



– Application for a Planning Permit for a single dwelling at
2997 Broadford – Flowerdale Rd, Flowerdale.

HOW THE PROPOSAL MEETS THE DECISION GUIDELINES OF THE FARMING ZONE OF THE MURRINDINDI PLANNING SCHEME

THE DESIGN AND SITING OF THE DWELLING

Impact on the land and neighbouring properties:

The site of the proposed dwelling is 46.5 metres from the northern boundary, 164.7 metres from the eastern boundary, 146.4 metres to the southern boundary and 209.5 metres from the western boundary. The nearest neighbours dwelling is on the southern boundary, at more than 146.4 metres.

The dwelling will face north, and is not visible from neighbouring properties to the south, east or west. The neighbouring property to the north may have partial visibility from their paddock. The access track for the neighbouring property to the east will also have partial visibility when traversing a section of their track.

The proposed site of the dwelling has had previous earthworks carried out prior to my obtaining the property in 2014. Only minor additional earthworks will be needed for the dwelling. (see Site Plan-5) The proposal of developing this site means there will be minimal impact to the land.

This site is also accessible to the 2 sheds on the property, being approximately 29 metres to the existing shed, and 51 metres to the new shed constructed in 2017. Both the dwelling and the sheds are minimal in size. Most of the ongoing agricultural activity happens near to the site of the sheds and the dwelling, minimising the impact on the neighbouring properties.

Impact on native vegetation:

The site of the proposed dwelling has been cleared of vegetation in the past, either due to farming and/or when the site was excavated before I owned the land. There are some mature trees surrounding the area of the proposed dwelling, which I believe will not be impacted by the building action.

Impact on watercourses and drainage lines:

The nearest watercourse is seasonal, and approximately 90 metres to the south of the site of the proposed dwelling. It is steep and vegetated with native trees and understorey, and is fenced to prevent livestock from entering. I believe there will be little impact on this watercourse from the proposed dwelling.

There is a natural drainage line about 20 meters to the north of the site of the proposed dwelling, which flows to the culvert along the side of the access track and eventually disperses downhill toward the western boundary of the property.

Additional minor earthworks won't change the rate of flow of water across any property boundaries.

Impact on the rural landscape:

The siting, size, design and colour of the dwelling are intended to be minimal in their impact on the natural environment, landscape and vistas of the area. The building site is not visible from the road.

The proposed dwelling will have a cladding of Primaplank cement weatherboard and painted a shade of green (see attached Dulux "Battledress") to blend into the environment rather than stand out because of colour. The roof will be Colourbond "Shale Grey" (see attachment). The proposed dwelling is not large, being 9 metres by 17 metres. I believe there will be no adverse impact on the natural beauty, appearance and character of the area.

Regard to the topography:

The property that it is proposed the dwelling will be constructed on has a slight incline from the front to the back, with some areas having a greater incline than others. The site of the proposed dwelling takes advantage of one of the least steep areas, which is an area that has already been excavated in the past. Minimal earthworks will be needed. (see Site Plan-5)

HOW THE LAND IS MANAGED AND WHAT IT IS USED FOR

The type of agricultural activity currently and into the future:

The land is currently being used for the grazing of 5 ponies, their exercising, feeding, watering, and generally being watched over. I plan for this to continue into the future.

The paddocks are rotated regularly to rest them from grazing pressure to ensure that ground cover isn't compromised nor weeds encouraged.

Native vegetation along the gully has been fenced off to protect from stock entering and causing erosion. This also encourages insect eating birds to the area, which in turn controls pasture pests.

Methods of pest plant and animal control:

I am a member of Flowerdale Landcare and have access to tools, native plants, workshops, seminars, courses and lectures to address issues of pest plants and animals. This has instigated:

- Annual blackberry spraying on the property to control emerging and existing blackberries
- Management of St John's Wort by annual spraying
- Fox and deer control being addressed by licensed contract shooters
- Rabbits controlled by professional ferreters
- Revegetation with native plants in an area where blackberries were eradicated

WHY THE DWELLING IS REQUIRED

I currently live in Pheasant Creek and have a small business where I take ponies to children's birthday parties in Melbourne, for rides and entertainment. I have 5 ponies that I keep on the property of the proposed dwelling. The daily routine requires that I drive to Flowerdale everyday, sometimes twice a day, to feed them, care for them, and collect them to float to Melbourne for the parties. If I could live on site, the care of the ponies and the management of the land would be enhanced. Also my time and fuel would be used more productively.

HOW THE DWELLING WILL BE PROVIDED WITH –

Water supply

The proposed dwelling will have 2 x 22,500 litre above ground metal tanks for domestic use. Also there will be a 10,000 litre above ground metal tank exclusively for fire fighting purposes, which includes appropriate CFA fittings. These tanks will capture rainwater from the roof of the dwelling.

Power supply

It is planned that the dwelling will have an alternative to a mains power supply, and won't be connected to the main grid. Solar panels and a SP PRO Selectronic system will be supplied and installed by *Energy Assist* of Croydon.

The proposed dwelling has been designed to take advantage of the local climate and is orientated to maximise passive solar heating and cooling.

Effluent disposal

The proposed dwelling will have waste water and effluent treated on site via a biological waste treatment system. *Worm Smart* will install an advanced primary worm based system. (see Land Capability Assessment)

Road and driveway access

The property is accessed from Broadford – Flowerdale Rd. Vic Roads have previously allowed for this access with a formed driveway over the main culvert that runs parallel with the road. The original access track through the property runs up along the northern boundary and has been upgraded with crushed rock to allow all weather access to the new shed and the proposed house site. (see Site Plan)

**Grants and Contribution Program
Community Projects and Events Grant Applications Summary – November 2019**

TRIM ref: 19/82908

No	Org / Club / Individual	Project Name and description	Project Value	Grant amount Requested	Grant amount recommended by Assessment Committee	Comments
Community Projects and Events applications						
1	Yea – Kinglake RSL Sub-Branch	Safer RSL hall entry for Yea – Kinglake veterans and other hall users	\$50,400	\$5000	\$5000 (cash grant of \$3,300 plus fee waivers to the value of \$1,700)	<p>The Yea – Kinglake RSL Sub Branch sought a grant to support works proposed to the existing entrance of Yea RSL Hall to improve safety. The entry footpath, front porch and entrance way are unsafe and non-compliant creating hazards for users of the hall, particularly older community members.</p> <p>The Assessment Panel recommends that this application be supported with a cash grant of \$3,300 and fee waivers to the value of \$1,700.</p> <p>The grant is recommended to be provided with the condition that in the event the Kinglake Yea RSL Hall is sold within 24 months of the project completion, the granted funds will be returned to Council in full.</p>
Community Sponsorship applications						
1	Koori Kids	NAIDOC Week School Initiatives	\$775	\$500	\$500	<p>Koori Kids sought a sponsorship to support the running of competitions and activities within schools across Murrindindi to promote and assist in celebrating NAIDOC week. Competitions include colouring, short story, creative writing and essay writing. An activity pack is sent to each school to support their curriculum planning and participation.</p> <p>The Assessment Panel recommends this application be supported in full.</p>
2	BSX (Bicycle Supercross) Inc.	BSX2020 Backyard BMX cycling fundraising event for the Royal Children's Hospital	\$33,800	\$4,000	\$4000 (fee waiver of \$1318.10 and cash grant of \$2681.90)	<p>BSX (Bicycle Supercross) Inc. sought a sponsorship including fee waivers to support the BSX2020 Backyard BMX cycling fundraising event for the Royal Children's Hospital. The event marks the 15 year anniversary of the backyard BMX bash.</p> <p>The Assessment Panel recommends that this grant be supported with a cash grant of \$2,681.90 and a fee waiver of \$1,318.10. As a grant condition the applicant will be asked to work with Council officers to support effective communication and planning of the event.</p>
		TOTAL		\$5500	\$9,500	

No	Org / Club/ Business	Application number , Project Name & Activity	Project Value	Grant amount Requested	Officer decision under delegation	Comments
Fee Reduction						
1	Rotary Club of Yea	FR-1819-024 Yea Arts Show Requesting Hall Hire fees for 9 days	\$54,552.00	\$2430.00 (Hall hire fee for 9 days)	\$1215.00	Partial fee reduction of 50% totalling \$1215.00. There were no exceptional circumstances detailed. Additionally, the applicant has applied and been granted funds from the Events Support stream of \$2,500 towards the Art Show in the November 2019 grant round.
2						
			\$54,552.00	\$2430.00	\$1215.00	

