land is currently occupied with a single-storey dwelling and associated outbuildings, which are all proposed to be removed. There is existing dual access to Stoneleigh Road. The site is landscaped with established vegetation and the north, east and west boundaries have rural style post and rail fencing. The land is on the southern edge of Mansfield Township. The site has existing connections to reticulated electricity and telecommunications. The land does not have an existing connection to reticulated water or sewage.

The land is in the General Residential Zone and no Overlays apply.

The surrounding land to the north, east and west is also in the General Residential Zone and is developed in a similar way, with single dwellings on relatively large lots. The adjacent land on the south side of Stoneleigh Road is in the Rural Living Zone.



Figure 1: Aerial image of the land and surrounds

Proposal

The planning permit application proposes demolishing the existing dwelling and detached outbuildings and developing two separate single-storey dwellings. The floor plans submitted for the dwellings show that each dwelling would have an approximate footprint of 295m².

It is also proposed that the existing allotment be subdivided into two lots. This would result in a battle-axe style configuration. The proposed lots sizes are as follows:

- Lot 1 – 1,976m²
- Lot 2 – 2,086m²

The configuration of the proposed subdivision is shown in Figure 3. It is proposed that each lot would have their own crossover, sewer connection, water, and electricity without the need for any shared easements. As a component of the proposed two lot subdivision the applicants would be required to extend the existing reticulated water and sewer from Highett Street to the land.

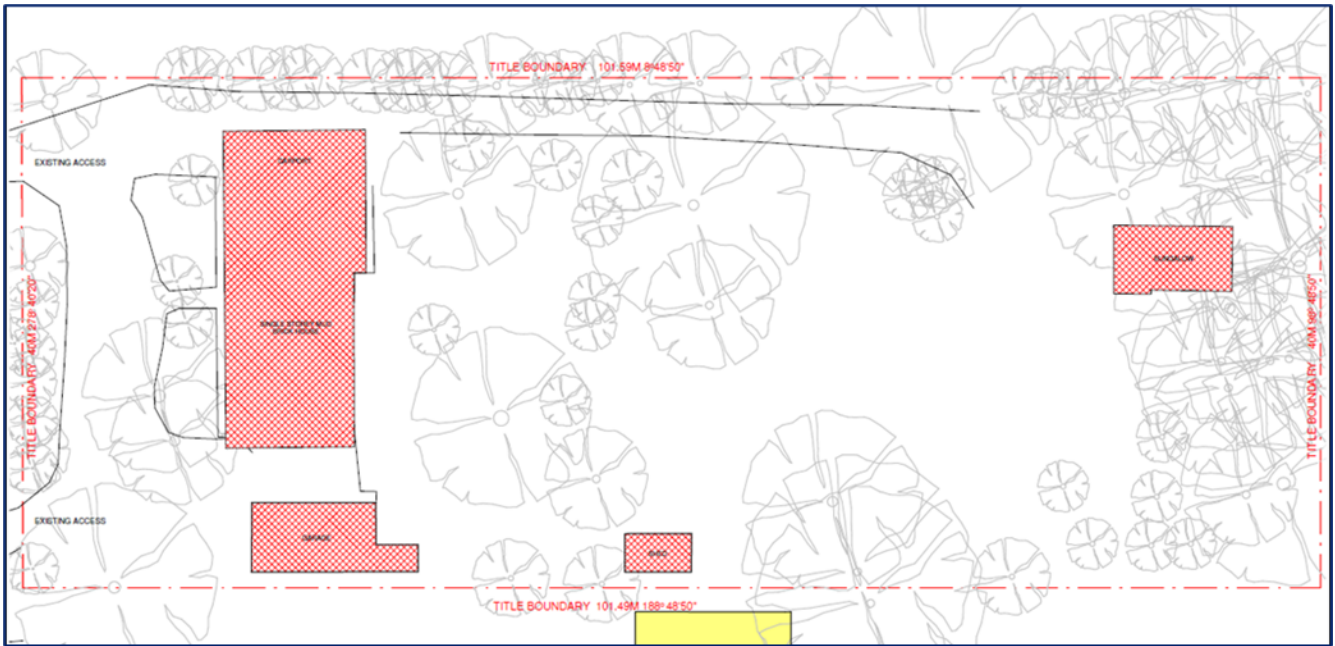


Figure 2: Existing Site Layout Plan showing structures to be removed or demolished

