



WELLINGTON
SHIRE COUNCIL

The Heart of Gippsland

COUNCIL MEETING AGENDA ORDINARY MEETING

Meeting to be held at

Wellington Centre – Wellington Room

Foster Street, Sale or via MS Teams

Tuesday 20 December 2022, commencing at 6:00 PM

**or join Wellington on the Web:
www.wellington.vic.gov.au**

**ORDINARY MEETING OF COUNCIL
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COUNCIL MEETING INFORMATION

Members of the Public Gallery should note that the Council records and publishes Council meetings via YouTube to enhance the accessibility of Council meetings to the broader Wellington community. These recordings are also archived and may be published on Council's Website for viewing by the public or used for publicity or information purposes. At the appropriate times during the meeting, members of the gallery may address the Council at which time their image, comments or submissions will be recorded.

Members of the public who are not in attendance at the Council meeting but who wish to communicate with the Council via the online webform should lodge their questions or comments early in the meeting to ensure that their submissions can be dealt with at the end of the meeting.

Please could gallery visitors, Councillors and invited online attendees ensure that mobile phones and other electronic devices are turned off or in silent mode for the duration of the meeting.

ACKNOWLEDGEMENT OF COUNTRY

"We acknowledge the traditional custodians of this land, the Gunaikurnai people, and pay respects to their Elders past and present"

PRAYER

"Almighty God, we ask your blessing upon the Wellington Shire Council, its Councillors, officers, staff and their families. We pray for your guidance in our decisions so that the true good of the Wellington Shire Council may result to the benefit of all residents and community groups."

Amen

1. APOLOGIES

2. DECLARATION OF CONFLICT/S OF INTEREST

3. CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING/S

3.1. ADOPTION OF MINUTES OF PREVIOUS COUNCIL MEETING

ACTION OFFICER: GENERAL MANAGER CORPORATE SERVICES

PURPOSE

To adopt the minutes of the Ordinary Council Meeting of 6 December 2022.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

RECOMMENDATION

That Council adopt the minutes and resolutions of the Ordinary Council Meeting of 6 December 2022.

CONFLICT OF INTEREST

No staff and/or contractors involved in the compilation of this report have declared a conflict of interest.

4. BUSINESS ARISING FROM PREVIOUS MEETINGS

ACTION OFFICER: CHIEF EXECUTIVE OFFICER

ITEM	FROM MEETING	COMMENTS	ACTION BY
NIL			

5. ACCEPTANCE OF LATE AND URGENT ITEMS

6. NOTICE/S OF MOTION

7. RECEIVING OF PETITION OR JOINT LETTERS

7.1. OUTSTANDING PETITIONS

ACTION OFFICER: CHIEF EXECUTIVE OFFICER

ITEM	FROM MEETING	COMMENTS	ACTION BY
Princess Street, Port Albert	6 December 2022	Built Environment team is currently preparing a response, due at the 7 February 2023 Council meeting.	Manager Built Environment

8. INVITED ADDRESSES, PRESENTATIONS OR ACKNOWLEDGEMENTS

9. QUESTION/S ON NOTICE

9.1. OUTSTANDING QUESTION/S ON NOTICE

ACTION OFFICER: CHIEF EXECUTIVE OFFICER

ITEM	FROM MEETING	COMMENTS	ACTION BY
NIL			

10. MAYOR AND COUNCILLORS REPORT

10.1. MAYOR AND COUNCILLORS REPORT - NOVEMBER 2022

ACTION OFFICER: COUNCILLOR IAN BYE

RECOMMENDATION

That the Mayor and Councillors report be noted.

1 NOVEMBER TO 30 NOVEMBER 2022

1 November	Remuneration Committee Meeting.	Mayor Bye, Cr McKenzie and Cr Crossley attended. CEO also in attendance.
3 November	Met with Shell Australia regarding an Offshore Wind Project Briefing.	Mayor Bye attended. CEO also in attendance.
	Community bus discussion, Yarram Neighbourhood House.	Cr Stephens attended.
4 November	Meeting with Danny Marwood (Riverside Apartments Wurruk) regarding multiple investments.	Mayor Bye attended. CEO also in attendance.
5 November	Met with Star of the South, Yarram Secondary College.	Cr Stephens attended.
6 November	CFA District 10, National Emergency Medal Presentation Ceremony.	Mayor Bye attended.
	Sale City Band, The Wedge.	Cr Ripper attended.
7 November	Chair - Heyfield Resource Centre AGM	Cr Ripper attended.
	Gordon Street Recreation Reserve Community Asset Committee Meeting.	Cr Ripper attended.
	Maffra Recreation Reserve Community Asset Committee Meeting.	Cr Tatterson attended.
8 November	Gippsland Offshore Wind Discussion with Charles Rattray.	Mayor Bye attended. CEO also in attendance.
	Place Names Committee meeting.	Cr Maher, Cr Rossetti and