No	Organisation / Association / Business	Application number , Project Name & Activity	Project Value	Grant amount Requested	Grant amount recommended or Officer decision under delegation	Comments
Events Support (Tourism)						
1	Rotary Club of Kinglake Ranges	ES-1819-017 Kinglake Produce & Artisan Market		\$3500.00	\$3500.00	<p>Rotary Club of Kinglake Ranges applied for \$3500 to specifically cover the cost of traffic management in support of the Kinglake Produce and Artisan Market (Christmas event). There are some issues with the application:</p> <ul style="list-style-type: none"> • No permits for the road closure have been issued • Limited detail in the application of the event and its management • Application was made to Tourism Events Stream, however officers believe it fits better within the Community Projects and Events stream <p>However, officers believe that this is a successful event that would be deserving of support by Council. Therefore, the following recommendation is made:</p> <ol style="list-style-type: none"> 1. The grant will only be made upon evidence of permits granted by Regional Roads Victoria to facilitate the road closure 2. The grant be made from the Community Projects and Events stream 3. Prior to a grant being made Rotary Club of Kinglake Ranges provides any additional information required by officers.
				\$3500	\$3500	



Parcel	
Parcel Number	6071
Crown Land?	No
Area (Ha)	0.02Ha
Locality	MARYSVILLE
Parish	STEAVENTSON
Township	MARYSVILLE
Ward	CATHEDRAL
Property Detail	
Parcel Number	6071
Assessment	4026
Address	2A Murchison St MARYSVILLE
Lot On Plan	LOT: 2 ALT: PT LP: 221571
Owner Details	
Ratepayer Name 1	
Ratepayer Name 2	T J & A Romancewicz
Ratepayer Addr 1	15 Sparton Way
Ratepayer Addr 2	WILLIAMS LANDING VIC 3027
Ratepayer Addr 3	



Disclaimer: Title boundaries are indicative only. Not to be used for fencing or surveying purposes. Murrindindi Shire Council does not warrant the accuracy of information in this publication and any person using or relying upon such information does so on the basis that MSC shall bear no responsibility or liability whatsoever for any errors, faults, defects or omissions in the information.

2A Murchison Street
 MARYSVILLE

22/10/2019
 1:452



Financial Reserves

Title:	Financial Reserves
Type:	Council
Adopted:	"[Insert Date]"
File No:	19/44335
Attachments:	"[Insert references to any attachments]"

1. Purpose

This policy is to:

- (a) ensure that Council has established reserves that account for income that has been received from specific sources for a future application; and
- (b) establish requirements around the creation of reserves, transfer to reserves and subsequent expenditure of funds from these reserves.

2. Rationale

The purpose of reserve accounting is to put aside funds in the current year for projects or other initiatives that will be completed in future years.

This practice minimises fluctuations in Council's annual budget for capital and large purchases, and provides more consistency in the level of rates required each year.

3. Scope

This policy applies to Council and Council employees who make decisions regarding financial reserves.

This policy excludes the Asset Revaluation Reserve that arises under the Australian Accounting Standards because it relates to the change in asset values rather than the collection of funds.

4. Definitions

Reference Term	Definition
Financial reserves	"Reserves" are funds that have been set aside from operating and capital income for future funding of projects or initiatives. From an accounting perspective the value of these funds is recorded in equity balance sheet ledger accounts.
Asset Revaluation Reserve	Reserve that is required by the Australian Accounting Standards. It reflects the increments or decrements of fixed asset values as a result of an asset revaluation. This reserve cannot be used for any other function. This reserve is not cash backed.

Responsible Officer: Manager Business Services
 "[Insert Date Approved / Adopted]"
 TRIM Reference: 19/44335

Financial Reserves

Statutory reserves	<p>Statutory Reserves are governed by legislation (or other legal requirements) and record Council's future expenditure commitments. Statutory Reserves are also funds collected from developers or funding bodies that represent future obligations.</p> <p>These are separately accounted for to ensure sound financial management of future operations. These reserves require cash backing.</p> <p>Where statutory funds are collected to fund future infrastructure there are legal requirements that govern how the funds must be spent. This may include expending the funds in accordance with the terms and conditions of the funding or on projects in the vicinity of the developments that the funds were collected in respect of.</p>
Discretionary reserves	<p>Discretionary Reserves are funds held by Council and segregated from general revenues, based on Council directions, to finance future expenditures or to provide for a specific project to ensure funds are available as required. Discretionary Reserves may be varied from time to time where expenditure commitments may be created and retired. These reserves may not require full cash backing.</p>

5. Policy

Council will maintain both statutory and discretionary reserves that acknowledge the receipt of funds from particular sources to be applied on projects or initiatives that are consistent with the purposes of that reserve. A schedule of current financial reserves is included in Appendix A.

Statutory reserves will be created where there is a legislative requirement.

Discretionary reserves will be created where:

- It is anticipated that extensive works will require funding over a period of time; or
- Funds are collected specifically (or put aside) for the funding of a specific project or initiative;

Discretionary reserves should not be created where it is expected that the balance of the reserve will not reach \$20,000.

The amounts transferred to individual discretionary and statutory reserves come from a variety of sources including:

- Developer contributions
 - 100% of developer contributions will be transferred to Reserves in the financial year that funding is received.
- Waste charges
 - The surplus from waste operations (including general waste charges) will be transferred to the Landfill and Waste Management reserve each year.
- Budget transfers
 - Transfers determined as part of the budget process.

Council will set aside funds in reserves with the amounts to be decided during the annual budget process or at any other time by Council resolution, with the amounts to be transferred accordingly (usually at the end of the financial year). For example, proposed Capital Works Projects need to include details of project funding, including any planned use of reserves. Projects are then evaluated and submitted to Council for approval.

Responsible Officer: Manager Business Services
 "[Insert Date Approved / Adopted]"
 TRIM Reference: 19/44335

Financial Reserves

For the purposes of efficient financial management it is acknowledged that in lieu of borrowings, reserves may be used to assist funding specific projects or initiatives and are not designed to fund the general operations of Council.

With the exception of the Asset Revaluation Reserve, all reserves are required to be 100 per cent cash backed unless there is a Council resolution to borrow from an internal reserve to fund a specific project or initiative.

Council will normally maintain a minimum cash bank balance greater than the balance of statutory and discretionary reserves. Current liabilities (working capital considerations) will also be taken into account in determining the minimum cash balance.

However, Council may commit a level of funds from a reserve that exceeds its current balance to fund a specific project or initiative under the following conditions:

- An assessment of existing reserve requirements is completed (i.e. current commitments and projection of future cash inflow); and
- An adequate payback period and plan is established to repay the reserve prior to the commitment of cash to the project or initiative.

A specific *Terms of Reference* governs the use of the Public Open Space reserve (Refer to Appendix B).

A specific *Terms of Reference* governs the use of the Infrastructure discretionary reserve (Refer to Appendix C).

Reserve accounts will be closed at the end of their useful life or by Council resolution.

Council is required under the Local Government Act 1989 and financial reporting standards to disclose all reserves set aside for specific purposes in its annual financial statements.

6. Related Policies, Strategies and Legislation

Annual Budget
Annual Financial Statements
Strategic Resource Plan
Local Government Act 1989
Subdivision Act 1988
Planning and Environment Act 1987
Australian Accounting Standards

7. Council Plan

This policy is consistent with the Council Plan 2017-2021 Our Promise strategy to "Maintain Council's financial sustainability through sound financial and asset management"

8. Management and Review

The Manager Business Services will review this policy for any necessary amendments no later than 3 years after adoption of this current version.

9. Consultation

Consultations have occurred with relevant Council officers and Councillors.

10. Human Rights Charter

This policy has been developed with consideration of the requirements under the Charter of Human Rights and Responsibilities.

