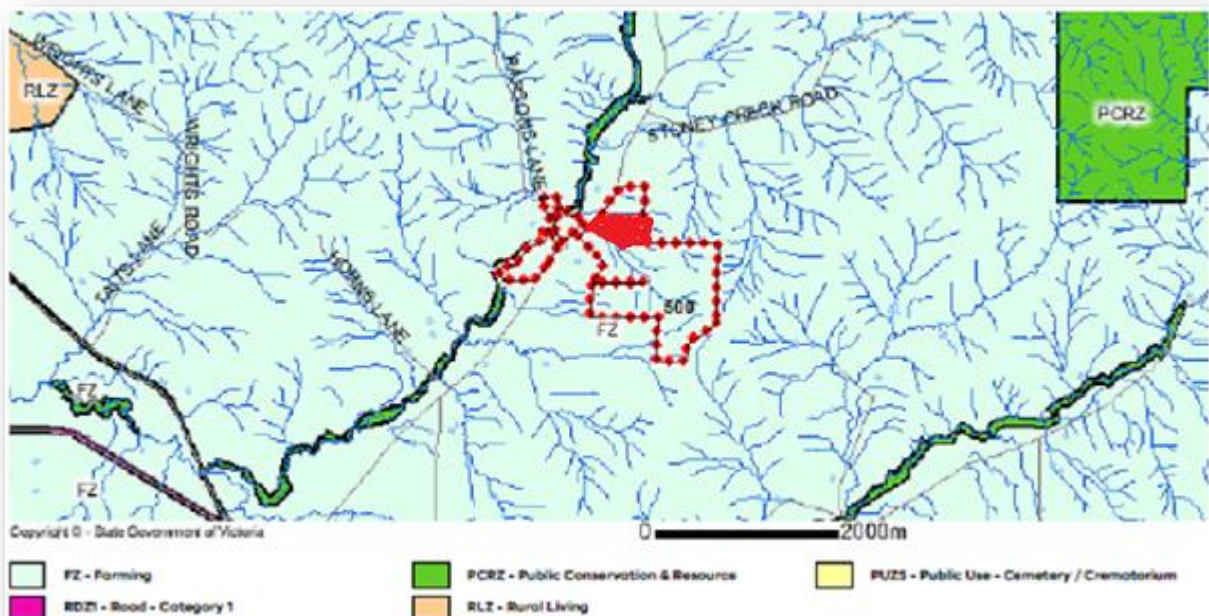


## Planning Report

### Proposed Dwelling – 500 Spring Creek Road, Fawcett

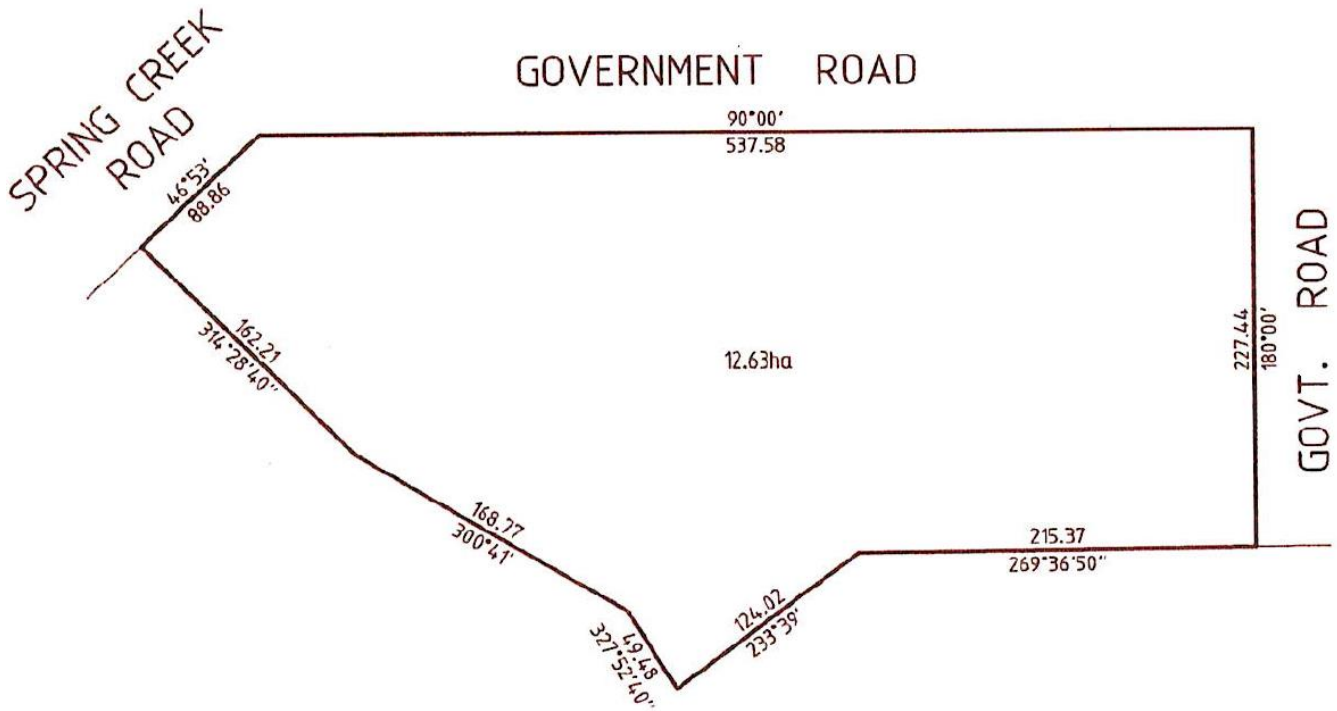
- 1. Applicant:** IPS Building Services - 10 Highbett Street, Mansfield VIC 3722
- 2. Owner:** Burra Burru Pty Ltd of RMB 2060 Spring Creek Road, Alexandra
- 3. Address of Land:** 500 Spring Creek Road, Fawcett
- 4. Title Details:** Title Volume 12065 Folio 040 being Plan of Consolidation 378444Q
- 5. Restrictive Covenants:** Nil
- 6. Proposal:** Use of an existing shed for the purpose of a dwelling
- 7. Existing Use:** Shed
- 8. Zoning:** Farming Zone (FZ)



**Zoning Map – subject land is shown in solid red**

- 9. Overlays:**  
No overlays affect the subject site (PC378444)

**10. Subject Site and locality:**

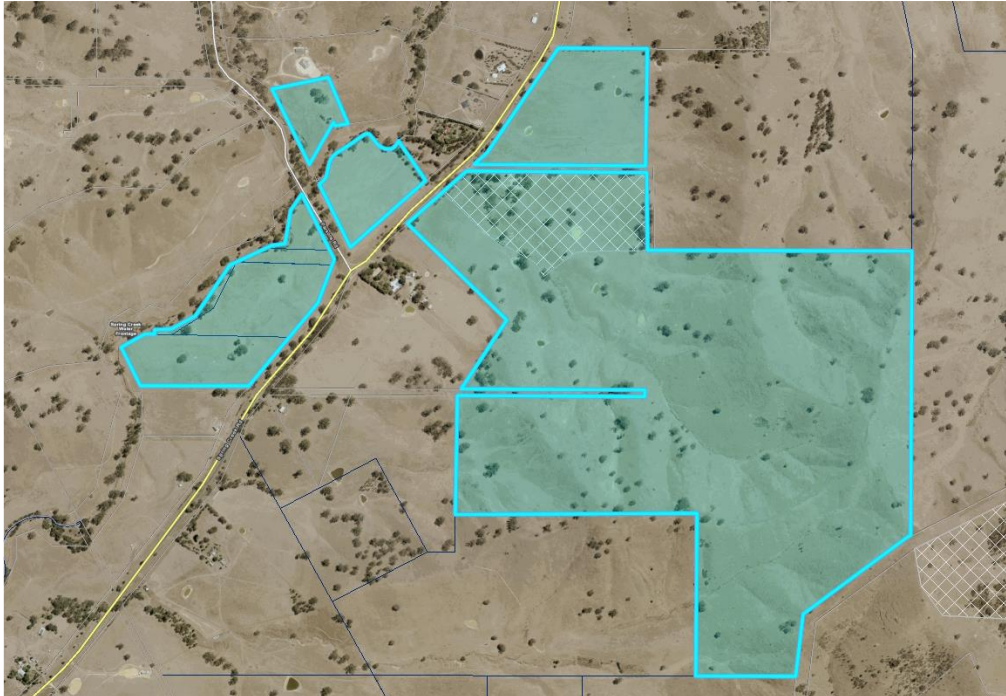


**Title plan for the subject site**

The subject site is located on the south east side of Spring Creek Road, 450m north east of the intersection with Parsons Road. The site is irregular in shape with a frontage to Spring Creek Road of 88.86m and a depth along the northern boundary of 537m. The site has a total area of 12.63ha. The site is one lot of a property containing 10 lots and a total area of over 100ha. There is an existing shed located 20m from the north boundary and 180m from the frontage of the site. Access to the shed is via a driveway from the road.

The site is undulating, generally falling from east to west. The site includes a number of scattered trees, more concentrated in the north west portion of the site. There is an existing dam located towards the centre of the site.

The site and surrounding land is all located within the Farming Zone and is mostly used for grazing. There is an existing house located approximately 250m north west of the shed as well as another house approximately 450m to the south west. Both houses are in other ownership.



**Plan showing land holdings in same ownership – with subject site hatched**

### **11. Proposal in Detail:**

The proposal is for the use of an existing shed as a dwelling. The building is setback 20m from the north boundary of the site and approximately 180m from the site frontage. The building has dimensions 20m x 9m. The building includes 2 bedrooms, living room, study, kitchen, bathroom and laundry. There is a double garage at the western end of the building and an open verandah along northern side of the building.