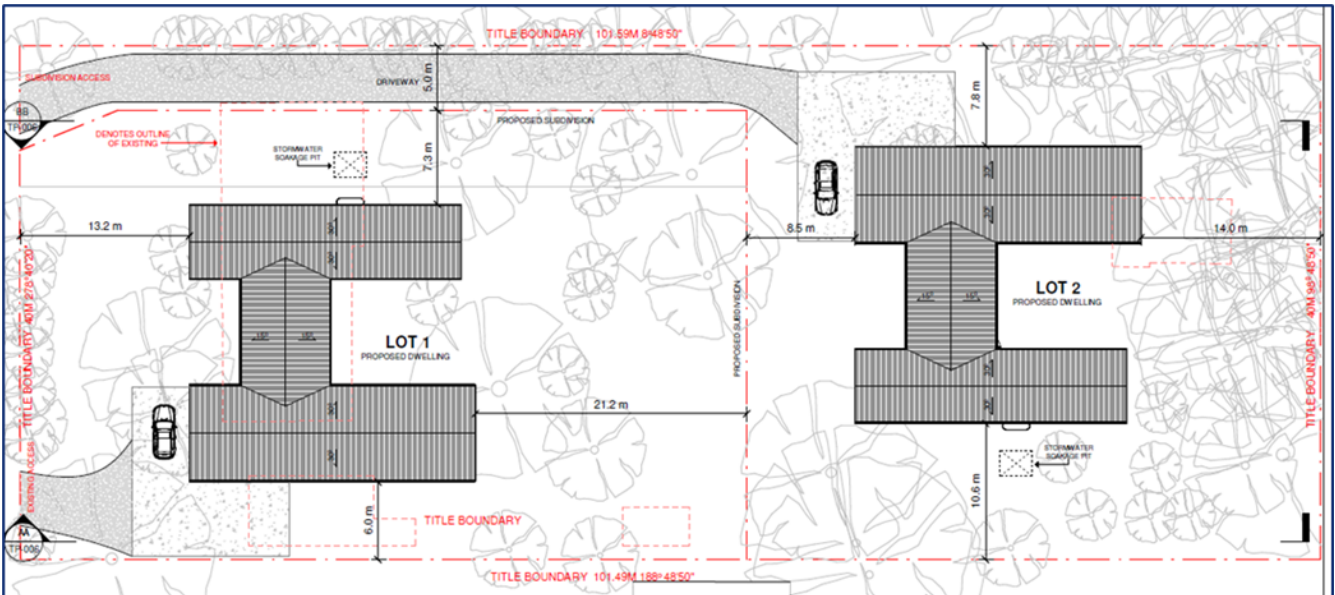


Figure 3: Proposed Site Layout Plan, showing dwellings and Plan of Subdivision



Figure 4: 3D Artist Impression of the proposed dwelling on Lot 1, viewed from Stoneleigh Road

Key Issues	
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Referral Authorities

Referral Authority	Type of Referral	Response
Goulburn Valley Water (GVW)	For Comment	Conditional Consent – 19 January 2024 Ten conditions requiring the connection to reticulated water and sewerage.
Engineering	Internal	Conditional Consent – 2 February 2024
Environment & Sustainability	Internal	Supportive, with some recommendations for minor changes to the Landscaping Plan

Public Notice

Advertising was carried out in accordance with the requirements of the Planning and Environment Act 1987, by way of:

- Letters to adjoining and nearby owners and occupiers; and
- Sign on site

As a result of both public notifications, there have been two (2) objections to the application which have been received, raising the following concerns:

- Overlooking;
- Stormwater management;

A detailed assessment of the objections is below.

The applicant has responded with a formal response to the objections raised and there has been no amendment to the proposal or layout as proposed. The applicant’s response has been provided to the objector and one (1) objection has been withdrawn, and a response has not been received from the second Objector.

Objections	Officer Comments
<i>Overlooking</i>	<p>The proposal meets the relevant overlooking provisions of ResCode (Clause 55 of the Planning Scheme). While there is no doubt that this is a legitimate concern of objectors, this is not a basis in which to refuse the application.</p> <p>The objection relating to these concerns has since been withdrawn following the response by the Permit Applicant.</p>
<i>Impact from Stormwater</i>	<p>It is noted that the natural overland gradient of the allotments along Stoneleigh Road do have a gradual fall toward the north and the natural watercourse.</p> <p>There are no stormwater drains provided on Stoneleigh Road. The existing dwelling currently drains into soakage lines within the lawn area. The existing site conditions do not include on-site water tanks. The applicant contends that there is no concentrated or overland flows directed towards the property adjoining the land to the north.</p> <p>The stormwater information submitted with the application proposed for each dwelling will have a 2000L to 5000L rainwater tanks to reuse onsite. Any overflow from the water tanks will be directed to a soakage pit.</p> <p>The proposed stormwater pit proposes a generous 22m setback from the north boundary. Additionally, the proposal includes connecting to reticulated water and sewage, which means that the wastewater from the dwelling will go into the sewage system, rather than be treated and retained onsite which is what currently happens with the existing dwelling.</p> <p>It is considered that the proposed stormwater design response allows sufficient area for reasonable overland dispersal without having any concentrated effect on neighbouring properties.</p> <p>Additionally, part of the recommendation is to include a permit condition requiring an Integrated Stormwater Management Plan for the subject land considering the proposed development and pre-development flows.</p>
<i>Insufficient infrastructure to service development (no infrastructure for stormwater drainage etc)</i>	<p>If approved, the site will be serviced by reticulated infrastructure, which appears to have sufficient capacity to accommodate the development. It is recommended that Permit conditions ensure that the development is appropriately integrated to the Mansfield Township.</p>

Officer Assessment

Having assessed the application against the relevant clauses of the Mansfield Planning Scheme, it is considered that the proposal responds appropriately to the requirements of the Scheme with respect to development in the General Residential Zone, stormwater management, ResCode, and the General Provisions. The proposal will provide for an appropriate intensification of the land that is supported by planning policy and the relevant

planning controls, subject to appropriate conditions. A detailed delegate assessment report is attached.

Recommendation

THAT COUNCIL issue a Notice of Decision of Grant a Permit for Planning Application P197/23 to allow for the development of land for two (2) dwellings and a two (2) lot subdivision on Lot 3 LP 125881, commonly addressed as 28 Stoneleigh Road, Mansfield, subject to the following conditions:

Endorsed Plans

1. The development must be in accordance with the endorsed plans forming part of this permit and must not be altered without the prior written consent of the Responsible Authority.
2. The subdivision approved under this permit must be undertaken in accordance with the plans endorsed and forming part of this permit.

Section 173 Agreement

3. Prior to the issue of a Statement of Compliance and the completion of development the permit holder must enter into an agreement with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act 1987, prepared by Council's preferred solicitors, to achieve the requirements of Condition 17 of this permit. The permit holder must pay the reasonable costs for the preparation, review, execution, and registration of the Section 173 Agreement.

Subdivision

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

External Cladding

9. The external materials of the buildings, including the roof, must be constructed of materials of muted colours to protect the aesthetic amenity of the area to the satisfaction of the Responsible Authority. No materials having a highly reflective surface must be used. For the purpose of this clause "highly reflective" includes unpainted or untreated aluminium, zinc, or similar materials.