		Cr Crossley attended.
10 November	Warmer Pool for Yarram, Official Opening.	Mayor Bye, Cr Maher, Cr Stephens and Cr McKenzie attended.
	Saputo photo op for The Weekly Times, Maffra.	Mayor Bye attended.
	Saputo closure media interview TRFM/GOLD 1242.	Mayor Bye attended.
	Meeting with Maree Avery - Guardians of Nooramunga Coastal Committee	Cr Stephens, Cr Maher and Cr McKenzie attended. CEO also in attendance.
	Business Boost Reference Group meeting for an update on what is happening in The Middle of Everywhere.	Cr Maher attended.
	Morning tea with the Port Albert Maritime Museum Committee.	Cr Maher attended.
	Quarterly catch up with CEO.	Cr Stephens attended.
	Community Bus Meeting, Yarram Neighbourhood House.	Cr Stephens attended.
	SEATS Executive Meeting and SEATS Quarterly Meeting.	Cr Tatterson attended.
	Wellington Youth Summit - Here Comes the Future!	Cr Crossley attended.
	RAAF Mess Christmas Raffle - draw	Cr Rossetti attended.
11 November	Sale RSL Remembrance Day Commemorative Service.	Mayor Bye attended.
	Discuss the new CEO Employment and Remuneration Policy.	Mayor Bye, Cr Stephens and Cr McKenzie attended.
	Remembrance Day Service, Yarram Cenotaph	Cr Stephens attended.

12 November	Seaspray - Celebrate completion of an art trail along the Seaspray Foreshore.	Cr McKenzie attended.
13 November	Celebration of Women's Ministry, St Pauls Cathedral, Sale.	Cr Ripper attended.
14 November	Heyfield Local Development Strategy - strategic plan	Mayor Bye attended.
16 November	Wellington Ways to Wellbeing 2022 Gala celebration.	Cr Ripper and Cr Wood attended.
	Heyfield Traders & Tourism Association AGM	Cr Ripper attended.
18 November	Meeting with WSC and Saputo Regional Operations Manager, Belinda Powell and Maffra Site Manager, Greg Thomson.	Mayor Bye attended.
	International Men's Day BBQ – Sale Police Station.	Cr Tatterson attended.
19 November	Anglican Parish of Yarram - Annual Parish Dinner	Cr McKenzie attended.
21 November	Councillor Finance & Capital Works Meeting	Cr Stephens attended. CEO also in attendance.
22 November	TAFE Gippsland Board Meeting & Dinner.	Mayor Bye and CEO in attendance.
	Making it Happen: Activating Gippsland's Renewable Energy Workforce Forum.	Cr Wood attended.
23 November	Special Council Workshop Meeting regarding Portside.	Mayor Bye, Cr Maher, Cr Ripper, Cr Rossetti, Cr McKenzie and Cr Tatterson attended.
	Rural Councils Victoria: Free Webinar: The New EPA Act.	Cr Maher attended.
	Yarram, Walk for Respect and BBQ (Coastal Ward)	Cr Maher attended.
24 November	Gippsland Renewable Energy Zone Community Advisory Group - Meeting #1	Mayor Bye attended.
28 November	Audit & Risk Committee meeting	Cr Stephens and Cr McKenzie attended.

29 November	Attended Councillor Community Conversation with visits to Southern Rural Water/Hussey and Co/GippsDairy/Maffco Brewery.	Mayor Bye, Cr Stephens, Cr Maher, Cr Ripper, Cr Wood and Cr Tatterson attended.
30 November	Meeting with Will Tomlinson regarding future boxing event in Sale.	Mayor Bye attended.

COUNCILLOR IAN BYE
MAYOR

11. YOUTH COUNCIL REPORT

11.1. YOUTH COUNCIL MAYOR'S REPORT

ACTION OFFICER: YOUTH MAYOR, NICOLLA WOOLFORD

RECOMMENDATION

That Council receive the Youth Mayor's Quarterly Report.

In October, Youth Council held our annual positive mental health festival, Upswing. The initial plan was to hold the event along Canal Road, but this was thwarted by a forecast of bad weather and the decision was made to make full use of the Port of Sale for a multi-level event!

People moved freely and often between levels, with over 20 youth services, organisations and groups, and live local music on the FReeZA stage in the undercover carpark. On the lower level inside there was face painting and moving up to ground level the café was open, there was information sessions, games with Library Staff, Virtual Reality activities and more, and then, finally, on the first floor you could find the Young Makers Market – with over 15 stalls. There was also a huge rock wall and food stalls.