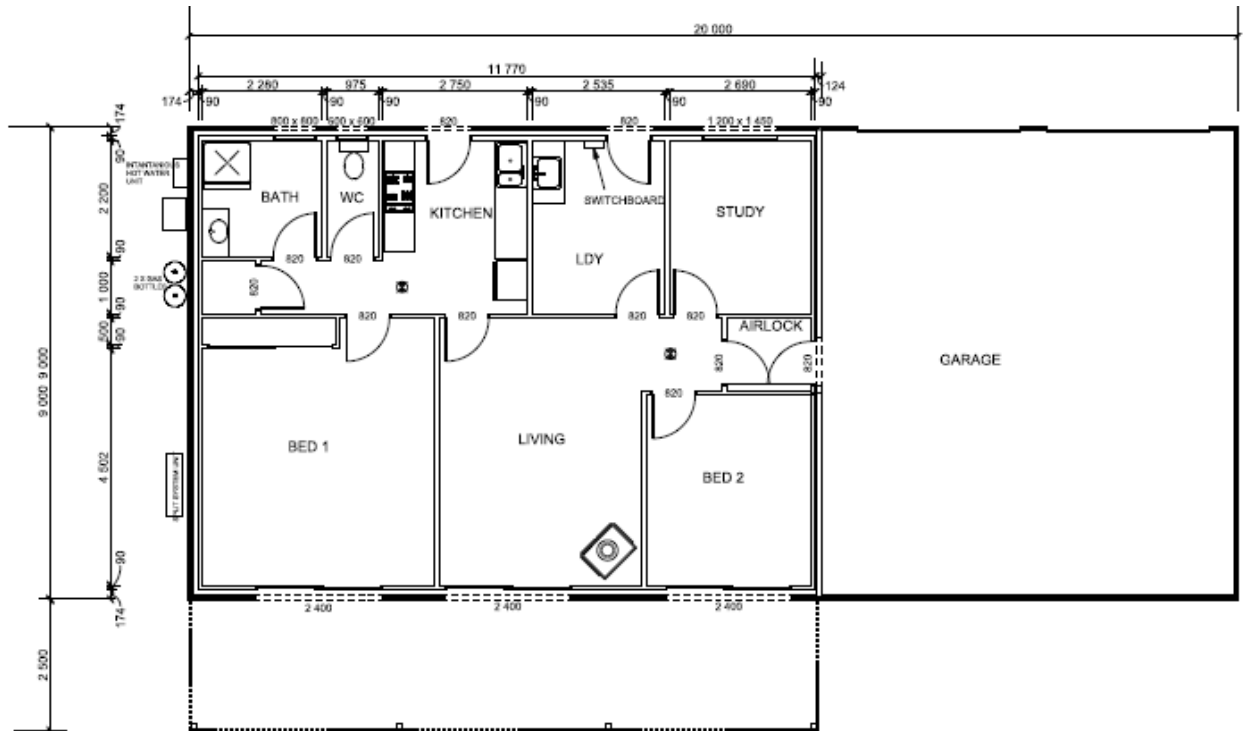
The building is a steel structure with colour bonded steel sheeting as external cladding. The building has a wall height of 3.5m with a pitched colourbond roof.

There is a small shed (5m x 3m) located to east of the main building which houses a generator room and battery storage for power supply. A rainwater tank provides water supply and water for firefighting. The building is also connected to a septic system.

### **12. Permit Triggers:**

Pursuant to Clause 35.07-1 (Table of uses) of the Murrindindi Planning Scheme, a permit is required for a dwelling in the Farming Zone as the land is less than 40ha.

As the building exists and the works are only internal, a permit for buildings and works is not triggered.



Plan view of the proposed dwelling

### 13. Assessment against scheme:

#### 13.1 Zone

##### Farming Zone

The purpose of the Farming Zone is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework. To provide for the use of land for agriculture.*
- *To encourage the retention of productive agricultural land. To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.*
- *To encourage the retention of employment and population to support rural communities.*
- *To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.*
- *To provide for the use and development of land for the specific purposes identified in a schedule to this zone.*

Pursuant to Clause 35.07-1 (Table of uses) of the Murrindindi Planning Scheme, a permit is required for a dwelling in the Farming Zone as the land



is less than 40ha. The site has an area of 12.63ha. The site is one lot of a much larger property containing 10 lots and a total area of over 100ha. The land is used for cattle grazing.

The proposal is consistent with the purpose of the zone as the proposed shed conversion does not adversely affect the use of land for agriculture as the building exists and use of the land will continue to be used for an agricultural use.

Clause 35.07-5 (Application requirements for dwellings) of the Murrindindi Planning Scheme states that an application to use a lot for a dwelling must be accompanied by a written statement which explains how the proposed dwelling responds to the decision guidelines for dwellings in the zone.

A response to the Dwelling issues of Clause 35.07-6 is provided below:

Decision Guideline	Response
Whether the dwelling will result in the loss or fragmentation of productive agricultural land.	The dwelling being a shed conversion will not result in the loss of productive agricultural land as the shed exists on agricultural land.
Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.	The dwelling will be used in connection with the continuing existing use of subject land and other adjacent and nearby land in the same ownership for grazing. The proposed dwelling is not a lifestyle dwelling.
Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.	The dwelling is to be used in connection with an existing agricultural use. As such it will not affect operation or expansion of nearby agricultural uses.
The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.	The proposed dwelling is located on part of a large farming property (in excess of 100ha). Given the size of the property and surrounding properties, it is not considered that this dwelling will lead to a proliferation of dwellings in the area.

### 13.2 Overlay

There are no overlays affecting the location of the dwelling on the subject land.

### 13.3 Planning Policy Framework

13.3.1 Clause 14.01-1S (Protection of agricultural land) has the objective:

*To protect the state's agricultural base by preserving productive farmland.*

This clause includes the following strategy.

*Avoid permanent removal of productive agricultural land from the state's agricultural base without consideration of the economic importance of the land for the agricultural production and processing sectors.*

The proposal is to convert an existing shed into a dwelling. As a result, there will be no loss of productive agricultural land. The remainder of the land will continue to be used agricultural production. Agricultural production will be improved with the owner/operator living on the site.

13.3.2 Clause 14.01-2S (Sustainable agricultural land use) has the objective:

*To encourage sustainable agricultural land use.*

This clause includes the following strategy

*Ensure agricultural and productive rural land use activities are managed to maintain the long-term sustainable use and management of existing natural resources.*

The presence of an owner/operator on site will ensure the long-term sustainable use and management of the land.

## 14. Relevant Particular Provisions

There are no relevant particular provisions affecting this proposal.

## 15. General Provisions

- **Decision guidelines of Clause 65**

Guideline	Response
The matters set out in Section 60 of the Act.	All relevant matters have been considered.
The municipal planning strategy and the Planning Policy Framework.	See 13.3 above.
The purpose of the zone, overlay or other provision.	The proposal is consistent with the purpose of the Farming Zone as the

	<p>proposed shed conversion does not adversely affect the use of land for agriculture as the building exists and use of the land will continue to be used for an agricultural use.</p> <p>There are no overlays affecting the site.</p>
Any matter required to be considered in the zone, overlay or other provision.	All matters have been considered.
The orderly planning of the area.	The proposal is considered to be consistent with orderly planning as it provides for accommodation of the owner/operator of an existing sustainable agricultural use of the land.
The effect on the amenity of the area.	The nearest existing house on other land is located approximately 250m north west of the proposed dwelling. At this distance and having regard to the existing landscape it is not considered that the proposed dwelling will result in any loss of amenity.
The proximity of the land to any public land.	Not relevant.
Factors likely to cause or contribute to land degradation, salinity or reduce water quality.	It is not considered that the conversion of the existing shed to a dwelling will cause or contribute to land degradation, salinity or reduce water quality.
Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.	The proposed conversion from shed to dwelling will have no impact on stormwater.
The extent and character of native vegetation and the likelihood of its destruction.	No native vegetation will be destroyed as a result of this proposal.
Whether native vegetation is to be or can be protected, planted or allowed to regenerate.	Not applicable.



**A POSITIVE APPROACH TO PLANNING**  
**Planning and Local Government Consultants**

The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.	The proposal is not located within a flood or bushfire overlay.
The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.	Not applicable to a dwelling.

### **16. Conclusion**

The proposal is for the use of an existing shed as a dwelling. The shed is located on a site having an area of 12.63ha. The site is one lot of a property containing 10 lots with a total area of over 100ha. The subject site and the other land in the same ownership is used for the purpose cattle grazing. The proposal will not result in the lose of agricultural land. The use will ensure the long-term sustainable use and management of the land.

**Frank Darke MPIA**  
**September 2019**



Drawing List					
Sheet Number	Sheet Name	Revision No.	Current Revision Issued To	Checked By	Sheet Issue Date
A01	COVER PAGE	Rev 1	Planning Permit	I.Styles	July 2019
A02	N / A	Rev 1	Planning Permit	I.Styles	July 2019
A03	SITE PLAN	Rev 1	Planning Permit	I.Styles	July 2019
A04	FLOOR PLAN	Rev 1	Planning Permit	I.Styles	July 2019
A05	ELEVATIONS	Rev 1	Planning Permit	I.Styles	July 2019
A06	GENERATER SHED	Rev 1	Planning Permit	I.Styles	July 2019
OTHER	PLANNING PERMIT APPLICATION				
	PLANNING PERMIT REPORT				
	BUSHFIRE MANAGEMENT STATEMENT				N/A
	LAND CAPABILITY ASSESSMENT				N/A

## ISSUED FOR - PLANNING PERMIT ONLY



10 HIGHETT STREET, MANSFIELD VIC 3722

PH - 03 5779 1577

DP AD 57

### PROJECT DETAILS

Client

Site Address

500 Spring Creek Road Fawcett

Title Information

PC 378444

Property No. 10470

Local Authority & Planning Permit No.

Murrindindi Shire Council

### PLANNING PERMIT

Bushfire Attack Level BAL -

Construction as per AS 3959 - 2009 as detailed on drawings

Energy Rating Report

\_\_\_\_ Star

### DRAWING DETAILS

Drawing

COVER PAGE

Drawn.

I. Styles

Issue

Rev 1

Date

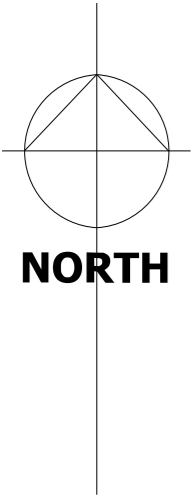
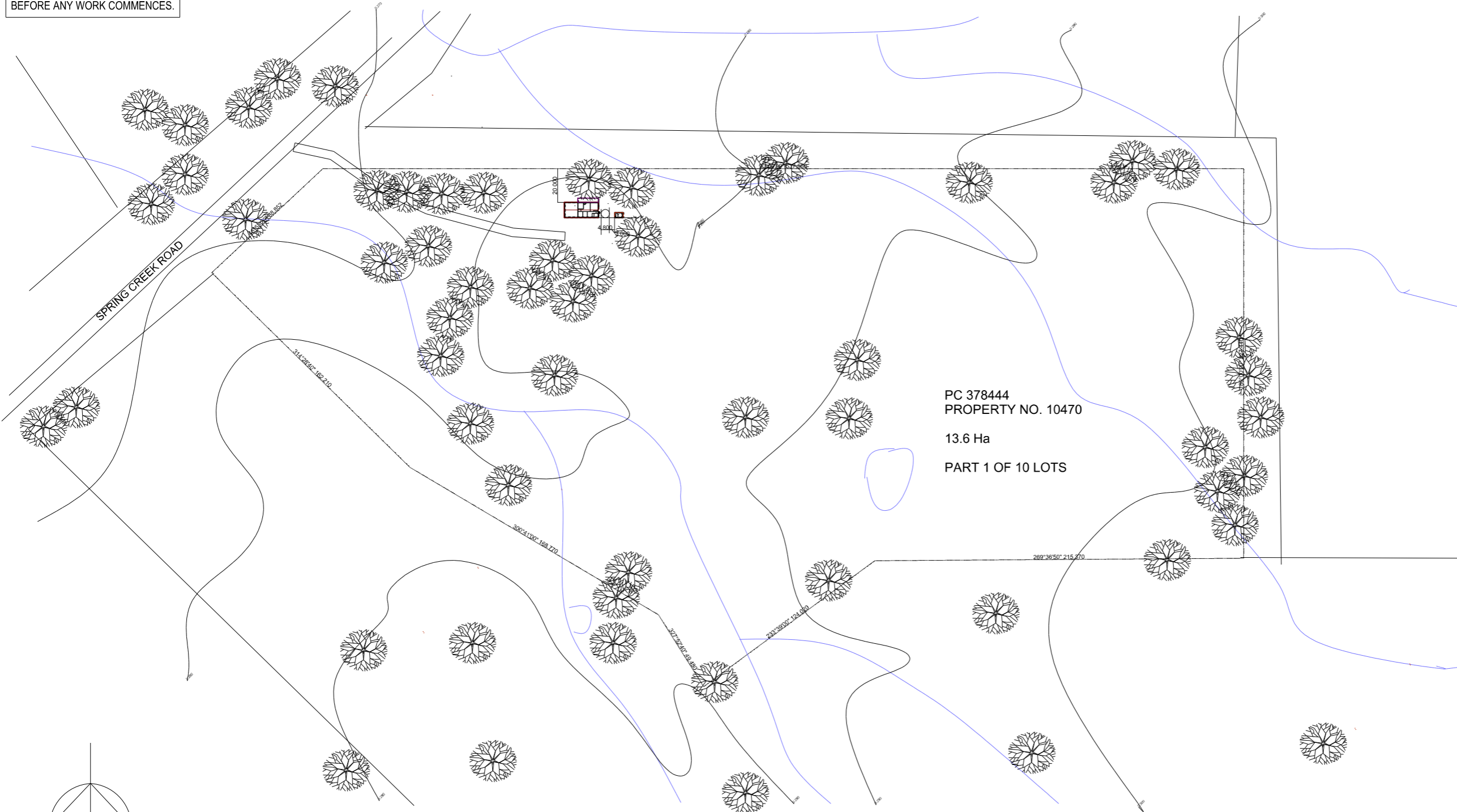
July 2019