Responsible Officer: Manager Business Services
"[Insert Date Approved / Adopted]"
TRIM Reference: 19/44335

Financial Reserves

Appendix A: Schedule of financial reserves

Statutory reserves:

Reserve	Description
Public Open Space ¹	Public Open Space reserve represents payments from subdividers as specified under the Subdivisions Act, to fund future creation of areas of recreational land.

¹ Reserve governed by Terms of Reference for Public Open Space Reserve (Appendix B)

Discretionary reserves

Reserve	Description
Defined Benefits Superannuation	Defined Benefits reserve has been created to assist in meeting obligations for future funding calls from the Vision Super Defined Benefits Superannuation Fund.
Gifted and Novated Assets	This reserve contains the balance of funds that were held by (VBRRA) the Victorian Bushfire Recovery and Reconstruction Authority for reconstruction projects in Murrindindi Shire when the Authority closed. The funds (also known as VBBRA Cessation funds) were transferred by the State Government to Council as further assistance for the new assets gifted after the 2009 bushfires.
Infrastructure Contributions Parking	Infrastructure Contributions reserve represents payments from Subdividers set aside for future infrastructure works relating to provision of car parking.
Infrastructure Balance MAP funding	Infrastructure balance MAP (Murrindindi Assistance Package) represents the balance of funds from the financial assistance provided to Council by the State Government for reform and recovery following 2009 bushfires. Revisit all infrastructure (audit) and assess gaps.
Infrastructure Maintenance	Infrastructure Maintenance Reserve represents funds set aside for addressing council's long term infrastructure renewal obligations and was funded through a strategy of ongoing rate increases under former Councils. Contributions to this reserve ceased following the introduction of rate capping and changes in Council's rating priorities.
Infrastructure ²	Infrastructure reserve has been established as an accumulation fund to plan for the future investment in community infrastructure. Any unallocated savings from the annual capital works program will be transferred to this reserve. The reserve is the consolidation of two previous reserves which had similar objectives – the Infrastructure Unexpended Capital Works reserve and the New and Expanded Assets Reserve.
Landfill and Waste Management	Landfill and waste management reserve represents funds set aside for rehabilitation of Landfill site. The reserve is to be utilised for future works to maximise life of the landfill site (e.g. cell construction, cell capping and Leachate management over the next 10 years)
Marysville Caravan Park	Marysville Caravan Park reserve is surplus operational funds (rental) set aside for future capital works or operational requirements.
Marysville Community Fund	Marysville Community Fund Reserve contains funds set aside from the sale of Council land associated with the prior Marysville Retirement Village which are available for reinvestment in infrastructure or programs in Marysville.
Road Maintenance – Subdividers Contribution	Road Maintenance reserve consists of contributions from subdividers to future road maintenance cost impacted by respective subdivisions.
Shaw Avenue Redevelopment	Shaw Avenue reserve represents remaining funds from Council land sales at Shaw Avenue in 2003.
Yea Caravan Park	Yea Caravan Park reserve is surplus operational funds (rental) set aside for future capital works or operational requirements.
Yea Saleyards	Yea Saleyards reserve is surplus operational funds set aside for future capital works or operational requirements.

² Reserve governed by Terms of Reference for Infrastructure Reserves (Appendix C)

Responsible Officer: Manager Business Services
"[Insert Date Approved / Adopted]"
TRIM Reference: 19/44335

Financial Reserves

Appendix B: Terms of Reference - Public Open Space Reserve

Purpose

The Public Open Space reserve represents payments from subdividers as specified under the Subdivisions Act, to fund future creation of areas of recreational land.

Operation

A public open space contribution (income) is required to be paid when a subdivision of residential land is applied for. The contribution can be in the form of land or cash (or combination of both). Only cash contributions are recorded in the reserve account. Land is to be recognised as a non-monetary contribution (i.e. gifted asset). Where land is accepted, the land must not be encumbered.

Contributions are to be reconciled by township.

Allocation of funds (expenditure) from the Public Open Space Reserve is via the Capital Works program in the Council Budget or via a Council resolution.

Council must only expend *public open space* contributions received for the purposes provided under the *Subdivision Act 1988* and the *Planning and Environment Act 1987* which would include:

- (a) the creation of new open space and recreational facilities;
- (b) the upgrading of open space and recreational facilities, only to the extent which such works would result in existing open space being more intensively used after than before the subdivision; and
- (c) the improvement of open space and recreational facilities, only to the extent which such works would result in the existing open space/recreation facility, being more intensively used after than before the subdivision.

Projects funded by this reserve must be considered in line with the Recreation and Open Space Strategy, strategic planning objectives and other Council approved strategies.

Consideration of projects funded by this reserve will take into account the vicinity of the developments/townships that funds were collected. Funds will be primarily used for projects that provide the greatest benefit for that township. Where appropriate, the pooling of township funds can also be considered to fund projects that benefit a wider area (e.g. a municipality wide facility that benefits all of the community).

Contributions received must not be used for any maintenance works.

Contributions received may be used for the conduct of feasibility studies and design costs relating to the development of open space or recreation facilities only if such expenditure is able to be capitalised in the Council's annual accounts in accordance with audit and accounting guidelines.

Monitoring and Reporting

The Public Open Space Reserve is to be reconciled at a minimum annually and reported to the Executive Leadership Team and Council.

The planned reserve allocation is to be reviewed annually and endorsed by Council as part of the annual budgeting process.

Responsible Officer: Manager Business Services
"[Insert Date Approved / Adopted]"
TRIM Reference: 19/44335

Financial Reserves

Appendix C: Terms of Reference - Infrastructure Reserve

Purpose

An Infrastructure Reserve has been established as an accumulation fund to plan for the future investment in community infrastructure.

Operation

Contributions (income) to the Infrastructure Reserve are from a number of sources including:

- Year-end net surplus of the approved Capital Works program when under expenditure of project budgets exceeds over expenditures.
- Budget offsets of projects in the approved Capital Program from external income
- Contribution from operating surplus.
- Other sources approved by a Council resolution

Allocation of funds (expenditure) from the Infrastructure Reserve is via the Capital Works program in the Council Budget or via a Council resolution.

Use of funds must be linked to asset management policy and strategies and other Council approved strategies.

The key priorities for the use of infrastructure reserve funds are:

- Co-contributions to project budgets as part of applications for external grants
- Bring forward future projects where there is an opportunity for external grants
- Projects of high priority that have a business case
- Generally projects of a significant scale (i.e. major projects)
- Avoidance or retirement of infrastructure related debt

Monitoring and Reporting

The Infrastructure Reserve is to be reconciled at a minimum annually and reported to the Executive Leadership Team and to Council.

The planned reserve allocation is to be reviewed annually and endorsed by Council as part of the annual budgeting process.

Responsible Officer: Manager Business Services
"[Insert Date Approved / Adopted]"
TRIM Reference: 19/44335

Title:	Fraud and Corruption Control
Type:	Council
Adopted:	18 December 2019
File No:	19/65485
Attachments:	

1. Purpose

Murrindindi Shire Council (Council) is committed to building and sustaining an ethical, efficient and effective culture where opportunities for fraud, corruption and maladministration are minimised. The purpose of this Policy is to outline the principles for the prevention, detection and investigation of suspected fraud or corrupt behaviour of Council representatives.

2. Rationale

Fraud and corruption erode public trust in local government, disrupt business continuity, deter potential suppliers, reduce the quality and effectiveness of services, and threaten Council's financial stability¹. IBAC has found that fraud and corruption is most often detected by work colleagues. Council is committed to fostering a culture of integrity that is supported by clear policies and procedures.

3. Scope

Fraud and corruption control is a shared responsibility of all Council representatives, regardless of their employment status.

The Fraud and Corruption Policy and related Fraud and Corruption Control Plan apply to all Council business activities.