Landscaping

10. Prior to the completion of the development approved by this permit, or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
11. The landscaping shown on the endorsed plans must be maintained for the life of the use and development to the satisfaction of the Responsible Authority, including that any dead, diseased, dying, or damaged plants are to be replaced with like for like replacements of the same or greater size.

Public Open Space

12. Prior to the issue of Statement of Compliance under the *Subdivision Act* 1988, the permit holder must pay to the Responsible Authority:
 - a. A sum in accordance with Clause 53.01 (Public Open Space Contribution and Subdivision) of Mansfield Planning Scheme at time of payment;
 - b. Any costs associated with valuation of the land including valuers' fees. The permit holder must make a request to Council to commence the process involved with this condition.

Engineering

13. Prior to the issue of Certification and the commencement of any site works an Integrated Stormwater Management Plan is to be submitted to and approved by the Responsible Authority. Once approved the plan will be endorsed to form part of this permit. The Plan must suitably detail how the development will provide for a reduction of the existing overland water flows and any measures to reduce impacts to neighbouring properties.
14. Prior to the issue of Certification any recommendation in the endorsed Stormwater Management Plan for drainage easements must be included on a Plan of Subdivision submitted for Certification.
15. Prior to the issue of a Statement of Compliance and the completion of development all recommended works in the endorsed Stormwater Management Plan must be completed to the satisfaction of the Responsible Authority.
16. Prior to the issue of a Statement of Compliance and the completion of development the existing vehicle crossovers must be upgraded in accordance with IDM Standard Drawing 'SD260M – Typical Swale Drian Vehicle Crossing (Fringe Urban or Rural Residential Entrance)' which is available upon receipt of an application for Works Within Road Reserve Permit.
17. Prior to the issue of a Statement of Compliance and the completion of development the permit holder must enter into an agreement with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act 1987, to the effect that:
 - a. Any dwelling constructed must provide a rainwater tank with a capacity as per Section 19.3.4 of the Infrastructure Design Manual. The tanks must be installed and connected to the toilet system, laundry, washing machine taps and external taps for gardening purposes.
 - b. The land containing the Stormwater Soakage Pits must not be used for any other purpose.
18. Any damage to Council managed assets (such as roads and stormwater infrastructure) as a result of the development must be repaired at the cost of the developer to the satisfaction of the Responsible Authority.

19. All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991) to the satisfaction of the Responsible Authority.
20. Appropriate measures must be implemented throughout the construction stage of development to rectify and/or minimise mud, crushed rock or other debris being carried onto public roads or footpaths from the subject land to the satisfaction of the Responsible Authority.
21. Prior to the commencement of use, or by such later date as is approved by the Responsible Authority in writing, the following works must be completed in accordance with the endorsed plans and to the satisfaction of the Responsible Authority:
 - a) All stormwater is to be contained to the pre-development runoff equivalent using detention water tanks or similar and then shall be discharged to the legal point of stormwater discharge;
 - b) The car parking spaces, access lanes, driveways and associated works and landscaping shown on the plan must be:
 - i. constructed and available for use in accordance with the plan approved by the responsible authority; and
 - ii. formed to such levels and drained so that they can be used in accordance with the plan; and
 - iii. treated with an all-weather seal or some other durable surface; and
 - iv. line-marked or provided with some other adequate means of showing the car parking spaces; and
 - v. be of sufficient dimension to accommodate emergency vehicles and be sufficient to meet CFA access requirements.
22. Interrupted overland flow from this development must not impact on the adjacent lots.
23. Prior to the issue of a Statement of Compliance, and any works proceeding within the road reserve, an application for Works Within Roads Reserve Permit must be made.
24. Prior to issue of a Statement of Compliance, an application must be made to Council to obtain a Legal Point of Stormwater Discharge.
25. Interrupted overland flow from this development must not be allowed to impact on the adjacent lots.
26. Any damage to Council infrastructure resulting from subdivision works must be repaired/made good to the satisfaction of the Responsible Authority prior to the issue of a Statement of Compliance.

Goulburn Valley Water

27. Payment of new customer contribution charges for water supply to the development, such amount being determined by the Corporation at the time of payment.
28. Provision of one water tapping per Lot at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation.
29. Provision of separate water supply meters to each tenement within the development, located at the property boundary and to the satisfaction of Goulburn Valley Region Water Corporation.
30. Any existing water service that crosses any of the proposed allotment boundaries within the proposed development must be disconnected and re-located at the developer's expense, to be wholly within one allotment only, including notification of the proposed lot to be serviced by the existing water meter, to the satisfaction of the Goulburn Valley Region Water Corporation.
31. Payment of new customer contributions charges for sewerage services to the development, such amount being determined by the Corporation at the time of payment.
32. Provision of reticulated sewerage and associated construction works to each allotment within the development, at the developer's expense, in accordance with standards of

construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation.

33. Connection of all sanitary fixtures within the development to reticulated sewerage, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation.
34. All works required are to be carried out in accordance with AS 3500.2 - 'Sanitary plumbing and drainage,' and to the satisfaction of the Corporation's Property Services department.
35. Provision of easements in favour of the Goulburn Valley Region Water Corporation over all existing and proposed gravity sewer mains located within private property.
36. The operator under this permit shall be obliged to enter into an Agreement with Goulburn Valley Region Water Corporation relating to the design and construction of any sewerage or water works required. The form of such Agreement shall be to the satisfaction of Goulburn Valley Water. A copy of the format of the Agreement will be provided on request.
37. The plan of subdivision lodged for certification is to be referred to the Goulburn Valley Region Water Corporation pursuant to Section 8(1) of the Subdivision Act, 1988.