We had an incredible turnout from the public, and more young people 15 – 25yrs than at any other previous event – largely due to the large amount of older young people participating in the event – as young makers or performers. This event is a key event in the Youth Council Calendar, allowing us a platform to promote the 5 Ways strategies to stay mentally fit – our Wellington Ways to Wellbeing. Following the success of this event, we are very excited to see the 2023 Youth Council team implement feedback and see the next two Upswing festivals in 2023 thrive! Yes, there was a loud request to have two festivals in 2023 - the first will be during Youth Week in March/April, and the second in mental health week in October.

In my last report I shared about Youth Illustrated, an online Zine that Youth Council designed and was soon to publish. The aim of Youth Illustrated was to celebrate young people across Wellington, give a different group of young people an opportunity to share and communicate with other youth things happening in their community and of interest to them and their peers. We were excited that we got our first issue published, and proud, and some of us who are moving on from Youth Council this year will be continuing to work with the 2023 Youth Council team to further develop this project.

The Gippsland East Youth Project, a mobile youth bus project delivered in Wellington and East Gippsland by the Latrobe Youth Space Inc, is finally fully staffed and now on its way. Youth Council and Youth Ambassadors act as Youth Programs Committee for this project in our respective shires once a month, and in Wellington we have created a schedule for activities to happen in various towns over the school holidays. This will allow young people from smaller towns and areas to be included in the project. It's really exciting.

In the past few weeks, myself, along with our Youth Coordinator, Meg Capurso and Gippsland East Youth Project Coordinator, Tony Willacy, all had the pleasure of interviewing potential Youth Councillors for our team next year. They were such an inspiring and mixed group of young people. We are confident in the skills of not only our continuing Youth Councillors, but also our new Youth Councillors. The 2023 team all head to camp with the East Gippsland Youth Ambassadors on December 9 – 11, and I feel that they are going to be a great voice for young people in Wellington in 2023.

As the year comes to a close, Youth Council is able to reflect back on 2022 and note many achievements that we feel proud of. Some big events like Upswing and the All-Ages Gig, and loads of work for a smaller reach, like Youth Illustrated, but all which provide us with opportunities to learn more about our community, our shire and ourselves. We want to take this opportunity to thank the Wellington Shire Council for backing and supporting Youth Councillors this year and for valuing our contributions.

NICOLLA WOOLFORD
YOUTH MAYOR

12. DELEGATES REPORT

13. CHIEF EXECUTIVE OFFICER

13.1. CHIEF EXECUTIVE OFFICER'S REPORT - NOVEMBER 2022

ACTION OFFICER: CHIEF EXECUTIVE OFFICER

RECOMMENDATION

That the Chief Executive Officer's report be received.

1 NOVEMBER 2022 TO 30 NOVEMBER 2022

3 November	Met with representatives from Shell Australia regarding an Offshore Wind Project Briefing.
4 November	Meeting with Danny Marwood (Riverside Apartments Wurruk) regarding multiple investments.
8 November	Gippsland Offshore Wind Discussion with Charles Rattray, CEO Copenhagen Offshore Partners Australia.
10 November	Morning tea with the Port Albert Maritime Museum Committee. Attended Warmer Pool for Yarram, Official Opening. Discussion regarding Yarram Early Learning Centre site options. Meeting with Maree Avery - Guardians of Nooramunga Coastal Committee. Crs Stephens, Maher and McKenzie also in attendance. Quarterly catch-up meeting with Councillor Garry Stephens.
11 November	Meeting with Bronson Justus, General Manager JLT Public Sector (Council's Insurer). Meeting with Sara Rhodes-Ward of Regional Development Victoria regarding Hub Delivery Partnership. Attended Latrobe Valley Authority Stakeholder Consultation: Local Government - with other Gippsland Councils and representatives from KPMG.
15-18 November	Attended Local Government Chief Officers Group Meeting
22 November	Attended Councillor Finance and Capital Works Meeting. TAFE Gippsland Board Meeting and Dinner.
23 November	Special Council Workshop Meeting regarding Portside. Meeting with Octopus Investments, the new owners of the Fulham Farm, to brief Council on the next steps in the Fulham project.

28 November	Attended WSC Audit & Risk Committee meeting.
29 November	Attended Councillor Community Conversation with visits to Southern Rural Water/Hussey and Co/GippsDairy/Maffco Brewery. In attendance was Mayor Bye, and Crs Stephens, Tatterson, Ripper.

14. GENERAL MANAGER CORPORATE SERVICES

14.1. ASSEMBLY OF COUNCILLORS REPORT

ACTION OFFICER: GENERAL MANAGER CORPORATE SERVICES

OBJECTIVE

To report on all assembly of Councillor records received for the period 28 November 2022 to 11 December 2022.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

RECOMMENDATION

That Council note and receive the attached Assembly of Councillor records for the period 28 November 2022 to 11 December 2022.