Scale

Drawing No.

A01

NOTE  
 ALL BOUNDARY LOCATIONS,  
 DIMENSIONS & LEVELS TO BE  
 TAKEN FROM SURVEYORS  
 INFORMATION ONLY,  
 CHECK ALL LEVELS ON SITE  
 BEFORE ANY WORK COMMENCES.



10 HIGHETT STREET,  
 MANSFIELD VIC 3722

PH - 03 5779 1577

DP AD 57

**PROJECT DETAILS**

Client
Site Address 500 Spring Creek Road Fawcett
Title Information PC 378444 Property No. 10470
Local Authority & Planning Permit No.  Murrindindi Shire Council

**Planning Permit Only**

Bushfire Attack Level <b>BAL -</b> Construction as per AS 3959 - 2009 as detailed on drawings
Energy Rating Report  ____ Star
Wind Rating  N -

**DRAWING DETAILS**

Drawing <b>SITE PLAN</b>	
Date July 2019	
Drawn. I. Styles	Scale 1:2500
Issue Rev 1	Drawing No. A03

FRAMING  
ALL TIMBER FRAMING TO MEET AS 1684.4 AND LOCAL BUILDING AUTHORITY



10 HIGHTT STREET,  
MANSFIELD VIC 3722

PH - 03 5779 1577

DP AD 57

**PROJECT DETAILS**

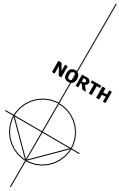
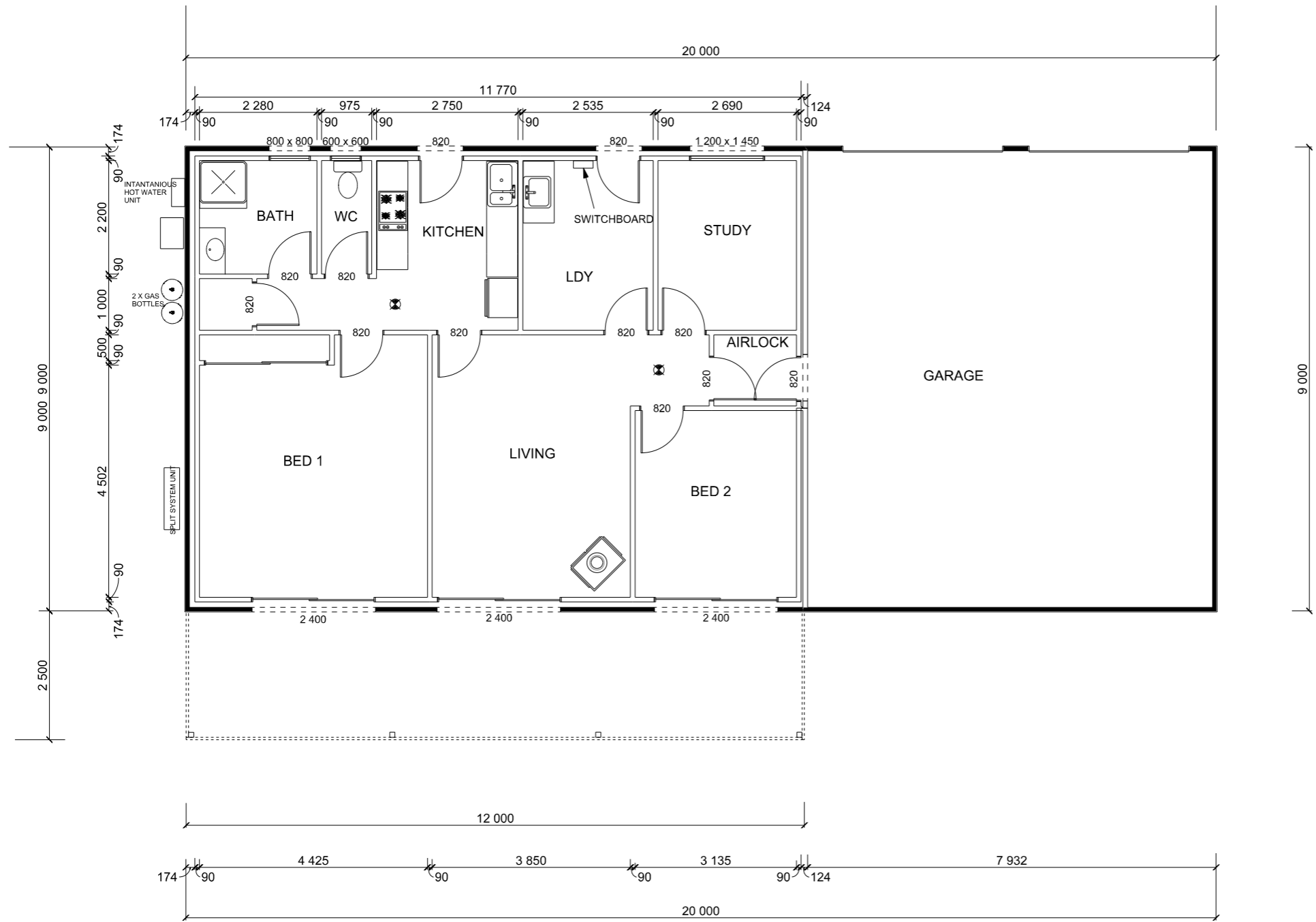
Client
Site Address 500 Spring Creek Road Fawcett
Title Information PC 378444 Property No. 10470
Local Authority & Planning Permit No.  Murrindindi Shire Council

**Planning Permit Only**

Bushfire Attack Level BAL - Construction as per AS 3959 - 2009 as detailed on drawings
Energy Rating Report  ____ Star
Wind Rating  N -

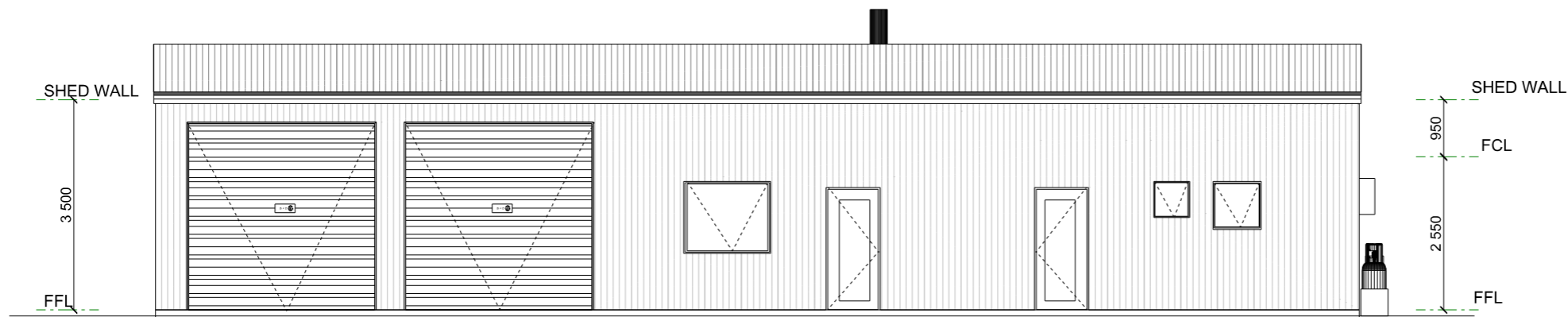
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Issue Rev 1	Drawing No. A04

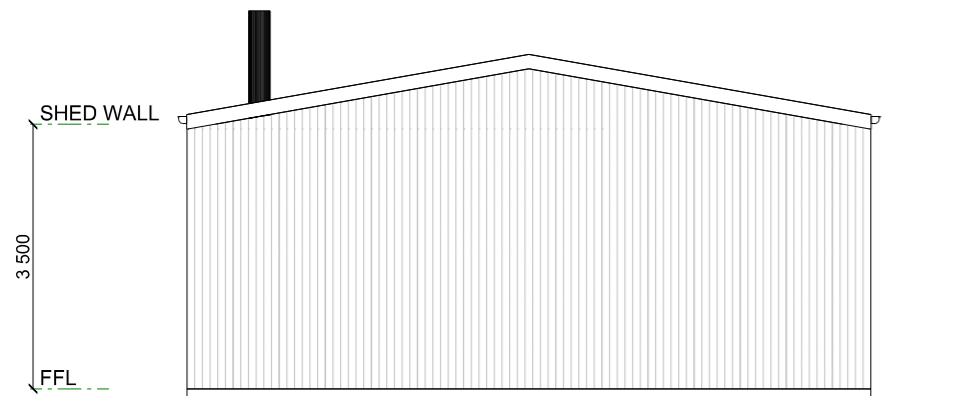


NOTE  
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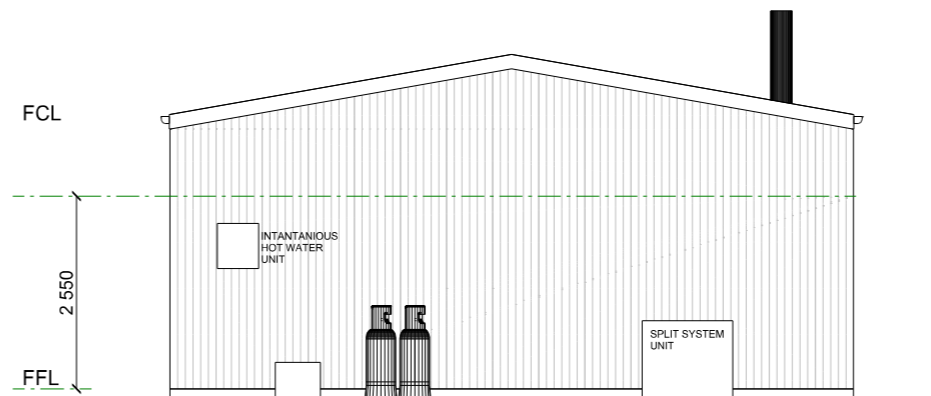
ALL EXTERNAL DOORS TO HAVE  
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CRACKS TO BE SEALED AROUND  
WINDOWS AND DOORS FRAMES  
TO ENERGY RATING REPORT