Permit Expiry

38. This permit will expire if any one of the following circumstances applies:
 - a) The buildings and works have not substantially commenced within two (2) years of the date of this permit.
 - b) The development is not completed within four (4) years of the date of this permit.
 - c) The plan of subdivision has not been certified under the *Subdivision Act 1988* within two (2) years of the issue date of this permit.
 - d) A statement of compliance is not issued within five (5) years of the date of certification under the *Subdivision Act 1988*.

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

NOTATIONS

- 1) This permit does not authorise the commencement of any building works. Building approval must be obtained prior to the commencement of any approved works.
- 2) Before any earthworks are undertaken, it is recommended that you contact 'Dial Before You Dig' on 1100.
- 3) Prior to commencement of any building and civil works, and application must be made to Council to obtain a Legal Point of Stormwater Discharge.
- 4) Any failure to comply with the conditions of this permit may result in action being taken to have an Enforcement Order made against some or all persons having an interest in the land and may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.

Support Attachments

1. ResCode - Clause 55 and Clause 56 Assessment [13.2.2.1 - 27 pages]
2. Submitted Plans [13.2.2.2 - 18 pages]
3. Submitted Response to ResCode [13.2.2.3 - 30 pages]
4. CONFIDENTIAL - Objection [13.2.2.4 - 1 page]
5. CONFIDENTIAL - Objection [13.2.2.5 - 1 page]
6. Delegate Assessment Report [13.2.2.6 - 34 pages]

Considerations and Implications of Recommendation

Sustainability Implications

The application has been assessed against the provisions of the Mansfield Planning Scheme, which includes consideration of building resource management, with the requirement to make the development 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 \$4,372.55 was received for the application.

Legal and Risk Implications

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

Regional, State and National Plans and Policies

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

Innovation and Continuous Improvement

Not Applicable

Alignment to Council Plan

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

Strategy 3.2 Enhance township character

Strategy 3.4 Plan for and encourage appropriate housing

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

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

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. Bush Market Annual Fee Waiver Request

File Number	E1458	Responsible Officer	Manager Planning & Environment, Maya Balvonova
Purpose			

To seek Council resolution regarding a waiver request for annual permit fees from Bush Market Inc., a registered non-profit organisation.

Bush Market Committee members have engaged with Councillors to address the current situation and consider potential adjustments to the fees. A presentation was delivered during the Councillor Briefing on 4 July 2023, prompting requests for additional information to be provided.

Executive Summary

Previously, Bush Market Inc. submitted a request for a waiver of the local law permit fee, given their status as a not-for-profit organization.

As per the Australian government framework outlined by the Australian Charities and Not-for-profits Commission, an incorporated association is an organisation that is typically established under state or territory law and operates with a not-for-profit intention.

It has been confirmed that Mansfield Bush Market Inc. is duly registered as an incorporated association, affirming their status as a not-for-profit organisation.

Bush Market committee members have provided further information to support their request, in the form of the Mansfield Bush Market Annual Report on 17 January 2024, including Bush Market financial details. A copy of this report can be found in Attachment 1.

Key Issues

Assessment Process for Waiver of Local Law Permit Fees

After consulting with Bush Market representatives, it has been clarified that the permit fees fall under the category of General Expenses. Of the total amount of \$2517.50, \$1800 is attributed to this category. The annual report refers this as the "new event permit fee".

Profit and Loss	
Mansfield Bush Market Inc	
For the year ended 30 June 2023	
	2023
Trading Income	
Interest Income	1.43
Other Revenue and Refunds	(8,252.77)
Sales	29,237.06
Total Trading Income	20,985.72
Gross Profit	20,985.72
Operating Expenses	
Bank Fees	40.80
Consulting & Accounting	700.00
Donations	12,187.63
First Aid Services	902.00
Freight & Courier	443.25
General Expenses	2,517.50
Insurance	3,482.01
IT Service Fees	668.64
Legal expenses	273.95
Light, Power, Heating	236.49
Market Consumables	1,947.19
Motor Vehicle Expenses	62.40
Telephone & Internet	230.98
Utilities	241.74
Total Operating Expenses	23,934.58
Net Profit	(2,948.86)

Figure 1: Profit and Loss Statement

Bush Market Inc. has advised that the \$1800 fee represents a significant contribution they are planning to make to support local community organizations such as football clubs, netball clubs, kindergartens, and schools if the fee is waived. This financial support would otherwise be challenging for these organizations to obtain. It is noted on page 16 of the report that donations were provided to the following organisations:

1. Rosehaven - \$900
2. Benalla Aviation Museum - \$3,423.50
3. A Third Hand Volunteers (setting up road signs) - \$420.00
4. High Country Quilters - \$2,000.00
5. Mansfield Kindergarten - \$3,944.13
6. Mansfield Mens Shed - \$500.00
7. Jamieson Wildlife Rescue - \$1,000.00

It is noted that of the \$12,187.63, 72% was donated to Mansfield located organisations, and 32% to an organisation in Benalla.

The annual report details the various areas that they are looking to improve in and how they are working to attract visitation.

In reference to the Mansfield Shire Council Fees & Charges document and in accordance with Council's fee structure, a single event permit fee of \$450 is required for each large market held on Council Land or in a public place. In order to establish if this is reasonable, Council officers sought to check the fee against other councils. Mitchell Shire Council charge a fee of \$442 for a

large market such as this one, which is in alignment with the fee being charged here. Bush Market Inc. has paid a total fee of \$1800 for four markets, in accordance with the fee structure outlined in the Mansfield Shire Council Fees & Charges document.

The annual permit fee is a fixed requirement for all organizations, including non-profit organizations like Bush Market Inc. In this case, the fee is not subject to negotiation based on the nature of the organisation and a Council decision is required to waive the fee.