BACKGROUND

Section 80A of the *Local Government Act 1989* required a written record be kept of all assemblies of Councillors, stating the names of all Councillors and Council staff attending, matters considered and any conflict of interest disclosures made by a Councillor. These records were required to be reported at an ordinary meeting of the Council and recorded in the minutes. Under the new *Local Government Act 2020*, this requirement is no longer provided for however, under Council's good governance framework, Council will continue to provide records of assemblies of Councillors to ensure that the community are kept informed of Councillors activity and participation.

Following is a summary of all Assembly of Councillor records received for the period 28 November 2022 to 11 December 2022.

ATTACHMENTS

1. Assembly of Councillors and Council Workshop Follow Up 6 December 2022 [14.1.1 - 2 pages]

OPTIONS

Council has the following options:

1. Note and receive the attached assembly of Councillors records; or
2. Not receive the attached assembly of Councillors records.

PROPOSAL

That Council note and receive the attached assembly of Councillors records during the period 28 November 2022 to 11 December 2022.

CONFLICT OF INTEREST

No staff and/or contractors involved in the compilation of this report have declared a conflict of interest.

FINANCIAL IMPACT

This impact has been assessed and there is no effect to consider at this time.

COMMUNICATION IMPACT

This impact has been assessed and there is no effect to consider at this time.

LEGISLATIVE IMPACT

The reporting of written records of assemblies of Councillors to the Council in the prescribed format complied with Section 80A of the *Local Government Act 1989* however, without prescription under the *Local Government Act 2020*, Council will continue to provide these records as part of Council's good governance framework.

COUNCIL POLICY IMPACT

This impact has been assessed and there is no effect to consider at this time.

COUNCIL PLAN IMPACT

This impact has been assessed and while it does not meet a specific Council Plan strategic outcome, it does align with Council's good governance framework.

This report supports the above Council Plan strategic outcome.

RESOURCES AND STAFF IMPACT

This impact has been assessed and there is no effect to consider at this time.

COMMUNITY IMPACT

This impact has been assessed and there is no effect to consider at this time.

ENVIRONMENTAL IMPACT

This impact has been assessed and there is no effect to consider at this time.

ENGAGEMENT IMPACT

This impact has been assessed and there is no effect to consider at this time.

RISK MANAGEMENT IMPACT

This impact has been assessed and there is no effect to consider at this time.

ASSEMBLY OF COUNCILLORS – 6 DECEMBER 2022

MEETING	COUNCILLORS AND OFFICERS IN ATTENDANCE (NAME AND POSITION)				CONFLICT/S OF INTEREST OR ACTION ITEMS
IT / Diary Meeting	Name	Attendance	Name	Attendance	
	Cr Bye	Yes	Cr Stephens	Yes	N/A
	Cr Crossley	No (sick leave)	Cr Tatterson	Yes	N/A
	Cr McKenzie	Yes	Cr Wood	Yes	N/A
	Cr Maher	Yes (online)	David Morcom, CEO	Yes	N/A
	Cr Ripper	Yes	Hayley Furlong, Governance & Council Business Officer	Yes	N/A
	Cr Rossetti	Yes	Cameron Vale, ICT Support Services Contractor	Yes	N/A

MEETING	COUNCILLORS AND OFFICERS IN ATTENDANCE				CONFLICT/S OF INTEREST OR ACTION ITEMS
Workshops	Name	Attendance	Name	Attendance	
	Cr Bye	Yes	Cr Tatterson	Yes	N/A
	Cr Crossley	No (sick leave)	Cr Wood	Yes	N/A
	Cr McKenzie	Yes	David Morcom, CEO	Yes	N/A
	Cr Maher	Yes (online)	Arthur Skipitaris, GM Corporate Services	Yes	N/A
	Cr Ripper	Yes	Brent McAlister, GM Development	Yes	N/A
	Cr Rossetti	Yes	Chris Hastie, GM Built & Natural Environment	Yes	N/A
	Cr Stephens	Yes	Clemence Gillings, GM Community & Culture	Yes	N/A