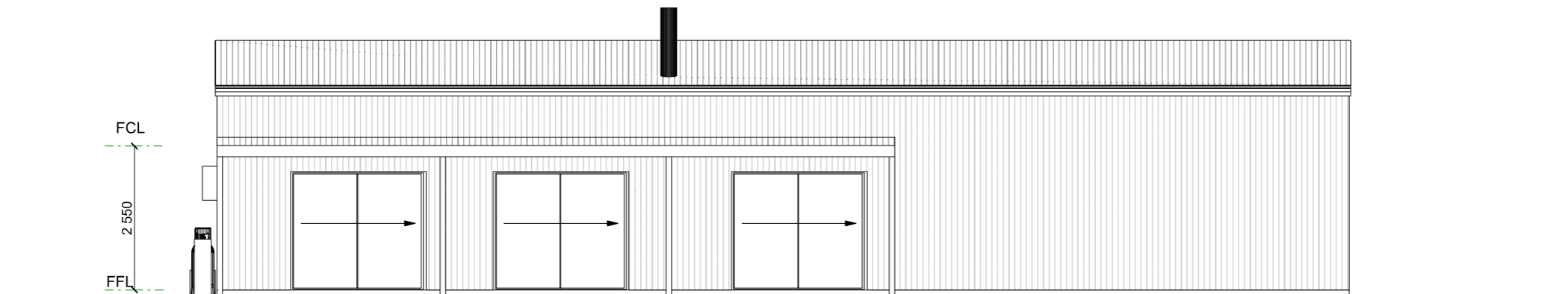
SOUTH ELEVATION



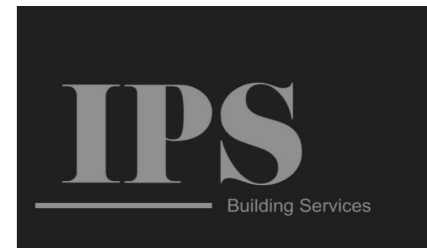
WEST ELEVATION



EAST ELEVATION



NORTH ELEVATION



10 HIGHETT STREET,  
MANSFIELD VIC 3722

PH - 03 5779 1577

DP AD 57

**PROJECT DETAILS**

Client
Site Address 500 Spring Creek Road Fawcett
Title Information PC 378444 Property No. 10470
Local Authority & Planning Permit No.  Murrindindi Shire Council

**Planning Permit Only**

Bushfire Attack Level BAL - Construction as per AS 3959 - 2009 as detailed on drawings
Energy Rating Report ____ Star
Wind Rating N -

**DRAWING DETAILS**

Drawing ELEVATIONS	
Date July 2019	
Drawn. I. Styles	Scale 1:100
Issue Rev 1	Drawing No. A05



10 HIGHETT STREET,  
MANSFIELD VIC 3722

PH - 03 5779 1577

DP AD 57

**PROJECT DETAILS**

Client
Site Address 500 Spring Creek Road Fawcett
Title Information PC 378444 Property No. 10470
Local Authority & Planning Permit No.  Murrindindi Shire Council

**Planning Permit Only**

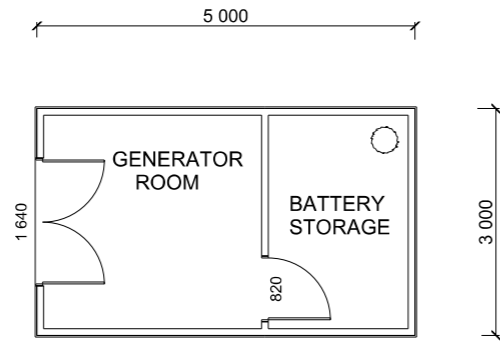
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Energy Rating Report  ____ Star
Wind Rating  N -

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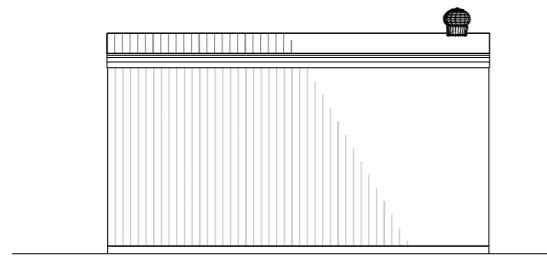
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Date July 2019	
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Issue Rev 1	Drawing No. A06

Ordinary Meeting of Council  
22 July 2020  
Page 13  
BOUNDARY LOCATIONS,  
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BEFORE ANY WORK COMMENCES.

ALL EXTERNAL DOORS TO HAVE  
WEATHER STRIPES ALL GAPS AND  
CRACKS TO BE SEALED AROUND  
WINDOWS AND DOORS FRAMES  
TO ENERGY RATING REPORT



COLORBOND CUSTOM ORB WALLS

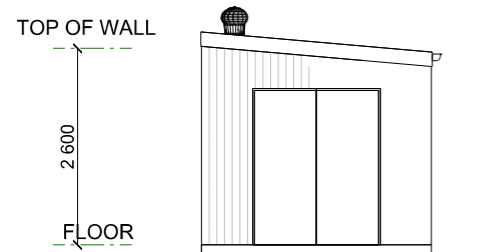


NORTH ELEVATION

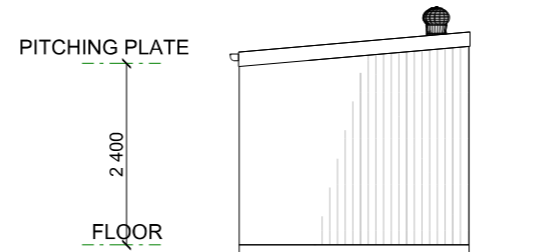


SOUTH ELEVATION

ROOF PITCH 5Degs  
WITH CUSTOM ORB COLORBOND



EAST ELEVATION



WEST ELEVATION

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

TRIM ref: 20/1516

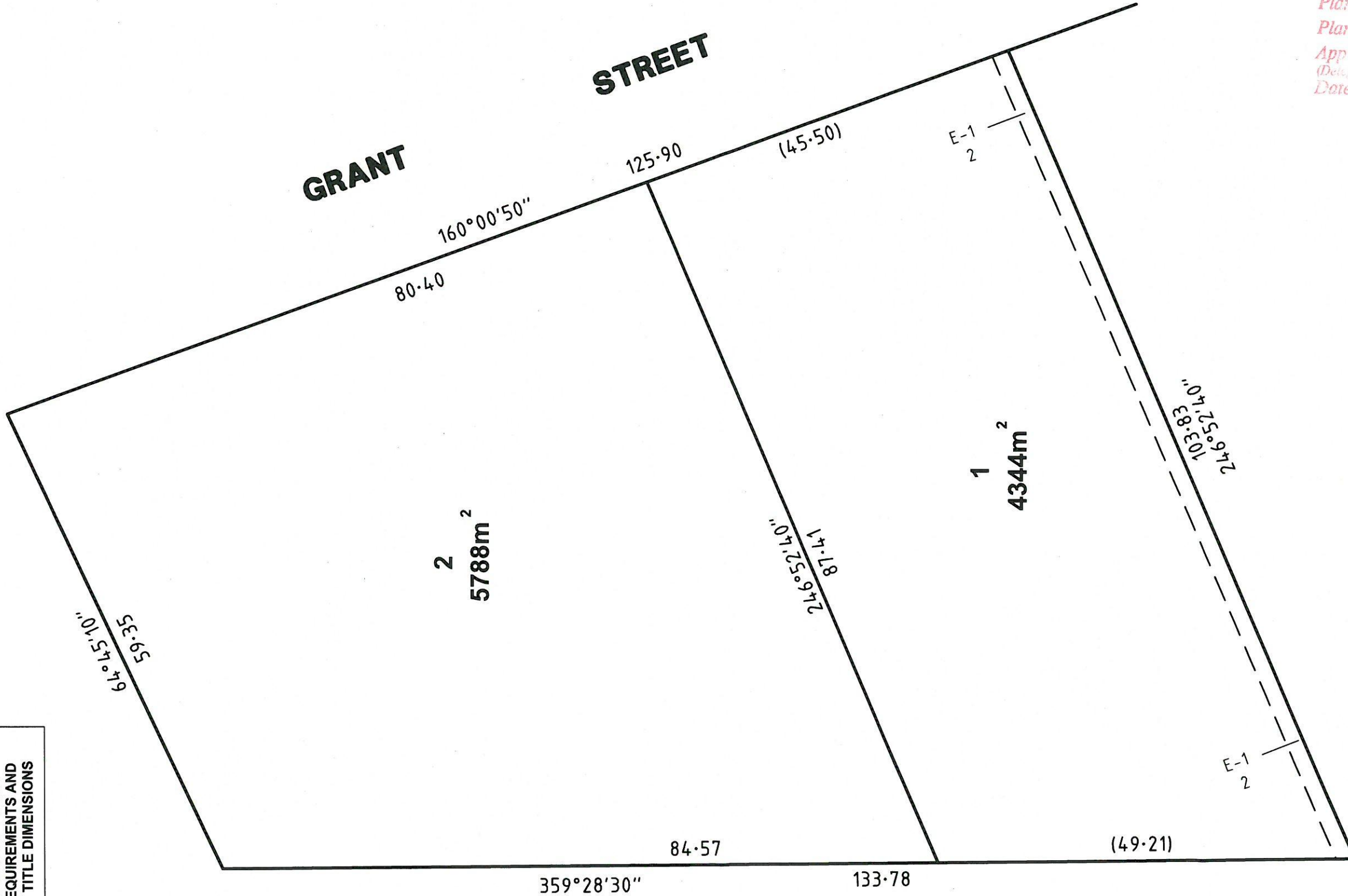
No	Org / Club / Individual	Application Number	Project Name and description	Project Value	Grant amount Requested	Grant amount recommended by Assessment Committee	Comments
<b>Community Projects and Events applications</b>							
1	Ensemble Goldentree	CPE 1819 032	Ensemble Goldentree Autumn Concerts at Marysville Information & Regional Artspace	\$7,225.00	\$4,500.00	\$1,000.00	<p>Ensemble Goldentree is a mixed chamber music ensemble who are seeking support to present three 60-90 minute chamber music concerts at Marysville Information and Regional Artspace (MIRA) in Autumn 2020.</p> <p>While this project provides an opportunity for the Marysville Community to come together to enjoy a cultural event, the expected numbers for the three events provides significant concern from a 'value for money' perspective. With a maximum of 53 PAX over three events (with the potential for the same attendee at all three events), Officers find this too large an investment of Council funds for small Community Connection opportunities.</p> <p>A \$1000 allocation is offered in support of the existing event, alternatively officers would be pleased to work with the organising group to find another model that encourages greater participation and meets the objectives of the grant stream.</p>
2	Whittlesea Community Connections	CPE 1819 024	TAC L2P program in Kinglake and surrounding area	\$34,700.00	\$5,000.00	\$4,000.00	<p>The TAC L2P program supports disadvantaged young people to obtain their licence. The program will be based in Kinglake and operate across the southern area and help young people to log 120 hours of supervised driving. Following assessment the Council Officer has approved a grant amount of \$4000. This acknowledges that there are some costs associated with extending the program to Kinglake and setting up a new vehicle. Some costs identified in the budget can be supported through L2P program funding.</p>
<b>Governance, Skills and Capacity Building</b>							
1	Skillhouettes	GSCB 1819 005	Training and education program plus business coaching	\$5,140.00	\$1,740.00	\$1,740.00	<p>Skillhouettes is a Primary School oriented physical education app for teachers, children and parents that assists children to master fundamental motor skills. The applicant is seeking support to develop a clear strategy for marketing through attendance of a marketing training opportunity and to improve organisational governance through participation in mentoring sessions to develop a strategic business plan.</p> <p>Officers have approved this application for \$1740 that meets the criteria and desired outcomes of the funding stream.</p>
<b>TOTAL</b>				\$47,065.00	\$11240.00	\$6740.00	