4. Definitions

Reference Term	Definition
Fraud ¹	Means dishonest activity involving deception that causes actual or potential financial loss. Examples of fraud covered by this policy include: <ul style="list-style-type: none"> • Theft of money or property; • Falsely claiming to hold qualifications; • False invoicing for goods or services not delivered, or inflating the value of goods and services; • Theft of intellectual property or confidential information; • Falsifying an entity's financial statements to obtain an improper or financial benefit; • Misuse of position to gain financial advantage.
Corruption ¹	Means dishonest activity in which a Council representative acts against the interests of Council and abuse their position to achieve personal gain or advantage for themselves or others. Examples of corruption covered by this policy include: <ul style="list-style-type: none"> • Payment or receipt of bribes;

¹ VAGO Fraud and Corruption Control – Local Government June 2019
Responsible Officer: Director Corporate and Shared Services
Date of approval: DRAFT
TRIM Reference: 19/65485

	<ul style="list-style-type: none"> • A serious conflict of interest that is not managed and may influence a decision; • Nepotism – where a person is appointed to a role because of their existing relationships rather than merit; • Manipulation of procurement processes to favour one tenderer over others; • Gifts or entertainment intended to achieve a specific outcome in breach of Council's policies.
Bribe	Means the act of paying money or in-kind which will, or is intended, to cause a person to act in a way that is contrary to the interests of Council, Council's policies or is against public interest. Such payments are made without Council's knowledge and are intended to influence the outcome of a specific action or event.
Council representatives	Means councillors, employees, students on work experience, volunteers, contractors and members of special committees regardless of their employment status, role or position.
Contractors	Means any organisations (including any subcontractors, agents or suppliers) that provide works, goods and/or services to Council.
IBAC	Means Independent Broad-Based Anti-Corruption Commission. Established under the <i>Public Interest Disclosures Act 2012</i> to strengthen the integrity of the Victorian public sector. IBAC has a role to identify, investigate and prevent fraud corruption and serious misconduct and to educate public sector agencies to improve processes to prevent corruption.

5. Policy

Murrindindi Shire Council takes a zero-tolerance approach to fraud and corruption.

Council is committed to protecting its revenue, expenditure, employees, property and intellectual capital from any attempt, either by members of the public, contractors, sub-contractors, agents, intermediaries or its own employees or elected representatives to gain by deceit, any financial or other benefits.

Council representatives must act at all times in accordance with the relevant Code of Conduct that applies to their role.

5.1 Prevention

Fraud and corruption are significant risks that can harm Council's operations, as well as its reputation and trust with residents and businesses. Council is committed to managing these risks and allocating adequate resources according to the Australian Standards AS 8001-2008 – Integrity Framework elements, including but not limited to:

- Senior management commitment to build a sound ethical culture.
- Clear and integrated suite of policies and procedures.
- Regular risk assessments supported by actions to mitigate risks.
- Clear Code of Conduct supported by disciplinary standards.
- Robust and effective processes to facilitate disclosure, investigation and reporting.

Responsible Officer: Director Corporate and Shared Services

Date of approval: DRAFT

TRIM Reference: 19/65485

- Education awareness programs delivered regularly with current information.

All prevention, detection and response measures are implemented in line with Council's Fraud and Corruption Control Plan.

5.1.1 Roles and Responsibilities

- a) The CEO is accountable for ensuring an ongoing fraud and corruption control program is developed and maintained to ensure the efficient and effective implementation of this Policy.

As Council's principal officer, the CEO must also, under section 57 of the *Independent Broad-based Anti-corruption Commission Act 2011*, immediately notify IBAC of any matter suspected on reasonable grounds to involve fraud or corruption occurring or having occurred.

- b) The Director Corporate and Shared Services (DCSS) is the Public Interest Disclosures Coordinator and first point of contact for the disclosure of suspected fraudulent or corrupt conduct. This is to ensure allegations are processed with utmost confidentiality and objectivity.

The Director Corporate and Shared Services is also the Fraud and Corruption Control Officer responsible for the oversight of fraud prevention, detection and investigation systems and processes.

- c) The Manager Governance and Risk is responsible for ensuring adequate resourcing is available to support the implementation of fraud and corruption control systems and processes.
- d) The Integrity and Governance Coordinator is responsible for the development, promotion, monitoring and facilitation of systems and processes that support Council's zero-tolerance towards fraud and corruption.
- e) Managers and supervisors must exercise due diligence and control to prevent, detect and report acts of fraud and corruption, and shall set an example of integrity and ethical conduct.
- f) All Council representatives covered by this policy have a role in the prevention, detection and reporting of fraudulent or corrupt conduct (actual or suspected).
- g) The Audit and Risk Advisory Committee has a role in providing advice to support the organisation in effectively implementing Council's fraud and corruption program and in monitoring outcomes.
- h) The Internal Auditors are responsible for assisting management in identifying strategic prevention and detection measures associated to current risks, as well as evaluating Council's fraud and corruption framework through periodic testing of controls.

Responsible Officer: Director Corporate and Shared Services
Date of approval: DRAFT
TRIM Reference: 19/65485

Internal Controls and Detection

Council will continue to develop its internal controls and detection strategies to ensure the risk of fraudulent or corrupt activities are minimised. This will include implementing recommendations from the *2019 Victorian Auditor General Office (VAGO) Fraud and Corruption Control report*, internal audits and benchmarking against recommendations made to other government agencies in official publications. These include:

- Appointing a fraud control officer to oversee the fraud and corruption prevention and detection initiatives.
- Developing a fraud risk assessment toolkit to support detection and response initiatives.
- Developing a fraud awareness program tailored to each department's risk profile.
- Strengthening process for reporting suspected incidents to maximise confidentiality and protection of people.
- Creation of specific registers for gifts, fraud incidents and conflict of interest declarations.

These initiatives will be supported by regular and established management reporting and monitoring processes to the Executive Management Team and the Audit and Risk Advisory Committee.

5.1.2 Protection – *Public Interest Disclosures Act 2012* (formerly *Protected Disclosures*)

Council has established processes under the *Public Interest Disclosures Act 2012*, for reporting any allegations of suspected fraud or corruption with utmost confidentiality. The Public Interest Disclosures Coordinator² and Public Interest Disclosures Officer³ have a statutory obligation to assess disclosures and protect people making disclosures in line with the *Act*.

Council is committed to protecting the welfare of those who have brought to attention possible fraud or corruption. Informants will be protected against possible victimisation and discrimination. All reports of suspected fraud and corruption will be treated in strict confidence. The informant will be kept apprised of the outcome of any investigations or deliberations of management.

5.2 Response

5.2.1 Investigation

Suspicious of fraudulent or corrupt conduct must be reported in confidence to the Director Corporate and Shared Services (Public Interest Disclosure Coordinator) who will make an initial assessment and coordinate any potential referral to IBAC. Where the matter is not considered a Public Interest Disclosure, the Director Corporate and Shared Services will advise the CEO.

As Council's Principal Officer under the *IBAC Act*, the CEO has specific obligations in relation to reporting any instances of suspected corrupt conduct occurring within Council, or occurring within any other organisation as defined as by the *IBAC Act*.

Where the allegation requires an investigation by Council, either from an internal source or referred back to Council by IBAC, it will be coordinated by the Director Corporate and Shared Services in consultation with the CEO. This may include the appointment of an external investigator.

The CEO will ensure the results of any investigation are actioned, providing regular updates to the Audit and Risk Advisory Committee as deemed appropriate by the CEO and including the investigation outcomes in Council's Annual Report.

² Director Corporate and Shared Services

³ Manager Governance and Risk

Responsible Officer: Director Corporate and Shared Services

Date of approval: DRAFT

TRIM Reference: 19/65485

If the allegation involves the Director of Corporate and Shared Services it must be reported to the CEO.

Suspicious of fraudulent or corrupt conduct relating to a councillor or councillors will be referred directly to IBAC or the Local Government Inspectorate depending on the nature of the suspicion or allegation.

Any non-compliance with a council policy where there is an allegation or suspicion of personal gain will be considered a potential breach of this Policy and investigated accordingly.

All investigations will be conducted in accordance with Council's Disciplinary Policy, and where applicable, Council's Public Interest Disclosures Policy.

5.2.2 Breach of Policy

Breach of this Policy will be treated in line with the relevant legislation, industrial instrument and/or relevant code of conduct.

Any allegations that are considered mischievous and unfounded will be assessed by the Chief Executive Officer in accordance with the Councillor Code of Conduct or Employee Code of Conduct for disciplinary action to be taken.

5.2.3 Suspension and transfer

Employees under investigation for fraud or corruption may be suspended from duty with pay or temporarily assigned to other duties, in accordance with Council's Employee Code of Conduct.

5.2.4 Dismissal

In line with Council's zero-tolerance policy, a substantiated allegation of fraud or corrupt conduct by an employee or volunteer will be considered a serious offence, leading to immediate dismissal.