In accordance with the criteria established by Council during the meeting held on 19 September 2023, the following assessment has been undertaken to determine if the request for a fee waiver could be supported and allowed by Council officers:

Criteria	Assessment	Complies?
The waiver will only apply to ad hoc Local Laws Permit applications.	The bush market applies to hold four markets per annum. These are scheduled markets, not set on an ad hoc basis.	No
Waivers will be issued to Community Groups and Sporting Groups that are considered local to Mansfield Shire. Waivers will not be issued to these groups if any of the following parameters apply: a) The permit is for something that has an alternative funding stream b) Entry fees will be charged to people attending c) Alcohol is to be served in a public place d) The group receives income from electronic gaming machines. e) The event may have an impact on traffic, car parking, public spaces, transport activity, and (or) pedestrian issues may arise because of the event activity.	While entry fees are not charged to people attending, they are charged to stall holders. The markets do have an impact on public spaces. While the Bush Market Committee is local to Mansfield, it does give donations to organisations outside of the municipality. There is no capacity for Council to require this as part of any waiver request.	No
Waivers will be considered for Charities and Non-profit organisations if any of the following parameters apply: a) The permit pertains to an activity that offers a public benefit. b) The program is not funded through a grant or other funding stream	The market does provide a public benefit with access to local produce and is not funded from a grant, but from market stall holders' payments, which could be considered another funding stream.	No

In summary, and based on this assessment, Council officers do not recommend that the waiver be applied in this instance.

Recommendation
THAT COUNCIL does not issue a fee waiver or reduction for Bush Market Inc. for the future annual permit fees.

Support Attachments

1. Mansfield Bush Market Annual Report 2023 1.0 Compressed [13.2.3.1 - 19 pages]

Considerations and Implications of Recommendation

Sustainability Implications

Not Applicable

Community Engagement

Community Engagement has been undertaken in accordance with the Council's Community Engagement Policy during the process of adopting 2023-2024 Fees & Charges.

Collaboration

Not Applicable

Financial Impact

There have been a range of costs associated with the Bush Market that are borne by Council. In 2023/24, for the period of time in which the Bush Market did not have the appropriate qualifications to undertake traffic management for the events, Council's Field Services team undertook traffic management on their behalf. This had an estimated cost to Council of \$1,800. Three markets were provided free of charge, and the Bush Market were advised that future markets would attract a cost of \$600 should they wish for Council to do the traffic management.

In relation to waste management, the Bush Market used to provide their own bins and Council would cover the costs of the collection. Now, the Bush Market requests additional waste collection and is invoiced \$520 per event for this service (\$2,100 per annum). This price includes Cleanaway supply and clear charges of \$400 and the value of the disposal.

The Market have now obtained the necessary traffic management qualifications and only require Council to loan them with signage for their use at events, which they pick up from and return to the depot. In terms of ongoing cost to council for the Bush Markets, these costs are now limited to the time taken to process the permit application, power used to support the market, work with Council's Events team and to prepare the signage for pick up.

Legal and Risk Implications

Not Applicable

Regional, State and National Plans and Policies

Not Applicable

Innovation and Continuous Improvement

Not Applicable

Alignment to Council Plan

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

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

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

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

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

Strategy 5.1 Create conditions that enable local businesses

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

Governance - Disclosure of Conflicts of Interest

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

13.3. Community and Corporate Services Directorate

13.3.1. Fair Access Policy

File Number	E10525	Responsible Officer	Coordinator Community Development, Clare Berghofer
Purpose			

To seek Council endorsement of the Fair Access Policy.

Executive Summary

In December 2015, the Victorian Government released a report from the independent inquiry into Women and Girls in Sport and Active Recreation. The report’s recommendations in relation to gender equality in Victorian sports and recreation were accepted including a requirement for all Victorian local government authorities to have a Fair Access Policy in place by 1 July 2024 to remain eligible for state government community sports infrastructure funding.

Council officers worked with the Victorian Office for Women in Sport and Recreation to develop the Mansfield Shire Council Fair Access Policy to address barriers experienced by women and girls, and gender diverse people in accessing and using community sports infrastructure.

Key Issues

The Policy builds on Council’s already established Gender Equality Policy and aims to progressively build capacity and capabilities of Mansfield Shire Council and community sporting organisations or clubs, to achieve fair access in current and future planning, policy, service delivery and practice as they relate to community sports infrastructure.

Community Engagement on the draft Policy was undertaken and three comments were received that related to the next steps in terms of actioning/implementing the commitments outlined in the Policy. Council is currently developing a Fair Access Action Plan that will provide guidance on the actioning of Council’s Policy commitments. The comments were generally supportive but wanted more information within the policy as to how this would be implemented. This feedback will be used to inform the Fair Access Action Plan to be developed upon endorsement of the policy.

The Fair Access Action Plan is expected to be completed in advance of the 1 July 2024 State Government deadline.

Recommendation

THAT COUNCIL endorse the Fair Access Policy.

Support Attachments

1. Fair Access Policy [13.3.1.1 - 4 pages]

Considerations and Implications of Recommendation

Sustainability Implications

Not Applicable

Community Engagement

Community Engagement has been undertaken in accordance with the Council Community Engagement Policy and was advertised in Mansfield Matters (within the Mansfield Courier) and on Facebook. Three comments were received and considered in the final review of the policy.

Collaboration

Not Applicable

Financial Impact

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

Any financial implications from the draft action plan will be costed out for consideration.

Legal and Risk Implications

Not Applicable

Regional, State and National Plans and Policies

Not Applicable

Innovation and Continuous Improvement

Not Applicable

Alignment to Council Plan

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

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

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

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

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

Governance - Disclosure of Conflicts of Interest

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

13.3.2. Fraud and Corruption Control Policy

File Number	E698	Responsible Officer	General Manager Business & Economic Development, Julie Williams
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Purpose

To seek Council endorsement of the reviewed Fraud and Corruption Control Policy.

Executive Summary

Council, in collecting and expending revenue and managing assets, has a responsibility to the community, ratepayers, government departments and other stakeholders for ensuring these resources are protected against the risk of fraud and corruption.