Workshops (cont.)	MATTERS/ITEMS CONSIDERED AT THE MEETING	OTHERS IN ATTENDANCE
	1. THE WEDGE OPERATIONS OVERVIEW	<ul style="list-style-type: none"> • Andrew Thomson, Manager Arts and Culture • Clem Gillings, General Manager Community and Culture • David Morcom, Chief Executive Officer <i>Conflict of Interest: Nil</i>
	2. AQUA ENERGY LAND PURCHASE AND TENDER UPDATE	<ul style="list-style-type: none"> • Ross McWhirter, Manager Leisure Services • Chris Hastie, General Manager Built and Natural Environment <i>Conflict of Interest: Nil</i>
	3. FOOT AND MOUTH DISEASE AND VERROA MITE UPDATE	<ul style="list-style-type: none"> • Michael Roberts, AgVic Vet and FMD Specialist (external) <i>Conflict of Interest: Nil</i>
	4. NORTH SALE INFRASTRUCTURE FUNDING ARRANGEMENT FINAL REPORT	<ul style="list-style-type: none"> • Joshua Clydesdale, Major Projects and Principal Strategic Planner <i>Conflict of Interest: Nil</i>

14.2. ADOPTION OF THE 2023 COUNCIL POLICIES

ACTION OFFICER: MANAGER ORGANISATIONAL PERFORMANCE AND GOVERNANCE

PURPOSE

To adopt the updated 2023 Council policies as attached.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

RECOMMENDATION

That Council revoke the existing 2022 Council policies and adopt the updated 2023 Council policies as attached.

BACKGROUND

Council maintains a suite of policies that are formally adopted by Council. Periodically, policies are reviewed and modified as required due to legislative, strategic, planning and procedural amendments. The full suite of policies is reviewed annually and updated to reflect any changes applicable during the period since the last review. As new policies are developed, they are also included in the policy manual and obsolete policies removed.

These policies have previously been made available in the form of a single Council policy manual reviewed annually, however, to improve the user experience and provide the ability for reviews throughout the year, these have now been made available as individual policies on the Council Policies page of the website.

The first attachment to this report contains a change table to identify any changes made and the second attachment a collated list of all reviewed and updated Council policies.

ATTACHMENTS

1. 2023 Council Policies Review - change table [**14.2.1** - 11 pages]
2. 2023 Council Policies Review - reviewed policies [**14.2.2** - 275 pages]

OPTIONS

Council has the following options available:

1. Adopt the revised 2023 Council policies as attached; or
2. Adopt the revised 2023 Council policies with additional amendments; or
3. Not adopt the revised 2023 Council policies and request a further review of the policies for consideration at a future meeting of Council.

PROPOSAL

For Council to revoke the existing 2022 Council policies and adopt the updated 2023 Council policies as attached.

CONFLICT OF INTEREST

No staff and/or contractors involved in the compilation of this report have declared a conflict of interest.

FINANCIAL IMPACT

This impact has been assessed and there is no effect to consider at this time.

COMMUNICATION IMPACT

This impact has been assessed and there is no effect to consider at this time.

LEGISLATIVE IMPACT

The *Local Government Act 2020* specifies a number of policies that Council is required to maintain in addition to those determined to be applicable through strategic and operational requirements. These include:

- Acceptance and Declaration of Gifts, Benefits and Hospitality Policy
- Conflict of Interest Policy
- Council Expense and Administration Policy
- Community Engagement Policy
- Complaints Handling Policy
- Procurement Policy
- Public Transparency Policy.

The Human Rights Charter Checklist has been completed as a result of updating the policies contained in the Council Policy Manual. Reference to human rights considerations and/or implications has been incorporated into each policy as follows:

“Wellington Shire Council is committed to upholding the Human Rights Principles as outlined in the *Charter of Human Rights and Responsibilities Act 2006 (Vic)* and referred to in Council’s Human Rights Policy. The Human Rights Checklist has been completed and the proposed policy is in accordance with Council’s policy commitment to uphold Human Rights Principles.”

The review and consideration of Council’s various policies meets all legislative requirements.

COUNCIL POLICY IMPACT

An annual review of all of Council's policies ensures that they are reviewed at least once per year at a minimum unless they have been created alongside one of Council's strategies or plans that provides the policies with a longer review period. While an annual review aims to capture a review of each policy at least annually, individual policies can be reviewed at any time of the year and as many times as required so as to meet organisational, strategic and/or legislative changes as required.

COUNCIL PLAN IMPACT

This impact has been assessed and while it does not meet a specific Council Plan strategic outcome, it does align with Council's good governance framework.

RESOURCES AND STAFF IMPACT

This impact has been assessed and there is no effect to consider at this time.

COMMUNITY IMPACT

This impact has been assessed and there is no effect to consider at this time.

ENVIRONMENTAL IMPACT

This impact has been assessed and there is no effect to consider at this time.

ENGAGEMENT IMPACT

Throughout this review process, divisions have revised and updated their assigned policies as necessary.

RISK MANAGEMENT IMPACT

This impact has been assessed and there is no effect to consider at this time.