Contractors or consultants will face termination of their contractual arrangement. Individuals found guilty of fraud or corruption by a court of law may face hefty fines, criminal charges and imprisonment.

5.2.5 Legal Proceedings

In addition to collaborating with the relevant authorities, Council may seek to recover through legal proceedings losses and associated damages arising from fraudulent or corrupt activities.

6. Related Policies, Strategies and Legislation

- *Local Government Act 1989 (Vic)*
- *Public Interest Disclosures Act 2012 (formerly Protected Disclosures Act)*
- *Independent Broad-Based Anti-Corruption Act 2011*
- Murrindindi Shire Council Plan 2017-21 "Our Promise"
- Conflict of Interest Policy (17/32278)
- Customer Feedback and Complaints Policy (19/59530)
- Fraud and Corruption Control Plan (19/69372)
- Enterprise Risk Management Policy (17/62317)
- Information Management (IM) Policy (13/3597)
- Procurement Policy (19/33246)

Responsible Officer: Director Corporate and Shared Services

Date of approval: DRAFT

TRIM Reference: 19/65485

- Protected Disclosures Policy (16/52444)
- Travel and Hospitality Policy (14/40739)
- Volunteers Policy (13/775)
- Councillor Code of Conduct (16/74120)
- Employee Code of Conduct (16/32474)
- Australian Accounting Standards Board AASB 124 Related Party Disclosures
- Australian Standards 8001-2008 Fraud and Corruption Control.

7. Council Plan

This policy relates to the Council Plan 2017-2021 Our Promise strategic objective to ensure we deliver the best possible outcomes in all that we do.

8. Management and Review

Review of this Policy is to be conducted no later than two (2) years from the date of endorsement. The Director Corporate & Shared Services and the Governance & Risk Department are responsible for ensuring this Policy is reviewed and presented to Council for endorsement.

All Council Representatives, including Councillors will receive regular training to ensure the Policy is fully understood and implemented.

9. Consultation

This policy has been developed in consultation with the following stakeholders:

- Manager Governance and Risk,
- Director Corporate and Shared Services,
- Executive Management and Leadership Teams,
- Audit and Risk Advisory Committee, and
- HLB Mann Judd as internal auditors.

10. Human Rights Charter

This policy has been developed with consideration of the requirements under the Charter of Human Rights and Responsibilities.

Responsible Officer: Director Corporate and Shared Services
Date of approval: DRAFT
TRIM Reference: 19/65485

Asset Disposal Policy

Title:	Asset Disposal
Type:	Council
Adopted:	18 December 2019 (TBC)
File No:	SF/103
Attachments:	

1. Purpose

To provide a systematic, transparent and accountable method for the disposal of Council-owned assets in accordance with Council policies and all appropriate legislation and accounting standards.

2. Rationale

Council aims to achieve advantageous disposal outcomes by:

- Enhancing value for money by encouraging competition in disposal practices and using competitive disposal processes;
- Promoting the use of resources in an efficient, effective and ethical manner;
- Ensuring fair and equitable processes and decisions;
- Work with Council’s environmental policies;
- Appropriately managing risk; and
- Promoting compliance with all relevant legislation.

3. Scope

This policy applies to all assets and property of the Murrindindi Shire Council including minor and major plant and equipment (which would include office furniture, IT equipment and vehicles) and land and buildings. The policy excludes library books and any goods which come into Council’s possession and are not owned by the Council, such as impounded items, stock, domestic animals and abandoned vehicles.

4. Definitions

Reference Term	Definition
Asset	Means any physical item that Council owns and that has at any time been treated pursuant to the Australian Accounting Standards as an ‘asset’ and includes major plant and equipment and minor plant and equipment. It does not include financial investments or finance-related activities.
Land	Includes community land, vacant land, operational land, road reserves, any legal interest in land, and any other land-related assets, including all buildings (community and operational).
Fleet, Plant and equipment	Includes all major and minor machinery and equipment owned by Council. It includes all vehicles, trucks, graders, other operating machinery and major plant items. It also includes all loose tools, store items, IT equipment and furniture. Major plant is denoted as \$1001 or greater in value, minor plant is denoted as \$1000 or less in value.

Responsible Officer: Manager Community Assets
 18 December 2019
 TRIM Reference: 19/53434

Asset Disposal Policy

5. Policy

The following principles are to be applied in all disposal activities:

Open and Effective Competition

Disposal of assets should be open and result in effective competition. Council must give fair and equitable consideration to all prospective purchasers.

Value for Money

Council must aim to achieve the best value for money in disposing of assets. The concept of value for money is not restricted to price alone. The value for money assessment must include consideration, as applicable, of:

- The contribution to the Council Plan and other priorities;
- Financial considerations including all relevant direct and indirect benefits both tangible and intangible;
- Efficiency and effectiveness;
- The cost of various disposal methods;
- Internal administration cost;
- Risk exposure;
- Any associated environmental benefits.

Ethical Behaviour and Fair Dealing

Council will behave with impartiality, fairness, independence, openness and integrity in all discussions and negotiations.

Environment

In undertaking any disposal activities, Council will encourage environmentally-responsible activities and ensure all disposal activities comply with relevant law.

Consideration Prior to Disposal of Assets

A decision to dispose of an asset should only be made after a benefit and risk analysis of the proposed disposal, including consideration of the following factors:

- The current market value of the asset;
- The usefulness of the asset;
- Its remaining useful life;
- Any alternative future use of the asset;
- The annual cost of maintenance;
- Any duplication of the asset or the service provided by the asset;
- The positive and negative impacts the sale or disposal of the asset may have on the community;
- The benefits of community organisation ownership compared to those resulting from the asset remaining in Council ownership;
- Any cultural or historical significance of the asset;
- The positive and negative impacts the sale or disposal of an asset may have on the operations of Council including any impact on the human rights of any community members;
- The long term plans and strategic direction of the Council (for example, meeting the objectives of the Council Plan, Strategic Resource Plan and Asset Management Plans);
- The results of any community consultation process;
- Any restrictions on the proposed disposal; and
- Any other relevant Council policies.

Responsible Officer: Manager Community Assets

18 December 2019

TRIM Reference: 19/53434

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Asset Disposal Policy

Before deciding whether to sell land and buildings, Council will receive and consider a report from the Executive Management team. The report will include an assessment of relevant factors including those outlined above.

Preparing Assets for Disposal or Sale

A check must be carried out to ensure assets do not contain:

- Additional items not intended for sale;
- Confidential documents (records, files, papers);
- Documents on Council letterhead or which may be used for fraudulent purposes;
- Hard drives which have contained Council-operated software (which could lead to a breach of licences or contain private or confidential data) are to be physically destroyed; and
- Hazardous materials.

As far as is practical, any 'Murrindindi Shire Council' identifying mark or logo should be removed or obliterated prior to disposal.

Process to be Applied

- **Sale of Land**

All sales, exchanges and transfers of land are required to comply with the provisions of the Local Government Act 1989 ('LG Act'). Sales are to be conducted through a public process (ie, public auction, public tender or by registration of expressions of interest) unless circumstances exist that justify an alternative method of sale, (eg, the sale or exchange of land by private treaty).

Sales and exchanges of land or land and buildings should occur at not less than the market value assessed by Council's valuer. However, if it is proposed to sell land for less than the market value or to exchange that land for land of a lesser value, a report to Council will explain the reasons which led to the recommendation to accept a sale price that is less than market value or to exchange land for other land with a lower value.

Prior to selling or exchanging land, Council must comply with Section 189 of the LG Act and;

- give at least four weeks' public notice of an intention to sell or exchange land and allow interested persons to make a submission under Section 223 of the Local Government Act on the proposed sale or exchange; and
- obtain from a person who holds the qualifications or experience specified under Section 13DA(2) of the Valuation of Land Act 1960 a valuation of the land which is made not more than six months prior to the sale or exchange.

If the land to be sold forms part of a road that has been discontinued as a result of Council exercising its powers under clause 3 of Schedule 10 of the LG Act, the requirement to allow interested persons to make a submission under Section 223 is provided for under Section 207A(a) rather than Section 189(3).

Council may also resolve to gift land, if this land is to be used for community use.