The Fraud and Corruption Control Policy demonstrates Council’s commitment to the prevention, detection and investigation of any fraudulent or corrupt activity.

A review of the Policy has been undertaken by the Audit and Risk Committee in accordance with it’s adopted workplan that requires a review of Council’s Fraud Prevention policies and controls, including the Fraud Control Plan and fraud awareness programs, at least every two years. The Committee last reviewed the Fraud and Corruption Control Policy in February 2022.

Key Issues

A review of the Council Fraud and Corruption Control Policy has been completed and a revised and updated Policy has been developed with minor changes. As no material changes have been made to the content of the existing policy, it is not considered necessary to undertake community engagement. A copy of the tracked changes, revised Policy is attached for reference.

A review of the Organisational Fraud Control Plan is underway to extend the Plan to incorporate corruption for consistency with the policy.

Recommendation

THAT COUNCIL endorse the Fraud and Corruption Control Policy 2024.

Support Attachments

1. Fraud and Corruption Control Policy 2024 [13.3.2.1 - 8 pages]
2. Tracked Changes - Fraud and Corruption Control Policy 2024 [13.3.2.2 - 8 pages]

Considerations and Implications of Recommendation

Sustainability Implications

Not Applicable

Community Engagement

Not applicable as no material changes were made to the content of the existing policy.

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 Fraud and Corruption Control Policy is an important component of Council's robust governance and risk management environment and intended to foster a strong Council culture of ethical behaviour.

Regional, State and National Plans and Policies

Not Applicable

Innovation and Continuous Improvement

Not Applicable

Alignment to Council Plan

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

Governance - Disclosure of Conflicts of Interest

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

13.3.3. Rates and Charges Financial Hardship Policy

File Number	E698/1	Responsible Officer	General Manager Business & Economic Development, Julie Williams
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Purpose

To seek Council endorsement of the reviewed and revised Rates and Charges Financial Hardship Policy.

Executive Summary

The Rates and Charges Financial Hardship Policy was first created in 2003 to provide a consistent process for the consideration of applications for financial support through deferment and/or a waiver of rates and charges for ratepayers experiencing financial hardship.

In August 2022, the *Local Government Amendment (Rating and Other Matters) Act 2022* was issued that included amendments to the *Local Government Act 1989* in relation to rates and charges. Council’s Rates and Charges Financial Hardship Policy already incorporated the key amendment regarding the offering of payment plans for unpaid rates and charges, hence no update of the policy was required at that time. However, Council procedures have been updated to incorporate procedural changes as a result of the amended legislation.

Key Issues

A review of the Rates and Charges Financial Hardship Policy has been completed and an updated policy has been developed that incorporates proposed new delegations regarding the granting of a waiver of legal fees, and the commencement of legal proceedings for recovery of unpaid debt. In addition, definitions have been included for both Hardship and Financial Hardship that are aligned with the amended legislation.

Recommendation

THAT COUNCIL endorse the revised Rates and Charges Financial Hardship Policy.

Support Attachments

1. Rates and Charges Financial Hardship Policy 2024 [13.3.3.1 - 5 pages]
2. TRACKED CHANGES Rates and Charges Financial Hardship Policy 2024 [13.3.3.2 - 5 pages]

Considerations and Implications of Recommendation

Sustainability Implications

Not Applicable

Community Engagement

Community Engagement has been undertaken in accordance with the Council Community Engagement Policy through Engage Mansfield from 23 February – 8 March 2024 seeking feedback on the draft policy. No comments were received for considered in the final review of the policy.

Collaboration

Not Applicable

Financial Impact

Not Applicable

Legal and Risk Implications

Reputation Risk: Consistency and clarity in Council's approach to supporting the Shire's residents in financial hardship ensures equality and fairness, and a community wide appreciation of the use of Council's financial hardship resources.

Regional, State and National Plans and Policies

Is in accordance with the Local Government Act 2020.

Innovation and Continuous Improvement

Not Applicable

Alignment to Council Plan

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

Theme 3: A Trusted, Effective and Efficient Council

Strategic Objective 1 Embed health and wellbeing enablers and protections to reduce risks to our community

Governance - Disclosure of Conflicts of Interest

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

13.3.4. Policy Revocation

File Number	E513/3	Responsible Officer	Governance and Risk Officer, Chelsea Young
Purpose			

To seek Council endorsement to revoke the Public Spaces Trading, Waste Management Services and Purchasing Card policies from the Mansfield Shire Council Policy Register.

Executive Summary

The Governance & Risk Officer is responsible for maintaining a register of all policies and their review dates and supporting the business units to review the policies in a timely manner. The Policy Register provides details of each Council and Organisational Policy.

The Communications, Governance & Risk department are currently undertaking a comprehensive review of Council’s suite of policies with appropriate Council officers to ascertain if a policy is still required, or whether a procedure or guideline or affiliation within another current Policy is a more appropriate governance of the document.

Key Issues

It is proposed that the following Council Policies be revoked from the Policy register. Copies of the below listed Policies are attached to this report.

Public Spaces Trading Policy

Proposal: Policy be revoked – to be incorporated into Local Laws review.

Waste Management Services Policy

Proposal: Policy and procedure to be revoked.

The Waste Management Services Policy is now superseded by the Circular Economy (Waste Reduction and Recycling) Act 2021. The information contained in the Procedure will be published on Council’s website for residents' information.

Purchasing Card Policy

Proposal: Policy be revoked. Procedure only.

The Purchasing Card Policy acts as a guide only with the Procedure providing comprehensive step-by-step instructions for ensuring Council officers are aware of their responsibilities and processes that are aligned with having a corporate purchasing card. The procedures set out reconciliation, payment and acquittal processes regarding an Officer being delegated a card.