2023 COUNCIL POLICY REVIEW - CHANGE TABLE

POLICY TITLE	DIVISION	RESPONSIBLE GM	MAJOR/MINOR UPDATE	NEXT REVIEW DATE	SUMMARY OF CHANGES
Council Expense and Administration Policy	CEO	Chief Executive Officer	Minor	December 2023	<ul style="list-style-type: none"> Update of review dates Inclusion of allowance payable to the Deputy Mayor under “Legislative Framework” as a result of VIRT determinations Inclusion of updated process for determinations of allowances payable to Councillors under “Councillor Allowances” Various minor formatting and grammar
Provision of Motor Vehicles for Councillors Policy	CEO	Chief Executive Officer	Not Applicable	December 2023	<ul style="list-style-type: none"> Update of review dates No changes applicable at this review
Media and Communications Policy	CEO	Chief Executive Officer	Minor	December 2023	<ul style="list-style-type: none"> Update of review dates Update of terminology, various details referencing social media
Social Media Policy	CEO	Chief Executive Officer	Minor	December 2023	<ul style="list-style-type: none"> Update of review dates Update of terminology, details referencing social media
Equal Opportunity Anti-Discrimination	People and Capability	General Manager Corporate Services	Minor	December 2023	<ul style="list-style-type: none"> Update of review dates Update of Responsible Officer title

and Harassment Policy					<ul style="list-style-type: none"> Update of the <i>Local Government Act 2020</i> reference
Occupational Health and Safety Policy	People and Capability	General Manager Corporate Services	Not Applicable	December 2023	<ul style="list-style-type: none"> Update of review dates No changes applicable at this review
Human Rights Policy	People and Capability	General Manager Corporate Services	Minor	December 2023	<ul style="list-style-type: none"> Update of review dates Update of Responsible Officer title
Bank Guarantees Policy	Finance	General Manager Corporate Services	Not Applicable	December 2023	<ul style="list-style-type: none"> Update of review dates No changes applicable at this review
Investment Policy	Finance	General Manager Corporate Services	Not Applicable	December 2023	<ul style="list-style-type: none"> Update of review dates No changes applicable at this review
Debt Collection and Interest Charging Policy	Finance	General Manager Corporate Services	Minor	December 2023	<ul style="list-style-type: none"> Update of review dates Inclusion of <i>Local Government Act 2020</i>
Procurement Policy	Finance	General Manager Corporate Services	No review required as this policy is still valid	December 2025	<ul style="list-style-type: none"> No changes applicable at this review
Corporate Credit Card Policy	Finance	General Manager Corporate Services	Minor	December 2023	<ul style="list-style-type: none"> Update of review dates Clarification about when reports are presented to the Mayor Clarification about the content of the quarterly report of expenditure for CMT
Best Value and Competitive Neutrality Policy	Finance	General Manager Corporate Services	Not Applicable	December 2023	<ul style="list-style-type: none"> Update of review dates No changes applicable at this review

Privacy and Data Protection Policy	Information Services	General Manager Corporate Services	Minor	December 2023	<ul style="list-style-type: none"> • Update of review dates • Responsible Officer changed from Manager Information Services to Chief Information Officer • Removed Related Documents reference to Customer Service Commitment superseded by Customer Service Policy • Added Customer Service Policy to Related Policies
Freedom of Information Policy	Organisational Performance and Governance	General Manager Corporate Services	Minor	December 2023	<ul style="list-style-type: none"> • Update of review dates • Update of Responsible Officer title • Updated responsible Coordinator under "Training/Advice" • Minor formatting and grammar
Records Management Policy	Information Services	General Manager Corporate Services	Minor	December 2023	<ul style="list-style-type: none"> • Changed Date of Next Review to October 2023 • Changed Manager Information Services to Chief Information Officer • Updated reference to APROSS for approved public records offsite storage supplier to correct acronym.
Records Disposal Policy	Information Services	General Manager Corporate Services	Minor	December 2023	<ul style="list-style-type: none"> • Update of review dates • Updated Responsible Officer title
Risk Management Policy	Organisational Performance and Governance	General Manager Corporate Services	Minor	December 2023	<ul style="list-style-type: none"> • Update of review dates • Updated Responsible Officer title • No changes applicable at this review