- **Sale of Fleet, Plant and Equipment**

The sale or disposal of fleet, major plant and equipment will be the responsibility of the Manager Community Assets. The sale or disposal of minor plant and equipment will be the responsibility of the manager responsible for the asset.

The Council will, where appropriate, dispose of assets through one of the following methods:

- Trade-in the equipment to suppliers;
- Obtaining expressions of interest from interested buyers;

Responsible Officer: Manager Community Assets

18 December 2019

TRIM Reference: 19/53434

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Asset Disposal Policy

- Selective tender from an identified group of buyers
 - Public tender – openly seeking buyers using the tender process;
 - Public auction – via a professional auctioning company or advertisement for auction procuring the services of an auctioneer.
- Disposal – asset of no or little value (eg, recycling or landfill).

Selection of a suitable method will include consideration of the method most likely to return the highest revenue when considering the cost of disposal compared with the expected revenue.

Dumping

Goods may be dumped (deposit or disposed of by either recycling, E-waste or landfill) if they are of little or no value. Dumping of goods is to be treated as any other disposal method including the requirement to maintain appropriate records. Recycling of goods is to be considered prior to disposing to landfill.

Donation

Donations of surplus or redundant assets may only be made with the authorisation of the Chief Executive Officer and only after exploring all avenues for recouping a fair value for the Council or any alternative use within Council. Donations to a community group or not-for-profit organisation will be favoured in priority to other individuals or organisations. Council staff should only consider donations in response to a written submission.

Buyers Risk

Irrespective of the disposal methods applied, purchasers or donation/charity recipients of assets must be required to agree in writing that before purchasing or receipt of any asset that no warranty is given or implied by the Council in respect of the suitability and condition of the asset for the purchaser or recipient and that Council will not be responsible for the asset in any respect following the sale.

Elected Members and Employees

Elected members, employees, volunteers or contractors of the Council will not be permitted to take assets at no cost. Nor will they be able to purchase assets unless the purchase is via an open tender process or a public auction, and the tender submitted or bid made is the highest. In such circumstances, the officer responsible for the disposal of the asset must ensure the principles of impartiality and confidentiality with respect to the process and outcome of the purchase are strictly observed.

6. Related Policies, Strategies and Legislation

- Procurement Policy
- Conflict of Interest Policy
- Fraud Prevention and Control Policy
- Asset Management Policy
- Fleet Management Policy

7. Council Plan

This item relates to the Council Plan 2017-2021 strategic objection under Our Promise - 'A Council that is transparent and accountable.'

8. Management and Review

This policy will be implemented by the Manager Community Assets and monitored by the Director Assets and Development.

The policy will be reviewed by the Manager Community Assets in September 2022

Responsible Officer: Manager Community Assets

18 December 2019

TRIM Reference: 19/53434

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Asset Disposal Policy

9. Consultation

Nil

10. Human Rights Charter

This policy has been developed with consideration of the requirements under the Charter of Human Rights and Responsibilities.

Special Charge Scheme for Infrastructure Works

Title:	Special Charge Scheme for Infrastructure Works
Type:	Council
Adopted:	18 December 2019 (TBC)
File No:	SF/103
Attachments:	

1. Purpose

This policy will aim to achieve an equitable and consistent approach to the implementation and administration of Special Charge Schemes undertaken by Murrindindi Shire Council pursuant to Section 163 of the Local Government Act 1989.

2. Rationale

Section 163 of the *Local Government Act 1989* (the Act) is intended to enable a Council to recover the cost of capital works from property owners where those works will be of a special benefit to them. Often such works will be of financial benefit effected in the increased property value when infrastructure is improved.

This policy will guide Council and its residents to develop appropriate local Infrastructure to suit the Community's specific needs and will ensure fairness and equity in the imposition of a Special Charge.

3. Scope

This policy relates to the development of physical Infrastructure such as, but not limited to, roads, kerb and channel, footpaths and drainage throughout the Shire where it is considered that the construction of such works will be of special benefit to certain members of the community. Those members may be required to pay a Special Charge, in accordance with Section 163 of the Act.

4. Definitions

Reference Term	Definition
Special Charge Scheme	A special rate or charge or combination of both only for the purpose of defraying any expense or repaying (with interest) any advance made to or debt incurred or loan raised by the Council in relation to the performance of a function or the exercise of a power of the Council.
Liability to contribute	Where Council considers the performance of a function or the exercise of a power of the Council is of special or community benefit to any property, person or entity.
Special Benefit	The benefit, resulting from the proposed infrastructure work that is additional to or greater than the benefit to other properties in the broader community.
Community Benefit	Where the works or services will provide a tangible and direct benefit to people in the broader community.

5. Policy

The guiding principles of this policy will include the following:

- All relevant circumstances will be properly defined, considered and taken into account when Special Charge Schemes are reported to Council for adoption;
- Opportunities to maximise community participation and consultation will be sought to ensure fairness and equity;
- Any imposition of Special Charges and the apportionment of costs on the basis of total benefits, including special benefits and community benefits, for the persons included in the Special Charge Scheme will be done in a manner that ensures fairness and equity;
- The resources of Council will be used to best meet the needs of the local community;

Responsible Officer: Manager Community Assets

18 December 2019

TRIM Reference: 19/53501

Special Charge Scheme for Infrastructure Works

- Council will implement this policy within the legislative framework and procedures for implementing Special Charge Schemes;
- Council will ensure transparency, accountability and consistency in all decision making;
- Where Council does not contribute more than a one third of the costs, a Special Charge Scheme will only proceed where there is 60% or more support from affected property owners;
- The decision of Council to declare a Special Charge and to contribute to a Special Charge Scheme is (subject to any requirements in the Act to the contrary) entirely a matter for the discretion of Council, to be exercised as Council sees fit and subject to Council resolution;
- The extent of works for a street construction scheme will be determined by Council for the preliminary investigations and consultation so as to match into existing infrastructure in an acceptable manner.

Procedure for Establishing a Special Charge Scheme

The following section sets out the process to be followed for the initiation of a Special Charge Scheme to ensure that they are completed in accordance with the Act and within appropriate timeframes and budget.

Preliminary Steps – Initiation

A Special Charge Scheme investigation will normally be initiated through a request from landowners. A scheme may also be initiated by Council officers for Council approval to address maintenance requirements or from requests by residents to upgrade unsealed roads to sealed roads.

To ensure effective use of Council resources the initiation of an investigation and consultation process for a proposed scheme requires demonstrated support of landowners by a significant number of property owners who would be liable to contribute to a proposed scheme. This request will be made in writing to Council.

After this request has been received, Council will gauge support for a scheme through the conduct of a survey of the property owners who will be affected by any proposal. This survey along with accompanying information will include the following information:

- Outline of what a special charge scheme is and how it works.
- Relevant information on environmental and amenity issues.
- Outline of what the concerns are with the proposed area requiring a scheme and why a Special Charge Scheme is being investigated.
- Details of how the consultation process works.
- An estimated cost range for each property and payment options.
- A questionnaire will be included, requesting owners to vote on whether or not they support the scheme. The questionnaire is to advise that no response to the questionnaire will be treated as a 'no' vote.
- Advice that in order for the scheme to proceed a minimum of 60% support is required from affected property owners.

To ensure that all property owners involved in the scheme have ample opportunity to participate in the process, any property owner who does not return the questionnaire will be sent a second letter by registered mail.

First Report to Council

A first report is presented to the Council outlining the proposed Scheme. The report will detail the proposed works, estimated costs of the whole project as well as individual costs to each property and any applicable Council contribution. The report will include the outcome of preliminary consultation with the property owners including a summary of comments made on the questionnaire.

Responsible Officer: Manager Community Assets
18 December 2019
TRIM Reference: 19/53501

Special Charge Scheme for Infrastructure Works

Subject to the response received from the property owners demonstrating a 60% or greater support for the project, the officers would seek resolution from Council to proceed with its Intention to Declare the Scheme and initiate the requirements under the Local Government Act.

If support for the scheme is less than 60%, the report will seek a resolution as to whether or not to proceed with further consultation.

Factors to be considered will include:

- The level of support based on the questionnaire.
- The seriousness of the existing problem.
- Impact of not proceeding.
- The benefits the scheme would deliver to directly affected residents and the community.
- The extent of complaints regarding the area.
- Any required Council contribution.