Recommendation

- THAT COUNCIL revoke the following from the Mansfield Shire Council Policy Register:
1. Public Spaces Trading Policy
 2. Waste Management Services Policy and Procedure
 3. Purchasing Card Policy

Support Attachments

1. Purchasing Card Policy and Procedure 2019 [13.3.4.1 - 15 pages]
2. Waste Management Service Policy 2019 [13.3.4.2 - 9 pages]
3. Street Trading Policy 2006 [13.3.4.3 - 18 pages]

Considerations and Implications of Recommendation

Sustainability Implications

Not Applicable

Community Engagement

Not Applicable

Collaboration

Not Applicable

Financial Impact

The Policy Register is kept up to date and policies reviewed internally by Council Officers within existing staff resources. Removing redundant policies from the register will reduce required officer time to review and update these policies.

Legal and Risk Implications

Not Applicable.

Regional, State and National Plans and Policies

Not Applicable

Innovation and Continuous Improvement

Not Applicable

Alignment to Council Plan

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

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.

13.3.5. Customer Service Charter

File Number	E5341	Responsible Officer	Coordinator Customer Service, Records and Data Management, Jane Carter
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Purpose

To seek Council endorsement of Council’s updated Customer Service Charter.

Executive Summary

The Customer Service Charter sets out Council’s service delivery standards and outlines how customers can complain if they are dissatisfied with an action taken, decision made, or service delivered by Council. There are no substantive changes being made to the charter from the current adopted charter.

This Charter aims to enhance Council’s relationships with the Mansfield Shire community and strengthens Council’s continuous improvement system for Council’s customer services.

The updated Charter will be publicly available on Council’s website and via a link on Council’s automated email messages.

Key Issues

The Charter has been reviewed in collaboration with key Council staff and only minor grammar changes were made and images updated.

Recommendation

THAT COUNCIL endorse the updated Customer Service Charter.

Support Attachments

1. Customer Service Charter 2024 [13.3.5.1 - 2 pages]

Considerations and Implications of Recommendation

Sustainability Implications

Not Applicable

Community Engagement

No community consultation was undertaken. The Charter was reviewed in consultation with the relevant Council officers.

Collaboration

Not Applicable

Financial Impact

The Charter review has been undertaken internally by Council Officers within existing staff resources.

Legal and Risk Implications

The Customer Service Charter enables Council to comply with the regulatory obligations of the Local Government Act 2020.

Reputation Risk: This Charter facilitates open, transparent governance by outlining how Council will respond to customer service requests within the limits of Council resources.

Regional, State and National Plans and Policies

Is in accordance regulatory obligations as outlined in the Local Government Act 2020

Innovation and Continuous Improvement

Council welcomes feedback and treats it as an opportunity to enhance customer services. Council's customer service performance will be monitored on a regular basis (annual customer satisfaction survey) generating opportunities for improvement.

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.

13.3.6. Audit and Risk Committee Charter

File Number	E6955	Responsible Officer	General Manager Business & Economic Development, Julie Williams
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Purpose

To seek Council endorsement of the updated Audit and Risk Committee Charter (Charter).

Executive Summary

The Charter is reviewed on a regular basis to ensure that it is current and supporting best practice.

At the Audit and Risk meeting held in November 2023 a brief was presented to the Committee with recommended updates and changes to the Charter. Arising from the discussion on the Charter at the meeting, a further updated version of the Charter was presented to the Committee on 26 February 2024.

The Audit and Risk Committee endorsed the updated Charter for consideration by Council at its meeting on 26 February 2024. The updated Charter is presented to Council for endorsement.

Key Issues

As part of the Charter review, Council officers have reviewed a selection of four other Councils’ charters to identify any improvements that may be incorporated into the Mansfield Charter. The proposed amendments to the Charter include:

1. To the constitution of a quorum – to include at least one Councillor in attendance.
2. To voting requirement- to consider the inclusion of a casting vote for the Chair.
3. To the Terms of Appointment – to provide clarity in relation to the staggered rotation and ongoing terms of appointment.

Recommendation

THAT COUNCIL approve the updated Audit and Risk Committee Charter.

Support Attachments

1. Audit and Risk Committee Charter 2024 [13.3.6.1 - 13 pages]
2. Tracked Changes - Audit and Risk Committee Charter 2024 [13.3.6.2 - 13 pages]

Considerations and Implications of Recommendation

Sustainability Implications

Not Applicable

Community Engagement

Not Applicable

Collaboration

Not Applicable

Financial Impact

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

Legal and Risk Implications

The revision of the Charter ensures an effective functioning committee which is a key component of Council's risk management framework. The Charter has been benchmarked with other Audit and Risk Committee Charters ensuring best practice is followed.

Regional, State and National Plans and Policies

Not Applicable

Innovation and Continuous Improvement

Not Applicable

Alignment to Council Plan

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

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

Governance - Disclosure of Conflicts of Interest

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

13.3.7. Regional Community Sports Infrastructure Fund

File Number	E11484	Responsible Officer	General Manager Business & Economic Development, Julie Williams
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Purpose

The purpose of this report is to seek Council endorsement of a financial co-contribution and submission of a grant application to the Victorian Government’s *Regional Community Sports Infrastructure Fund* to Sport and Recreation Victoria to upgrade existing Mansfield swimming pool facility to allow year round operation by enclosing the learner pool, make improvements to the change rooms for winter use, enhanced digital dosing system for more efficiencies in our plant room with regards to more consistent pool chemical levels and lower chemical usage, accessible pool access equipment and replacement of the toddler pool with a Splash park.

Executive Summary

The Mansfield Shire community has long been advocating for an indoor heated pool to be provided in the Mansfield township. This cause has been championed by YAFM (Year-Round Aquatic Facility Mansfield), who have undertaken extensive community engagement and a feasibility into the project.