Fraud Control Policy	Organisational Performance and Governance	General Manager Corporate Services	Minor	December 2023	<ul style="list-style-type: none"> • Update of review dates • Minor formatting and grammar
Public Interest Disclosures Policy	Organisational Performance and Governance	General Manager Corporate Services	Minor	December 2023	<ul style="list-style-type: none"> • Update of review dates • Amended incorrect reference from PIO to PID; amended old references to Protected Disclosure • Postal address for IBAC • Hyperlink to online form for Victorian Ombudsman
Declarable Associations Policy	Organisational Performance and Governance	General Manager Corporate Services	Minor	December 2023	<ul style="list-style-type: none"> • Update of review dates • Removed reference to legislative requirement under "Making a Declaration" to disclose as the <i>Local Government Act 2020</i> is silent however the expectation is that the process continues as a matter of best practice • Changed Grievance Process to 'Grievance or Dispute Procedure' in line with the current Enterprise Agreement.
Mandatory Notification Policy	Organisational Performance and Governance	General Manager Corporate Services	Minor	December 2023	<ul style="list-style-type: none"> • Update of review dates • Updated link and instructions for completion of mandatory notification form
Conflict of Interest Policy	Organisational Performance and Governance	General Manager Corporate Services	Minor	December 2023	<ul style="list-style-type: none"> • Update of review dates • Updated Responsible Officer title • Conflict of Duty has been added to the legislated requirements relating to

ATTACHMENT 14.2.1

					Conflict of Interest for greater clarity at the recommendation of Council's Audit & Risk Committee; as such the definition of conflict of interest and conflict of duty has been split and various reference to conflict of interest have been updated to include conflict of duty where applicable
Delegations Policy	Organisational Performance and Governance	General Manager Corporate Services	Minor	December 2023	<ul style="list-style-type: none"> • Update of review dates • Updated Responsible Officer title • Inclusion of new instruments of delegation used by Council (S16, S18 and S19A)
Acceptance and Declaration of Gifts, Benefits and Hospitality Policy	Organisational Performance and Governance	General Manager Corporate Services	Minor	December 2023	<ul style="list-style-type: none"> • Update of review dates • Update of Responsible Officer title • No changes applicable at this review
Public Transparency Policy	Organisational Performance and Governance	General Manager Corporate Services	Minor	December 2023	<ul style="list-style-type: none"> • Update of review dates • Update of Responsible Officer title • Removal of a number of items under 'information available on request' as these are available to the public on Council's website
Election Period Policy	Organisational Performance and Governance	General Manager Corporate Services	Minor	December 2023	<ul style="list-style-type: none"> • Update of review dates • Update of Responsible Officer title • Minor formatting and grammar
CEO Employment and Remuneration Policy	People and Capability	General Manager Corporate Services	No review required as this policy is still valid	December 2025	<ul style="list-style-type: none"> • No changes applicable at this review

ATTACHMENT 14.2.1

Heritage Policy	Land Use Planning	General Manager Development	Not Applicable	December 2023	<ul style="list-style-type: none"> • Update of review dates • No changes applicable at this review
Assessment of Development in Relation to Potential Sea Level Rise Policy	Land Use Planning	General Manager Development	Not Applicable	December 2023	<ul style="list-style-type: none"> • Update of review dates • No changes applicable at this review
Funding and Procurement of Public Infrastructure Works Policy	Land Use Planning	General Manager Development	No review required as this policy is still valid	May 2023	<ul style="list-style-type: none"> • No changes applicable at this review
Car Parking Policy	Municipal Services	General Manager Development	Minor	December 2023	<ul style="list-style-type: none"> • Update of review dates • Updated Responsible Officer title • Updated references to the revised Community Local Law and <i>Local Government Act 2020</i>
Street Raffles Policy	Municipal Services	General Manager Development	Minor	December 2023	<ul style="list-style-type: none"> • Update of review dates • Updated Responsible Officer title • Inclusion of Related Documents and updated link to local laws permits
Building Policy	Municipal Services	General Manager Development	Major	December 2023	<ul style="list-style-type: none"> • Update of review dates • “Non habitable buildings on Vacant Land” section has been removed due to legislative update
Infringement Review Policy	Municipal Services	General Manager Development	Minor	December 2023	<ul style="list-style-type: none"> • Update of review dates • Updated Responsible Officer title • Updated Related Documents • Revised note relating to the Emergency Management Officer

					including title change <ul style="list-style-type: none"> Updated link to infringement review form
Swimming Pool and Spa Safety Barrier Policy	Municipal Services	General Manager Development	Minor	December 2023	<ul style="list-style-type: none"> Update of review dates Updated Responsible Officer title
Customer Service Policy	Municipal Services	General Manager Development	Minor	December 2023	<ul style="list-style-type: none"> Update of review dates Updated Responsible Officer title Removed legislative reference – <i>State Government Record Act</i> Minor formatting and grammar
Complaints Handling Policy	Municipal Services	General Manager Development	Minor	December 2023	<ul style="list-style-type: none"> Update of review dates Updated Responsible Officer title Updated reference to 'Customer Service Charter' to 'Customer Service Commitment'
Major Events Policy	Economic Development	General Manager Development	Not Applicable	December 2023	<ul style="list-style-type: none"> Update of review dates No changes applicable at this review
Roadside Tourism Directional Signs Policy	Economic Development	General Manager Development	Not Applicable	December 2023	<ul style="list-style-type: none"> Update of review dates No changes applicable at this review
Wood Encouragement Policy	Economic Development	General Manager Development	Not Applicable	December 2023	<ul style="list-style-type: none"> Update of review dates No changes applicable at this review
Rental and Leasing of Council Owned Properties Policy	Economic Development	General Manager Development	Not Applicable	December 2023	<ul style="list-style-type: none"> Update of review dates No changes applicable at this review