PS830524K

**PRELIMINARY**

FINAL PLAN SUBJECT TO ANY  
 AUTHORITY REQUIREMENTS AND  
 AS-SURVEYED TITLE DIMENSIONS



**ENDORSED PLAN**  
 Murrumbidgee Council  
 Murrumbidgee Planning Scheme  
 Planning Permit No. 2019/194  
 Plan No. 1  
 SHEET 2 OF 5  
 Approved: ...  
 (Delegated)  
 Date: 30/01/2019

ORIGINAL SHEET  
 SIZE: A3

SCALE  
 1:500

LENGTHS ARE IN METRES

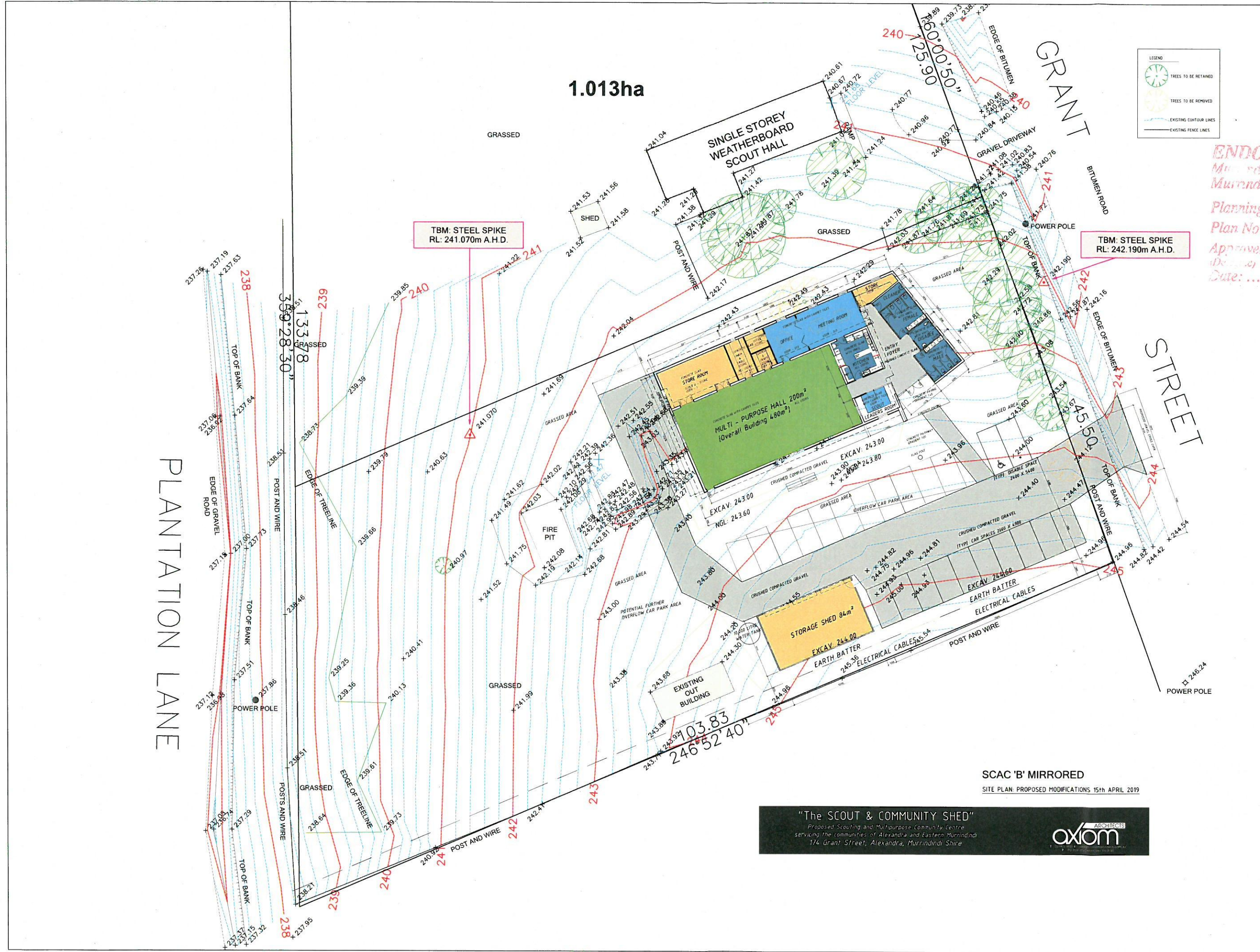
SURVEYORS FILE REF: L.1633  
 SAMUEL J. BREWIN / VERSION NO. 02

licensed land  
 surveyors,  
 development and  
 planning consultants



**LINEAR LAND SURVEYING**  
 Address: Suite 5, 31 Redland Drive, VERMONT, Vic. 3133.  
 Phone: 03 9873 8888 - Email: survey@linearlandsurveying.com.au





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**ENDORSED PLAN**  
Murrumbidgee  
Murrumbidgee Planning Scheme  
Planning Permit No. 2019/194  
Plan No. 2 of 5  
Approved: [Signature]  
Date: 30/19/2019

SCAC 'B' MIRRORED  
SITE PLAN: PROPOSED MODIFICATIONS 15th APRIL 2019

"The SCOUT & COMMUNITY SHED"  
Proposed Scouting and Multipurpose Community Centre  
servicing the communities of Alexandra and Eastern Murrumbidgee  
174 Grant Street, Alexandra, Murrumbidgee Shire

REV	DATE	DESCRIPTION	DRAWN	CHKD
B	26/06/19	POTENTIAL OVERFLOW CAR PARKING AREA DEFINED ISSUE FOR APPROVAL	MA	
A	15/04/19	ISSUE FOR APPROVAL	MA	

T 03 9872 3833 E design@axiomarchitects.com.au  
P PO BOX 686 Heathmont Vic 3135

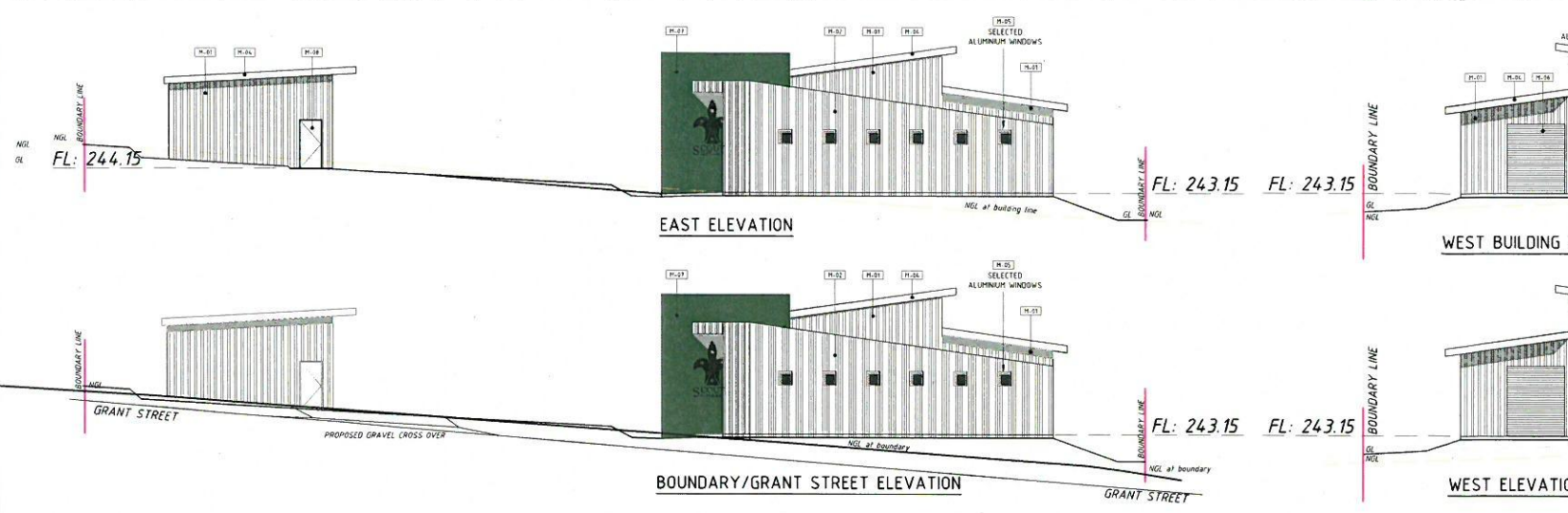
PROJECT: PROPOSED REPLACEMENT SCOUT HALL