The cost of these types of facilities, as originally envisaged, has proven difficult to fund. As an alternative, and in an effort to provide for some community year-round use of the aquatic facilities, Council officers are proposing to seek funding to install a retractable roof over the existing learner pool at the Mansfield Aquatic Centre, and to undertake other upgrade works to make it accessible and more attractive to a broader range of users. This roof will have the effect of creating a pool that will be able to be used all year around within the existing facility.

Funding has become available through the *Regional Community Sports Infrastructure Fund* from Sport and Recreation Victoria, with a funding co-contribution requirement of 1:3, or 25% of the total cost of the project.

Key Issues

The works proposed for the project include the following elements:

1. Retractable enclosure and works on the concourse to enable the installation
2. Pool Pod to provide for DDA pool access
3. Upgrades to the dosing system (to reduce running costs and improve sustainability)
4. Upgrades to the change rooms to accommodate use all year round
5. Replacement pool liners for all pools
6. Furniture and other equipment to support the expanded use
7. Splash park/Water features to be installed over the toddler pool.

The total project cost has been estimated at \$1,800,000 (ex. GST), including a 20% project contingency. Under the terms of the funding program, 75% of the total project cost is funded by the grant, with a local government contribution required for the remaining 25%.

Element	Amount	% Contribution
Grant funding required	\$1,350,000	75%
Co-contribution required	\$450,000	25%
Total Project Cost	\$1,800,000	100%

As it is anticipated that this project would take more than 12 months to complete, the contribution is proposed to spread over two financial years. The proposed 2024-25 capital works budget includes \$50,000 for the swimming pool roof and \$35,000 for the pool renewal program. The 2025-26 capital works budget includes a \$275,000 contribution for this project, should it be successful. Should the application be successful, the remaining \$90,000 could be included in one of these budgets or could be drawn from the Open Space reserve.

Recommendation
<p>THAT COUNCIL:</p> <ol style="list-style-type: none"> Endorses the submission of a grant application to upgrade the existing aquatic facility to the Victorian Governments Regional Community Sports Infrastructure Fund, prior to the closing date of 27 March 2024 Approves the allocation of a financial co-contribution of \$450,000 to the project.
Support Attachments
Nil

Considerations and Implications of Recommendation

Sustainability Implications

The project will improve the sustainability of the existing facility with reduced evaporation from the learner's pool as well as decreased chemical usage through an upgraded dosage system.

Community Engagement

Not Applicable

Collaboration

Not Applicable

Financial Impact

The grant application is being prepared with existing council resources. Council's co-contribution will form part of future budgets in 2024-25 and 2025-26.

Legal and Risk Implications

Not Applicable.

Regional, State and National Plans and Policies

Not Applicable

Innovation and Continuous Improvement

Not Applicable

Alignment to Council Plan

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

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

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

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

Theme 2: Vibrant Liveability

Strategic Objective 4 Clean and green: Waste and energy sustainability

Strategy 4.2 Adopt and promote energy options that are affordable, self sustaining & carbon positive

Governance - Disclosure of Conflicts of Interest

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

14. Council Meeting Resolution Actions Status Register

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

Recommendation
THAT Council receive and note the Mansfield Shire Council Meeting Resolution Actions Status Register as at 6 March 2024.
Support Attachments
1. Mansfield Shire Council Action Register as 6 March 2024 [14.1.1 - 4 pages]

15. Advisory and Special Committee reports

15.1. Audit & Risk Committee Meeting Agenda & Minutes

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

Recommendation
THAT COUNCIL receive the Agenda & Minutes of the Mansfield Shire Audit and Risk Committee meeting held 26 February 2024.
Support Attachments
1. Audit and Risk Committee Minutes - 26 February 2024 [15.1.1 - 7 pages]
2. Audit and Risk Committee Agenda - 26 February 2024 [15.1.2 - 61 pages]

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

File Number	E10900	Responsible Officer	{position}, {author-name}
Purpose			

To present Council with a biannual report from the Mansfield Shire Audit and Risk Committee for the six months ending 31 December 2023.

Executive Summary

The Audit & Risk Committee Charter, endorsed by Council on 21 March 2023, and the *Local Government Act 2020* requires the Audit & Risk Committee to present a biannual report on its activities, findings, and recommendations to Council.

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

Key Issues

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

The Audit and Risk Committee considered the attached report at its meeting on 26 February 2024 and has recommended the report to be presented to Council. The report presents an overview of the activities of the Mansfield Shire Audit and Risk Committee for the six months ending 31 December 2023, structured as follows:

- Overview
- Introduction
- Role of the Audit and Risk Committee
- Membership of the Audit and Risk Committee
- Meeting Attendance
- Annual Highlights
- Summary of the Work of the Committee
- Overall Assessment of Council’s Risk, Control and Compliance Framework.

The Chair of the Audit and Risk Committee offers the attached report as fulfilling the requirements under section 9.4 (d) of the charter to facilitate a biannual audit and risk report that describes the activities of the Committee and includes its findings and recommendations.

Recommendation

THAT COUNCIL receive and note the Mansfield Shire Audit and Risk Committee report describing the activities, findings and recommendations for the six months ending 31

December 2023.

Support Attachments

- 1. Audit and Risk Committee Report to Council - December 2023 [15.2.1 - 8 pages]

Considerations and Implications of Recommendation

Sustainability Implications

Not Applicable

Community Engagement

Not Applicable

Collaboration

Not Applicable

Financial Impact

Not Applicable

Legal and Risk Implications

Not Applicable.

Regional, State and National Plans and Policies

Not Applicable

Innovation and Continuous Improvement

Not Applicable

Alignment to Council Plan

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

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

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

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

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.

16. Authorisation of sealing of documents

Nil

17. Closure of meeting to members of the public

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

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

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

Recommendation

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

18. Confidential Reports

18.1. Tender Award - Lords Reserve Drainage

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 - Project CODI Enterprise Resource Planning Solution

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