If sufficient support is not demonstrated for a proposed scheme then it will not be considered again until four year period has elapsed and only on further request from owners liable to contribute.

Council Resolves to Proceed

If Council resolve its Intention to Declare a Special Charge, Council will give public notice of its intention at least 28 days before making a formal declaration. Public notices will be placed in a newspaper or newspapers that have been chosen by Council and which circulate generally throughout the Shire.

The notice will include:

- An outline of the proposed declaration, and
- The date on which it is proposed to make the declaration, and
- Advise that copies of the proposed declaration are available for inspection at Council offices and on Council's website for at least 28 days after the publication of the notice.

Council must send a copy of the notice to all property owners who are liable to pay the Special Charge within 3 working days of the notice being published. This notice will invite submissions under Section 223 of the Act.

Right to Object

Where Council will recover more than two thirds of total cost, any person required to pay the special charge is entitled to exercise the right of objection. Where this additional objection process is applicable the public notice will also include:

- Which persons have a right to object to the proposed declaration, and;
- How those persons may object, and;
- That the objections must be lodged in writing within 28 days of the publishment of the notice.

Council cannot proceed to make the proposed declaration if objections are received from the majority of affected property owners.

Second Report to Council

Responsible Officer: Manager Community Assets
18 December 2019
TRIM Reference: 19/53501

Special Charge Scheme for Infrastructure Works

A second report is presented to the Council. The report will detail the outcome of submissions (if any) that are received and whether any further consultation has been held with the property owners and discuss if there have been any changes made to the proposal.

Subject to the consideration of submissions received (if any), the officers would seek resolution from Council to adopt, modify or abandon the scheme.

Council cannot declare a Scheme if changes are required that increase the liability of any person unless:

- the alteration is made in response to a submission or objection in response to the proposed declaration; or
- the increase in the liability of any person does not exceed 10%.

Council Resolves Not to Proceed

If, for any reason, Council resolves not to proceed, a moratorium of four years on instigating another similar proposal for a scheme will apply.

Final Report to Council

If Council has resolved to adopt the scheme, a final report is presented to Council with a recommendation from officers to proceed with the declaration of Special Charge Scheme.

Council Resolves to Declare a Special Charge Scheme

If Council resolves to formally declare the scheme, the special charge is levied by Council sending a notice to all property owners who are liable to pay the levy.

Appeal Process

Such notice will also advise the property owners of their rights to apply to the Victorian Civil and Administrative Tribunal (VCAT) for a review of Council's decision for the imposition of the special charge.

Any person who makes an application to VCAT must make such application within 28 days of the date of issue of the notice referred to above.

If the matter is referred to VCAT, the outcome of the hearing will be reported to Council for consideration. Council will notify all contributors of the VCAT determination and any Council resolution resulting from the report.

Apportionment of Costs for Special Charge Schemes

Cost Apportionment Principles for Road Construction

The calculation of the maximum total levy for a Special Charge Scheme must comply with Section 163(2), (2A) and (2B) of the Act and the Guidelines made by the Minister for Local Government pursuant to Section 163(2C) of the Act.

For the purposes of this policy, the following sections relate to road construction:

- Benefit Unit - each property deemed to receive equal benefit
- Amenity Unit - based on frontage a property has to the scheme
- Easement Drainage.

Apportionment of 75% of Road construction cost on the basis of Benefit Unit

Responsible Officer: Manager Community Assets

18 December 2019

TRIM Reference: 19/53501

Special Charge Scheme for Infrastructure Works

A property derives special benefit through having its road constructed. This benefit may be made up of issues including reduction in dust, better/smooth access, reduced vehicle operating costs, environmental benefits and control of storm water runoff from the road. This benefit is not necessarily related to a property's dimensions, so the concept of Benefit Unit is used as follows:

- All properties whether developed or otherwise, to which direct access may reasonably be obtained by means of the streets to be constructed shall be apportioned one (1) Benefit Unit.
- All properties that have a side or rear boundary to the scheme shall be apportioned one half (0.5) of a Benefit Unit.
- Units or dual occupancies that have a front boundary to the scheme shall be apportioned 0.6 of a Benefit Unit.
- Units or dual occupancies that have a side or rear boundary to the scheme shall be apportioned 0.3 of a Benefit Unit.
- The Benefit Unit for properties, where there is already a section of constructed road in front of the property, will be based on a percentage of constructed road versus unconstructed road.
- For properties which are considered to have subdivisional potential where the owners have demonstrated an intention to subdivide by applying for a planning permit either prior to or during the scheme process up to the reconciliation stage, these properties will be apportioned an extra Benefit Unit for each additional property for the purpose of being "fair and equitable" in regards to the special benefit that these properties will receive.

Apportionment of 25% of the Road Construction Cost on the Basis of Amenity

The benefit that a property receives from road construction varies to some extent with the exposure that it has to the road. For example, a property with a very long frontage has more exposure to the dust problem from a gravel road and, therefore, is considered to receive more benefit from construction of the road than does a differently shaped property that has a relatively small frontage. This difference in relative benefit is not generally proportional to the difference in dimensions between properties, which is why only 25 percent of the total cost of road construction is apportioned on this basis. The concept of Amenity Unit is outlined as follows:

- All properties fronting the scheme will be apportioned one (1) Amenity Unit per metre of front boundary for that property.
- All properties with a side boundary to the scheme will be apportioned one half (0.5) Amenity Unit per metre of side boundary for that property.
- All properties with a rear boundary to the scheme will be apportioned one half (0.5) Amenity Unit per metre of rear boundary for that property.

Apportionment of Easement Drainage Cost

In the case of typical new easement drain installation, the full cost of the work is to be charged to property owners. The cost is to be equally shared between the properties on the high side of the drain where the legal point of discharge is to the new drain and properties on the low side that receive protection by the drain. This is consistent with the principle that upper and lower landowners receive equal benefit. The cost is to be based on total area of the properties with consideration being given to all relevant matters, including the natural slope of the land and the resulting flow paths.

Council Contribution

Council may consider a contribution where the works or services will provide tangible and direct benefits to the broader community (Community Benefit), other than those landowners determined as being liable for the special rate or charge.

Council will consider its own contributions towards a scheme where, as example, the following instances apply:

Responsible Officer: Manager Community Assets
18 December 2019
TRIM Reference: 19/53501

Special Charge Scheme for Infrastructure Works

- The cost of providing works to a standard higher than that normally required for that particular asset, e.g. wider street or indented parking.
- The proportion attributed to community benefit, e.g. impact of through traffic or upstream flows.
- The proportion attributed to any Council land that abuts the works, e.g. adjacent public open spaces, road reserve or community facilities.

Council is not required to levy a special rate or charge on any or every property that will receive a special benefit. A property with a special benefit may be excluded from the scheme for any of the following reasons:

- Council is unable to levy a special rate or charge on the property,
- The owner of the property has already contributed to the costs of the works through a development levy,
- Council considers that there are particular advantages for the municipality in excluding the property from the scheme,
- Council considers that the special benefits for the property are marginal and would not warrant including the property in the scheme, or
- Any other reason that the Council considers appropriate.

Tender and Construction Works

Council will develop construction plans, specifications and contract documentation and will be the overall Project Manager of the Special Charge Scheme finalised.

Procurement of a contractor shall be in accordance with Councils Procurement Policy.

Upon awarding a contract for the construction works, the affected property owners will be advised in writing of the starting date for the works including the contact details of the project supervisor.

Finalisation of Scheme

When the works are complete, and within 6 months of final payment for the works, a reconciliation of the scheme costs will be prepared for signing by the Chief Executive Officer and include the following:

- That the works are complete and the costs finalised and;
- A comparison of estimated budget and final costs and;
- Where any variation has occurred, the details of such variation and;
- Final apportioned liabilities.

If cost variations are equal to or greater than 10% then public notice is required to be given and affected persons may make a submission with consequential review rights to the VCAT.

Payment for Scheme

Payment notifications together with an instalment notice will be sent to all contributors advising of final costs.

Contributors can pay their charge in one lump sum, or in quarterly instalments over a specified period of no less than 4 years. Council may, at its discretion, allow instalments to be paid over a ten year period.