TITLE: SITE PLAN PROPOSED

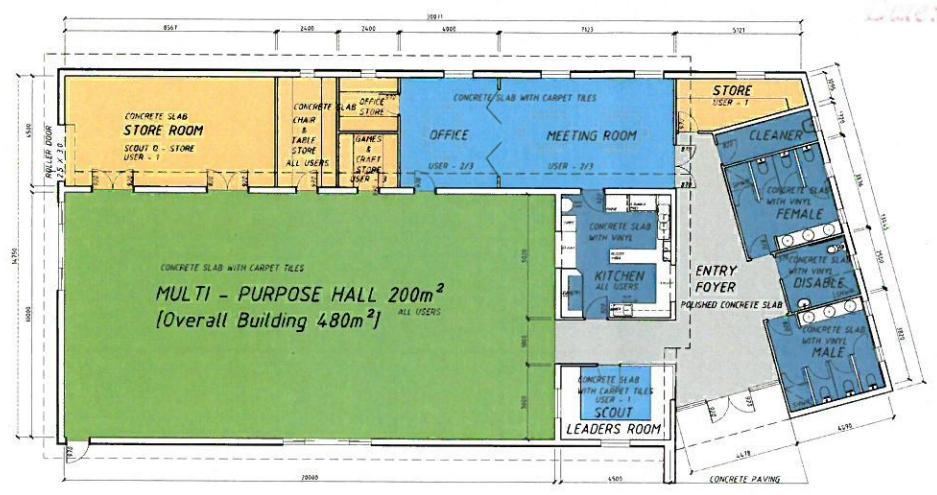
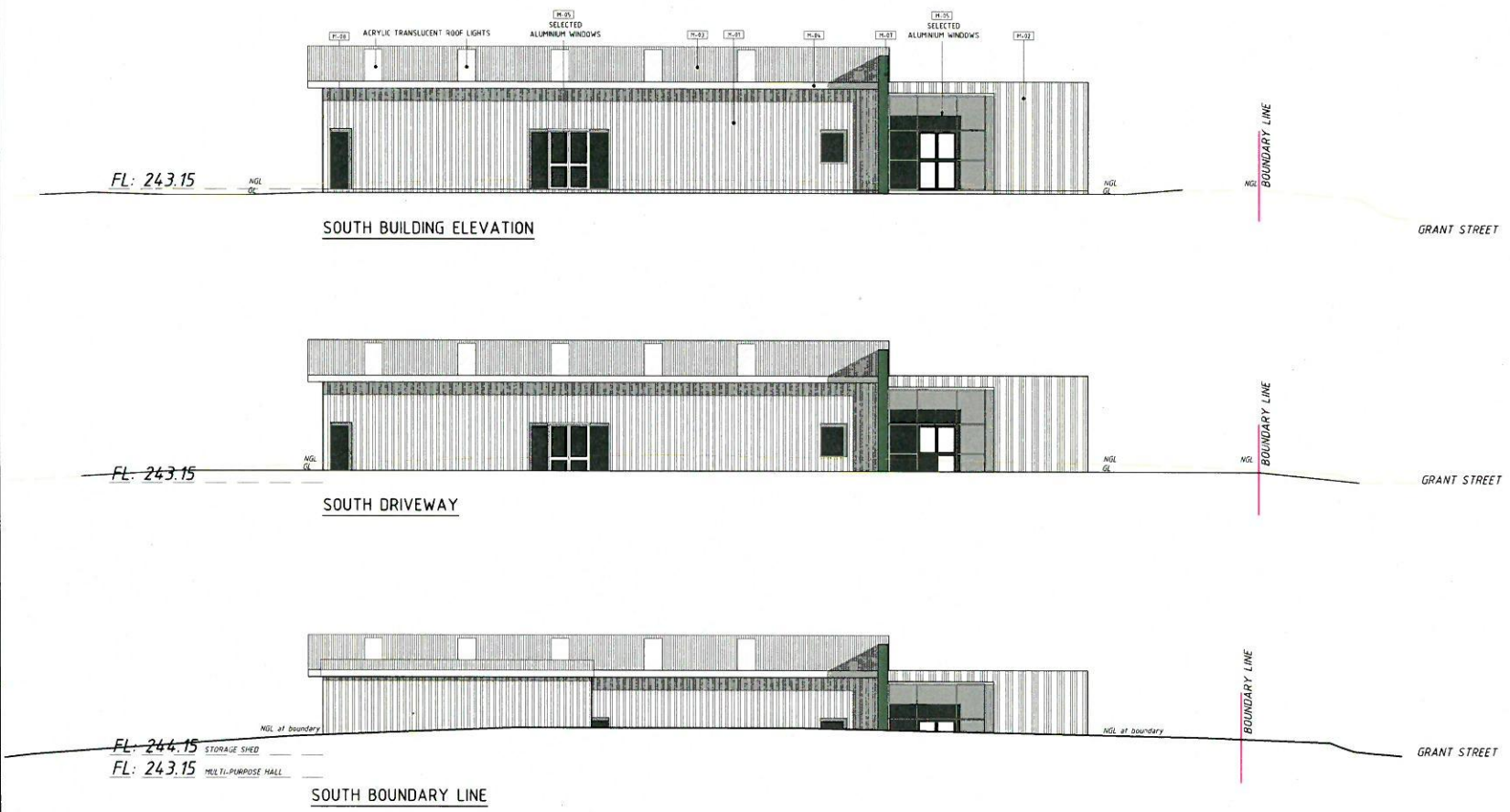
SCALE: 1:200  
SHEET: TP-02



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 AXIOM ARCHITECTS PTY LTD MAY SUSPEND PROVISION OF THE SERVICES WHERE PAYMENT IS OUTSTANDING FOR MORE THAN 10 WORKING DAYS  
 AXIOM ARCHITECTS PTY LTD WILL NOT BE LIABLE FOR ANY CONSEQUENTIAL OR OTHER DAMAGES ARISING AS A RESULT FOR ANY SUSPENSION OF THE SERVICES OR THE WORKS

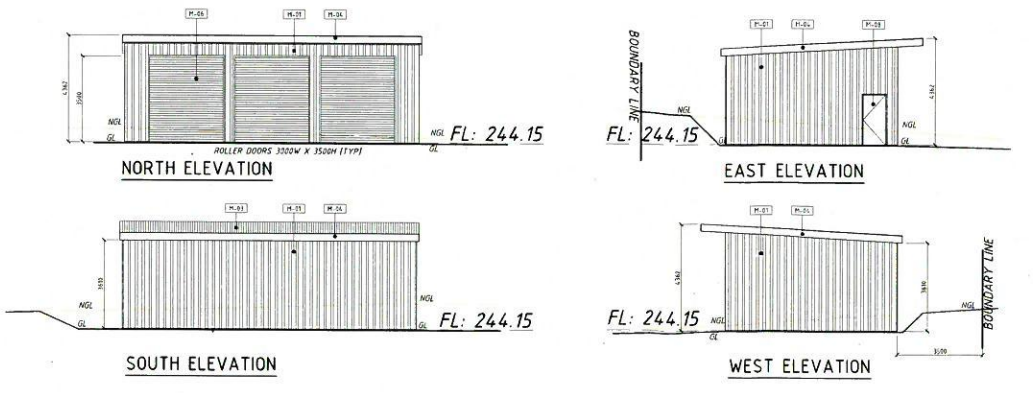
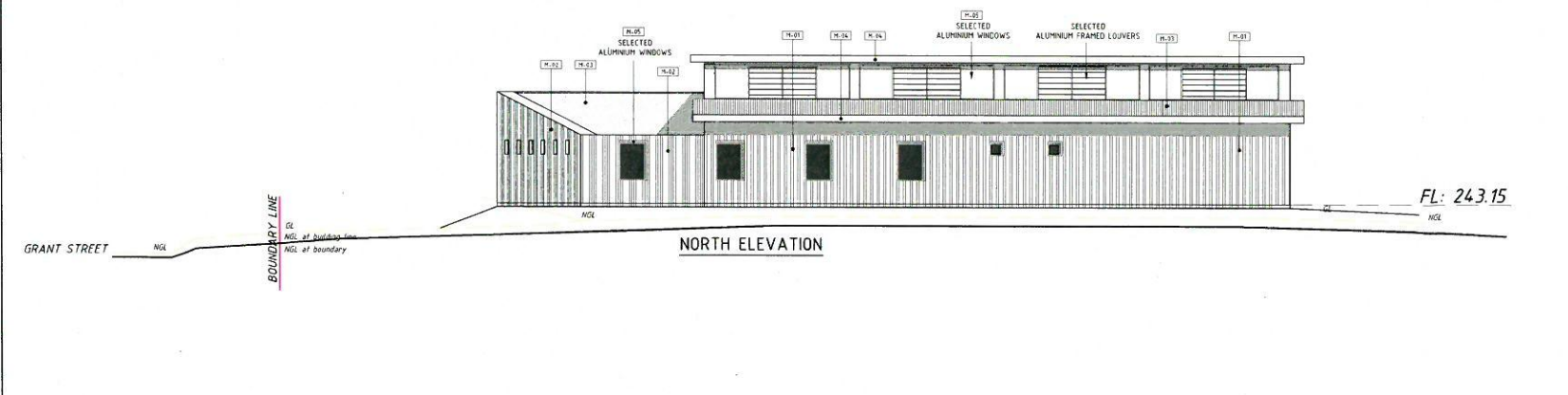
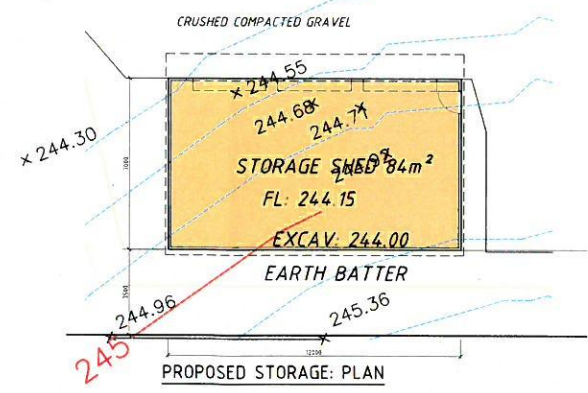


**ENDORSED PLAN**  
 Murrumbidgee Planning Scheme  
 Planning Permit No. 2019/194  
 Plan No. 3 of 5  
 Approved: 30/9/2019



**SCHEDULE OF EXTERNAL MATERIALS, FINISHES & COLOURS**

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[Symbol]	LYSIGHT ZENITH ARCHITECTURAL CLADDING COLOUR: COLOURING THOMPSON
[Symbol]	LYSIGHT ROOFING RUP-LOK 700 IN SEVENTH COLOUR: GALVANISED STEEL
[Symbol]	LYSIGHT SIGNAGE, FACIA COLOUR: COLOURING THOMPSON MATT FINISH
[Symbol]	WINDOW/DOOR FRAMES COLOUR: POWDER COAT BLACK MATT
[Symbol]	ROLLER DOORS COLOUR: COLOURING NIGHT SKY
[Symbol]	ENTRANCE WALL BUSHBOARD OR SHIMAKI PANELED COLOUR: SELECTED GREEN TBC
[Symbol]	EXTERNAL DOOR PAINT FINISH COLOUR: DULUX DOMINO



A	15/04/19	ISSUE FOR APPROVAL	M.A.
REV	DATE	DESCRIPTION	DRAWN/CKD
<b>axiom ARCHITECTS</b>			
T 03 9872 3833 E design@axiomarchitects.com.au P PO BOX 686 Heathmont Vic 3135			
PROJECT PROPOSED REPLACEMENT SCOUT HALL			 NORTH SCALE 1:200 SHEET TP-03
TITLE PLANS, ELEVATIONS			
TITLE PLANS, ELEVATIONS			