Where a resident chooses to pay their apportioned cost by way of instalments, interest (in arrears) will apply at a rate no greater than that published in accordance with section 172 of the Local Government Act 1989. Interest on late payments will be charged under the *Penalty Interest Act 1983*.

Responsible Officer: Manager Community Assets

18 December 2019

TRIM Reference: 19/53501

Special Charge Scheme for Infrastructure Works

Contributors experiencing financial hardship may apply to Council for an alternative method of payment in accordance with the provisions of section 171 of the Local Government Act 1989.

6. Related Policies, Strategies and Legislation

- Local Government Act, 1989
- Ministerial Guidelines September 2004
- Murrindindi Shire Council Procurement Policy
- Infrastructure Design Manual
- Asset Management Policy

7. Council Plan

This item relates to the Council Plan 2017-2021 strategic objective under Our Promise to 'maintain Council's financial sustainability through sound financial and asset management'.

8. Management and Review

The Director Assets & Development will oversee the implementation of this policy.

Manager Community Assets will review this policy in September 2022.

9. Consultation

Consultation will be undertaken with property owners included in a proposed scheme. Many proposals will only be implemented if they have significant support of property owners.

The extent of consultation will depend on the size and/or likely impact of the proposed works, generally in accordance with the following:

All consultation will, at a minimum, be in accordance with the requirements of the Act.

- For small projects that have demonstrated community support and/or are of limited complexity, consultation shall be undertaken in accordance with the Act.
- For larger more complex projects, or for projects in which community support is yet to be ascertained, consultation may commence with:
 - A meeting/s with beneficiaries prior to declaration of a special scheme; and
 - A survey seeking written response from beneficiaries.

If the process for implementing the scheme continues, consultation is undertaken in accordance with the requirements of the Act.

10. Human Rights Charter

This policy has been developed with consideration of the requirements under the Charter of Human Rights and Responsibilities.

Arts and Culture Policy

Title:	Arts and Culture Policy
Type:	Council
Adopted:	18 December 2019 (TBC)
File No:	SF/103
Attachments:	n/a

1. Purpose

Creative expression is an essential element in communities. Engaging in art and cultural activities builds a sense of community pride and identity; inspires community and civic participation; creates a culture of inclusion; contributes to resilient local economies; promotes health and wellbeing and enhances the liveability of the Murrindindi Shire. This Arts and Culture Policy provides a framework for the support and delivery of arts and cultural services into the future and describes Council's supporting role in arts and culture activities and initiatives.

2. Rationale

In recognition of the importance of arts and culture in our communities, there is a strategy in the Murrindindi Shire Council Plan 2017-2021 under Our People to "Encourage activities and events that celebrate our vibrant, diverse and creative people and communities". The development of an Arts and Culture policy supports this strategy and communicates Council's commitment to encouraging artistic and cultural activities and events into the future.

3. Scope

This policy applies to the Murrindindi Shire Council and all officers, as well as any agencies working on behalf of council.

4. Policy

Murrindindi Shire Council understands the value of its arts and culture sectors in enhancing social, cultural, economic and other opportunities for our residents. Arts and cultural activities create a ripple effect of benefits across the community and make a vital contribution to community health and wellbeing. Council recognises that a range of art and cultural activities occurs within communities due to dedicated volunteers.

Our commitment

Council will:

- Work to further develop the arts, culture and heritage through effective partnership with the community and other key stakeholders.
- Play an enabling and supporting role in art and cultural activities, wherever possible.
- Proactively use its resources to link people together to explore, create and produce.
- Provide access to art and cultural opportunities through Council delivered services including Libraries, Youth Services, Children's Services, Positive Ageing and Access and Inclusion activities and other community building activities.
- Provide the Grants and Contributions program or other similar program to support arts and cultural activities.
- Support community participation and expression through new and emerging forms of art?

To support Council with this commitment, Council's guiding principles are:

5.1 Encourage community participation and inclusion

Community arts and cultural initiatives are an important contributor to the health and wellbeing of Murrindindi communities. They provide an opportunity for creative expression and for the community

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to socialise and develop support networks. Like any essential service, these initiatives should be available to all residents regardless of income, age, physical ability, gender and race.

To encourage community and civic participation Council will:

- Encourage opportunities for all members of the community to participate in art and cultural activities.
- Foster and celebrate an understanding and appreciation of local Indigenous culture.
- Support artistic initiatives and cultural events that promote shire wide, community and individual involvement.
- Engage with the community in relevant activities and events, to ensure inclusion and access for all members of the community.

5.2 Creative partnerships and networks

Council recognises that key stakeholders, including government, business and the broader community can together play an important role in creating a strong and vibrant region.

To foster connections within and outside our Shire, Council will:

- Maintain and develop partnerships with state and federal governments and peak bodies including Regional Arts Victoria and Creative Victoria to enhance our capabilities and achieve our goals.
- Seek opportunities to forge links between the many cultural groups within our shire, and to help optimise the use of existing resources and skills.
- Where appropriate, facilitate and encourage cross departmental planning and partnerships to ensure an integrated "Whole-of-Council" approach to arts and culture.
- Emphasise the importance of networks and partnerships, not only between different parts of the arts, culture and heritage sectors, but in linking these sectors with the broader community.

5.3 Creative spaces and public places (Built and natural environment)

Although limited in number, Council understands the importance of providing creative spaces and public places to encourage and develop art and cultural experiences across our area. Our built and natural environment plays an important role in bringing the community together to create and enjoy many and varied cultural activities. Council will:

- Encourage the use of our existing Council-owned infrastructure, such as our Libraries, Town halls, Visitor Information Centres, parks and gardens, to enable a diverse range of art and cultural activities to occur.
- Work with community and groups to ensure all arts and culture activities have appropriate permissions from Council where required.
- Consider and support the facilitation of art and cultural initiatives that support innovative and creative design when planning civic spaces and places, where appropriate.
- Encourage the protection and promotion of natural and cultural heritage places and culturally significant areas.

5.4 Investing in local practices

Investing in local practices is important for the growth, longevity and vitality of our community. Council will:

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- Provide support to local artists and cultural industries to encourage economic growth and cultural diversity, where possible.
- Make use of local artists, including Indigenous artists to produce promotional material for the shire, wherever possible.
- Provide support to local artists, arts organisations and community groups through an accessible grants and contributions program, in-kind support and physical resources.
- Encourage mentoring between established creative businesses and new entrants.

5.5 Promotion, Communication and Cultural Tourism

With our close proximity to Melbourne, and our strengths in tourism, Council understands the economic potential of promoting our area as an exciting cultural tourism destination.

To help raise our profile, Council will:

- Promote art and cultural activities and attractions in the Shire via multiple platforms including online.
- Encourage the development of place-based arts, cultural and heritage projects to support the promotion of our region, including through our grants and contributions program.

6. Related Policies, Strategies and Legislation

Murrindindi Shire Council recognises the following in development of this document;

- Health and Wellbeing Plan –2017-2021
- Murrindindi 2030 Vision

The Council's Community Grants program assists in supporting Arts and Cultural activities within the Shire. This document refers to the Grants Contributions Policy.

7. Council Plan

This policy is in accordance with the Council Plan 2017-2021 Strategic Objectives:

1. Our People – Together we will celebrate and encourage diverse, caring and connected communities.
2. Our Prosperity – In partnership with community we will promote an environment in which business and community can thrive.

8. Management and Review

Council recognises the cross-portfolio nature of the arts and culture sectors. While currently sitting in the Community Wellbeing portfolio, it is understood that this policy will have an impact on other departments of Council including, Development and Environment Services, Tourism and Events, Business Development, Infrastructure Assets, Communications, Library and Customer Services and Corporate Services.

This policy is managed by the Manager Community Wellbeing who will (either directly or through delegated authority) coordinate the implementation and operation of the policy and its review.

9. Consultation

This policy is cross-functional across all departments. All staff were invited to participate in the review of the policy. Specific feedback was sought from the Manager Customer Experience and Coordinator Tourism and Events.

Regional Arts Victoria also assisted in the development of this policy.

10. Human Rights Charter

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This policy has been developed with consideration of the requirements under the Charter of Human Rights and Responsibilities.

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