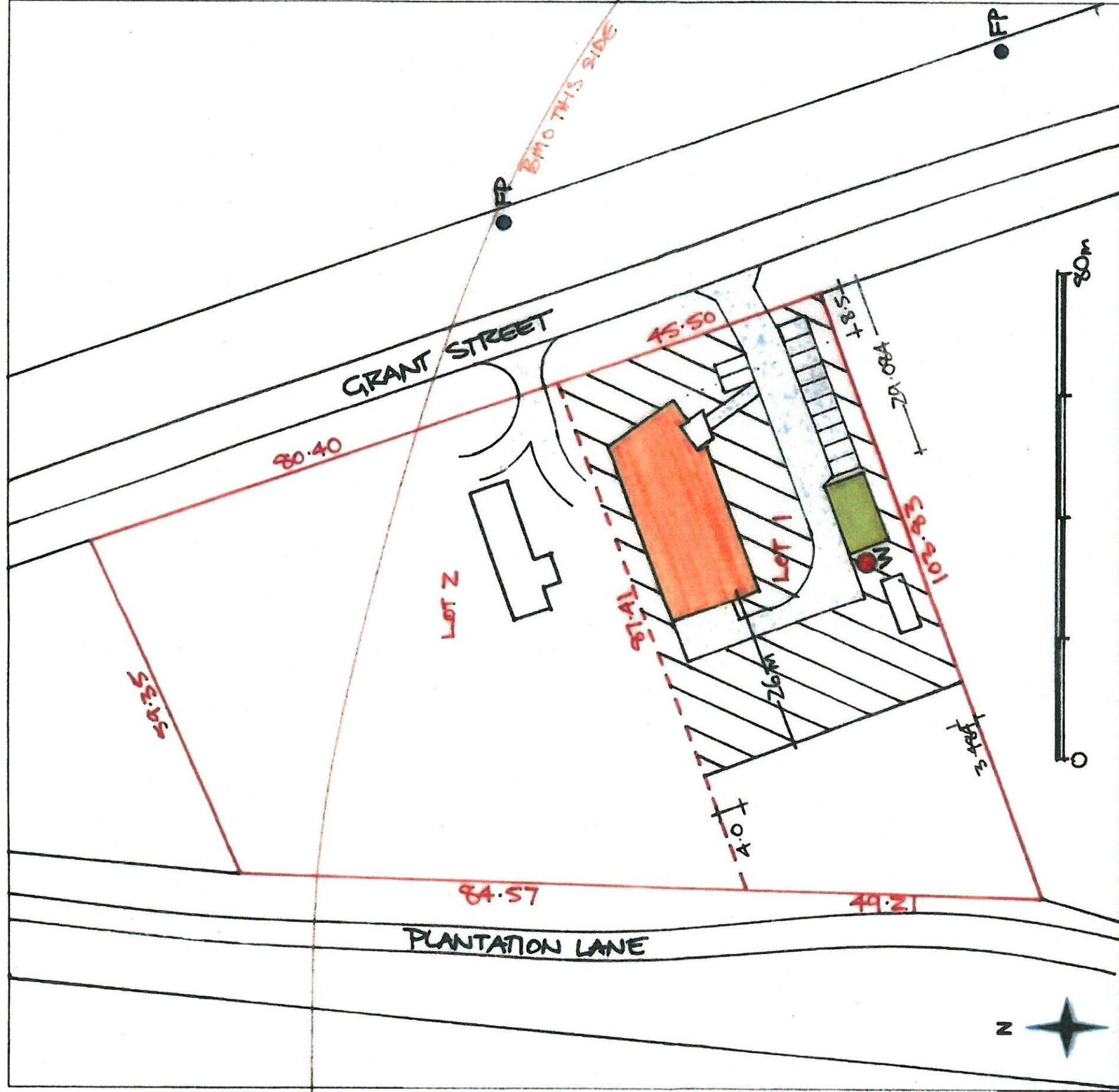


D19/5152

# BUSHFIRE MANAGEMENT PLAN

174 GRANT STREET, ALEXANDRA

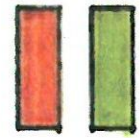
VERSION A  
04 May 2019



## LEGEND

VEGETATION CLASS: WOODLAND

CONSTRUCTION STANDARD: BAL 29



PROPOSED HALL - PLACE OF ASSEMBLY  
PROPOSED STORAGE SHED  
TITLE BOUNDARY  
PROPOSED SUBDIVISION



DEFENDABLE SPACE  
W WATER SUPPLY (nominated location)  
FP HYDRANT / FIRE PLUG

REFER TO DETAILED SCHEDULE OF BUSHFIRE PROTECTION MEASURES ON THE FOLLOWING PAGE

SCALE 1:1000

ENDORSED PLAN  
Municipal Planning Scheme  
Planning Permit No. 2019/94  
Page No. 4 of 5  
Date: 30/9/2019

**CFA**  
FIRE BRIGADE LAND USE  
PLANNING COMMENTS  
TO BE READ IN CONJUNCTION  
WITH REPORT No. 12000-66993-92101  
SIGNED: \_\_\_\_\_ DATE: 26/07/2019



## BUSHFIRE PROTECTION MEASURES SCHEDULE

174 GRANT STREET, ALEXANDRA

### DEFENDABLE SPACE

Defendable space is provided around the proposed place of assembly for a distance of 26m or to the property boundary, whichever is the lesser, where vegetation (and other flammable materials) will be managed in accordance with the following requirements:

- Grass must be short cropped and maintained during the declared Fire Danger Period
- All leaves and vegetation debris must be removed at regular intervals during the declared Fire Danger Period
- Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building
- Plants greater than 10 centimetres in height must not be placed within 3 metres of a window or glass feature of the building.
- Shrubs must not be located under canopy trees.
- Individual and clumps of shrubs must not exceed 5 square metres in area and must be separated by at least 5 metres.
- Trees must not overhang or touch any elements of the building.
- The canopy of trees must be separated by at least 5m.
- There must be a clearance of at least 2 metres between the lowest tree branches and ground level.

### CONSTRUCTION STANDARDS

The hall, place of assembly, located on Lot 2 must be designed and constructed to a minimum Bushfire Attack Level of BAL 29 in accordance with AS3959-2009

### WATER SUPPLY

A water supply with an effective capacity of **10,000 litres** must be established on the site for firefighting purposes which meets the following requirements:

- Be stored in an above ground tank constructed of concrete or metal
- Have all fixed above ground water pipes and fittings required for firefighting purpose be made of corrosive resistant metal.
- Include a separate outlet for occupant use
- Be readily identifiable from the building or appropriate identification signage to the satisfaction of the relevant fire authority.
- Be located within 60 metres of the outer edge of the approved building
- The outlet/s of the water tank must be within 4m of the accessway and unobstructed.
- Incorporate a separate ball or gate valve (65 millimetre BSP) and coupling (64mm CFA 3 threads per inch male fitting)
- Any pipework and fittings must be a minimum of 65 millimetres (excluding CFA coupling)

### ACCESS

Access to the dwelling and CFA water supply outlet must meet the following requirements:

- All-weather construction
- A load limit of at least 15 tonnes
- Provide a minimum trafficable width of 3.5 metres
- Be clear of encroachments for at least 0.5 metres on each side and at least 4 metres vertically
- Curves must have a minimum inner radius of 10 metres.
- The average grade must be no more than 1 in 7 (14.4 percent) (8.1°) with a maximum of no more than 1 in 5 (20 percent) (11.3°) for no more than 50 metres
- Dips must have no more than a 1 in 8 (12.5 percent) (7.1°) entry and exit angle.

ENDORSED PLAN  
Municipal Planning Scheme  
Planning Permit No. 2019/194  
Plan No. 5 of 5  
Approved  
Date: 30/9/2019



FIRE BRIGADE LAND USE  
PLANNING COMMENTS

TO BE READ INCONJUNCTION  
WITH REPORT NO. 12000-66993-92101

SIGNED .....

DATE 26/07/2019



<b>Title:</b>	<b>Public Interest Disclosures Policy</b>
<b>Type:</b>	<b>Council</b>
<b>Adopted:</b>	DRAFT
<b>File No:</b>	19/80421

## 1. Purpose

The purpose of the Public Interest Disclosures Policy (the Policy) is to support Council's culture of integrity and the ethical behaviours expected from Council representatives in line with the Councillor and Employee Codes of Conduct.

The Policy is intended to encourage and support people to make disclosures about improper conduct or detrimental action taken against a discloser. The policy and associated procedures provide guidance on how to report on improper conduct and outlines protections for people making a disclosure or those who may be witness to an investigation.

Implementation of a robust policy, which encourages people to report their concerns under protection, enables Council to reduce the likelihood of corruption, maladministration or any other improper conduct, and supports the performance of the functions of Council with integrity.

## 2. Rationale

The *Public Interest Disclosures Act 2012* (Act) requires Council to maintain internal processes that facilitate disclosures, effectively manage the receipt of information (a disclosure) and provide protection for all parties who may be involved.

The objectives of the Public Interest Disclosures Policy are to-

- a) establish a process for the disclosure of improper conduct or detrimental action by Council representatives and to provide a system of investigation of such disclosures;
- b) mitigate the risks associated with improper conduct or detrimental action taken by Council representatives;
- c) encourage and facilitate the disclosure of improper conduct or detrimental action of Council representatives;
- d) provide for protection and confidentiality of anyone who makes a Public Interest Disclosure;
- e) provide for natural justice to all parties including any person who is the subject of the disclosure.

## 3. Scope


Anyone (internally or externally) can make a disclosure to Council about the improper conduct of Council representatives. However, any disclosures related to Councillors will be re-directed for investigation to the Independent Broad-based Anti-Corruption Commission (IBAC) or the Victorian Ombudsman depending on the nature of the disclosure.

This policy applies to Council representatives, who must comply with all relevant legislative and requirements of this Policy.


Responsible Officer: Director Corporate & Shared Services  
Adopted: TBC  
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## 4. Definitions

Reference term	Definition
Act	Means <i>Public Interest Disclosure Act 2012</i> .
Corrupt conduct	Means dishonest conduct 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"> <li>• Payment or receipt of bribes;</li> <li>• A serious conflict of interest that is not managed and may influence a decision;</li> <li>• Nepotism – where a person is appointed to a role because of their existing relationships rather than merit;</li> <li>• Manipulation of procurement processes to favour one tenderer over others;</li> <li>• Gifts or entertainment intended to achieve a specific outcome in breach of Council's policies.</li> </ul>
Council	"Council" is a public body and has the same meaning as it has in section 3(1) of the Local Government Act 1989.
Council representatives	Means councillors, employees, students on work experience, volunteers, contractors and members of special committees regardless of their employment status, role or position.
Councillor	Means a person who holds the office of member of a Council.
Detrimental action	Means any action against a person in reprisal for making a Public Interest Disclosure. Under the Act, a reprisal no longer has to be substantial to be deemed detrimental action. Examples include: <ul style="list-style-type: none"> <li>• action causing injury, loss or damage;</li> <li>• intimidation, bullying or harassment;</li> <li>• discrimination, disadvantage or adverse treatment in relation to a person's employment, career, profession, trade or business, including the taking of disciplinary action.</li> </ul> <p> <b><i>Taking detrimental action is a criminal offence under the Act.</i></b></p>
False or misleading disclosure	Means when someone reports information intending it be acted on as a PID, or provides further information that relates to a PID, while knowing it to be false or misleading. This is an offence under the Act.
IBAC	Means the Independent Broad-based Anti-corruption Commission established under section 12 of the Independent Broad-based Anti-corruption Commission Act 2011 (IBAC Act).
Improper conduct	The meaning of Improper Conduct is the same as in the Integrity and Accountability Legislation Amendment (Public Interest Disclosures, Oversight and Independence) Act 2019. This includes:

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	<ul style="list-style-type: none"> <li>• Corrupt conduct and/or</li> <li>• any of the following conduct by a public officer or public body in their capacity as a public officer or public body: <ul style="list-style-type: none"> <li>○ a criminal offence;</li> <li>○ serious professional misconduct;</li> <li>○ dishonest performance of public functions;</li> <li>○ an intentional breach or reckless breach of public trust;</li> <li>○ an intentional or reckless misuse of information or material acquired in the course of the performance of public functions;</li> <li>○ a substantial mismanagement of public resources;</li> <li>○ a substantial risk to the health or safety of one or more persons;</li> <li>○ a substantial risk to the environment.</li> </ul> </li> <li>• conduct by a third party that adversely affects the honest performance of a public officer or public body or is intended to adversely affect effective performance of a public officer or public body while obtaining an advantage for the third party, and/or</li> <li>• conduct by a third party that could constitute a conspiracy or attempt to engage in any of the above.</li> </ul> <p> <b>An example of conduct that adversely affects the honest performance by a public officer of their functions would be attempting to bribe a public officer.</b></p> <p><i>Less serious or trivial complaints are excluded from the definition of improper conduct.</i></p>
<p>Misdirected disclosure</p>	<p>Means a disclosure made to an entity that is not an entity to which the disclosure may or must be made to.</p>
<p>Public Interest Complaint (PIC)</p>	<p>Means a public interest disclosure that has been determined by IBAC, the Victorian Inspectorate or the Integrity and Oversight Committee to be a Public Interest Complaint (formerly protected disclosure complaint).</p> <p>Once a public interest disclosure is determined to be a “PIC”, additional rules apply, for example restricting when and to whom the matter can be referred and other altered confidentiality and notification requirements.</p>
<p>Public Interest Disclosure (PID)</p>	<p>Means a disclosure by a natural person of information that shows / tends to show or information that the person reasonably believes shows / tends to show improper conduct or detrimental action (previously a protected disclosure)</p> <p>A “Public Interest Disclosure” does not include a disclosure of information by a person that-</p> <ul style="list-style-type: none"> <li>• the person knows is false or misleading; or</li> <li>• relates entirely or in substance to a disagreement in relation to a policy about amounts, purposes or priorities of public expenditure.</li> </ul> <p>If a disclosure is not a “Public Interest Disclosure”, the person disclosing the information is not protected under the Act and there is no obligation under the Act for Council to investigate the matter.</p>

Public Interest Disclosures Coordinator	<p>Means the person appointed by Council to receive a disclosure of the nature described in this policy.</p> <p> <b>The Director Corporate and Shared Services is Council's Public Interest Disclosure Coordinator and first point of call.</b></p>
Public Interest Disclosures Officer	<p>Means the person appointed by Council to receive a disclosure of the nature described in this policy when-</p> <p>a) the Public Interest Disclosures Coordinator is not available; or b) the disclosure involves the investigation of the Public Interest Disclosures Coordinator.</p> <p> <b>The Manager Governance &amp; Risk is Council's Public Interest Disclosure Officer.</b></p>
Serious professional misconduct	<p>Following changes to the Act from 1 January 2020 which expand the types of disclosures that receive protection, the definition of "serious professional misconduct" may include:</p> <ul style="list-style-type: none"> <li>• a serious failure to exhibit the skills and experience required to perform the functions of the office; or</li> <li>• non-compliance with professional codes of conduct or the policies, procedures and laws that govern behaviour in the public sector and the workplace.</li> </ul>
Ombudsman	<p>Means the person appointed as the Victorian Ombudsman under section 3 of the Ombudsman Act 1973.</p>

## 5. Policy

### 5.1 Policy Statement

Murrindindi Shire Council is committed to the aims and objectives of the *Public Interest Disclosures Act 2012*.

Council is committed to encouraging, facilitating and investigating disclosures of improper conduct, and will protect from detrimental action those who report such conduct, or who are witnesses in any investigation.

### 5.2 Policy Principles and Application

- a) Council is committed to building a culture of integrity by implementing the aims and objectives of the *Public Interest Disclosure Act 2012* and to assist Council representatives and members of the public in identifying and reporting acts of improper conduct or detrimental action by Council representatives.
- b) Council will not tolerate any act improper conduct by Council representatives, nor the taking of detrimental action against those who report such conduct through the Public Interest Disclosures procedure;
- c) Council representatives and members of the public are encouraged to report to the PID Coordinator (or external integrity agency) any behaviour that violates the laws, rules and

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regulations related to an act of improper conduct or detrimental action by Council representatives or Council as an organisation;

- d) Council is committed to meet its obligations under the Act and manage Public Interest Disclosures with utmost confidentiality to protect the identity and privacy of anyone who provides information related to an act of improper conduct or detrimental action by Council representatives.
- e) Council will take all reasonable steps to protect the discloser from an act of detrimental action such as intimidation, harassment or discrimination against them by a Council representative in reprisal for a Public Interest Disclosure. Council will do so in line with the *Guidelines for Public Interest Disclosure welfare management 2020*.
- f) Council will formally acknowledge the receipt of a Public Interest Disclosure and review the matter to make a determination as to whether the disclosure is covered by the PID provisions of the Act. Where the disclosure meets the criteria, the disclosure will be referred to the relevant Integrity Agency (IBAC, Ombudsman) for consideration and investigation;
- g) Council recognises the value of integrity and accountability in its administrative and management practices, and will facilitate and support the process of receiving Public Interest Disclosures;
- h) Council will afford natural justice to all parties including the person who is the subject of the disclosure;
- i) Council will readdress misdirected disclosures to IBAC or the Ombudsman when the disclosure of improper conduct is related to a Councillor;
- j) Council will maintain, publish and follow the procedures in relation to the management and handling of Public Interest Disclosures in accordance with this policy; and
- k) Council will advise the person if the allegation made is not deemed to be a Public Interest Disclosure under the Act and will provide alternatives as far as it is practicable.

### **5.3 Roles and responsibilities**

- a) The CEO is accountable for ensuring the efficient and effective implementation of this Policy as well as fulfilling the CEO's mandatory reporting obligations to IBAC.
- b) The Director Corporate and Shared Services is the PID Coordinator and first point of contact for the disclosure of suspected improper conduct or detrimental action.
- c) It is also the responsibility of the PID Coordinator to ensure the effective handling of information and people involved in the process. These actions will include taking all reasonable steps to ensure that the identity of the person making a Public Interest Disclosure and the person who is subject to the allegations are kept confidential.
- d) The Manager Governance and Risk is responsible for fulfilling the responsibilities as PID Officer (if required) and ensuring adequate resourcing is available to support the periodic review and implementation of this Policy.

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- e) The Integrity and Governance Coordinator is responsible for ensuring the contents of this Policy meet current statutory requirements and standards required for its effective implementation.
- f) Managers and supervisors must exercise due diligence and control to prevent, detect and report acts of improper conduct or detrimental action, and shall set an example of integrity and ethical conduct.
- g) All Council representatives covered by this policy have a role in the prevention, detection and reporting improper conduct or detrimental action (actual or suspected).
- h) The Audit and Risk Advisory Committee has a role in providing advice to support the organisation in effectively implementing Council's Public Interest Disclosure Policy.
- i) Council's Internal Auditors are responsible for assisting management in identifying strategic prevention and detection measures to mitigate the risks associated with improper conduct and where required, assess Council's controls and provide recommendations for improvement.

#### **5.4 Mandatory reporting to IBAC by the CEO**

Under the *Integrity and Accountability Legislation Amendment (Public Interest Disclosures, Oversight and Independence) Act 2019*, the CEO has a mandatory obligation to notify IBAC if the CEO suspects corruption is occurring within Council.

Where the CEO has reasonable grounds to suspect corrupt conduct within Council, the CEO must notify their suspicion to IBAC in accordance with the Public Interest Regulations 2013 Reg. 6. This disclosure will be treated by IBAC as a Public Interest Disclosure.

#### **5.5 Who can make a Public Interest Disclosure?**

A Public Interest Disclosure can be made by any person who has reasonable grounds for believing that improper conduct or detrimental action has occurred at Council or by a Council representative even if the discloser does not know the identity of the person suspected of improper conduct or detrimental action. A disclosure can also be made anonymously.

#### **5.6 How to make a Public Interest Disclosure**

In accordance with Regulation 10 of the Public Interest Disclosures Regulations 2013, a disclosure can be made either:

- In writing marked 'Private and Confidential' to:  
Public Interest Disclosure Coordinator  
PO BOX 138  
Alexandra VIC 3714
- In person requesting to speak in private to:  
Public Interest Disclosure Coordinator  
28 Perkins Street  
Alexandra VIC 3714
- By telephone requesting to speak in private to:  
Public Interest Disclosure Coordinator  
03 5772 0333
- By email marked 'Private and Confidential' to:  
[Disclosures@murrindindi.vic.gov.au](mailto:Disclosures@murrindindi.vic.gov.au)

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## 5.7 Misdirected disclosures

Council is committed to fulfilling its obligations under the 'no wrong door' provision in the Act. The PID Coordinator will ensure misdirected disclosures are redirected to the appropriate agency by contacting the agency and facilitating the process of transferring relevant information and evidence collected.

## 5.8 False disclosures

Council understands some allegations reported or investigated may not confirm that improper conduct or detrimental action had occurred. However, the malicious and intentional disclosure of false information is an offence under the Act and substantial penalties may apply.

## 5.9 Breach of Policy

Breaches of confidentiality, misuse of information or failure to comply with the principles outlined in this Policy will be treated in line with the relevant legislation, industrial instrument and/or relevant code of conduct.

## 6. Related Policies, Strategies and Legislation

- *Local Government Act 1989 (Vic)*
- *Public Interest Disclosures Act 2012 (formerly Protected Disclosures Act 2012)*
- *Independent Broad-based Anti-corruption Commission Act 2011*
- *Integrity and Accountability Legislation Amendment (Public Interest Disclosures, Oversight and Independence) Act 2019*
- *Protected Disclosure Regulations 2013*
- *Guidelines IBAC 2019 – Public Interest Disclosures*
- Council Plan 2017-2021 Our Promise
- Councillor Code of Conduct (16/74120)
- Employee Code of Conduct (16/32474)
- Enterprise Risk Management Policy (17/62317)
- Financial Delegations Policy (17/47024)
- Fraud and Corruption Control Policy (19/65485)
- Volunteers Policy (13/775)

## 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 every 3 years from the date of endorsement.

The Director Corporate and Shared Services and the Manager Governance & Risk are responsible for ensuring this Policy is reviewed and presented to Council for endorsement.

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

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## 9. Consultation

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

- Manager Governance and Risk,
- Director Corporate and Shared Services, and
- Executive Management and Leadership Teams.

## 10. Human Rights Charter

This policy has been developed with consideration of the requirements under the [Charter of Human Rights and Responsibilities](#).