Sale, Exchange and Acquisition of Land Policy	Economic Development	General Manager Development	Not Applicable	December 2023	<ul style="list-style-type: none"> • Update of review dates • No changes applicable at this review
Waste Collection Policy	Natural Environment and Parks	General Manager Built and Natural Environment	Not Applicable	December 2023	<ul style="list-style-type: none"> • Update of review dates • No changes applicable at this review
Naturestrip Maintenance Policy	Natural Environment and Parks	General Manager Built and Natural Environment	Not Applicable	December 2023	<ul style="list-style-type: none"> • Update of review dates • No changes applicable at this review
Open Space Policy	Natural Environment and Parks	General Manager Built and Natural Environment	Not Applicable	December 2023	<ul style="list-style-type: none"> • Update of review dates • No changes applicable at this review
Litter Bins Policy	Natural Environment and Parks	General Manager Built and Natural Environment	Not Applicable	December 2023	<ul style="list-style-type: none"> • Update of review dates • No changes applicable at this review
Playgrounds Policy	Natural Environment and Parks	General Manager Built and Natural Environment	Not Applicable	December 2023	<ul style="list-style-type: none"> • Update of review dates • No changes applicable at this review
Public Open Space Contribution – Subdivisions Policy	Natural Environment and Parks	General Manager Built and Natural Environment	Not Applicable	December 2023	<ul style="list-style-type: none"> • Update of review dates • No changes applicable at this review
Public Toilets Policy	Natural Environment and Parks	General Manager Built and Natural Environment	Minor	December 2023	<ul style="list-style-type: none"> • Update of review dates • Number of public toilets managed increased
Significant Tree Protection Policy	Natural Environment and Parks	General Manager Built and Natural Environment	Minor	December 2023	<ul style="list-style-type: none"> • Update of review dates • Change of placement of 'Wellington Planning Scheme' from Statutory Reference to Related Documents

Urban Forests Policy	Natural Environment and Parks	General Manager Built and Natural Environment	Minor	December 2023	<ul style="list-style-type: none"> • Update of review dates • Strengthened the tree removal and amenity valuation
Climate Change and Sustainability Policy	Natural Environment and Parks	General Manager Built and Natural Environment	Not Applicable	December 2023	<ul style="list-style-type: none"> • Update of review dates • No changes applicable at this review
Rates Rebate on Land for Conservation Purposes Policy	Natural Environment and Parks	General Manager Built and Natural Environment	Not Applicable	December 2023	<ul style="list-style-type: none"> • Update of review dates • No changes applicable at this review
Public Memorials in Open Spaces Policy	Natural Environment and Parks	General Manager Built and Natural Environment	Major	December 2023	<ul style="list-style-type: none"> • New policy
Asset Management Policy	Assets and Projects	General Manager Built and Natural Environment	Minor	December 2023	<ul style="list-style-type: none"> • Update of review dates • Minor grammatical corrections
Place and Feature Naming Policy	Assets and Projects	General Manager Built and Natural Environment	Minor	December 2023	<ul style="list-style-type: none"> • Update of review dates • Updated references to Naming Rules latest version (2022) • Added sentence on road naming themes in subdivisions • Added Gender Equality statement
Subdivision Infrastructure Development Policy	Built Environment	General Manager Built and Natural Environment	Minor	December 2023	<ul style="list-style-type: none"> • Update of review dates • Updated Responsible Officer title
Special Charge Schemes – Roads, Streets and Drainage Development Policy	Built Environment	General Manager Built and Natural Environment	Minor	December 2023	<ul style="list-style-type: none"> • Update of review dates • Updated Responsible Officer title

Disposal of Surplus Council Equipment Policy	Assets and Projects	General Manager Built and Natural Environment	Not Applicable	December 2023	<ul style="list-style-type: none"> • Update of review dates • No changes applicable at this review
Cattle Underpasses Policy	Built Environment	General Manager Built and Natural Environment	Minor	December 2023	<ul style="list-style-type: none"> • Update of review dates • Updated Responsible Officer title
Fencing Policy	Built Environment	General Manager Built and Natural Environment	Not Applicable	December 2023	<ul style="list-style-type: none"> • Update of review dates • No changes applicable at this review
Roadside Memorials Policy	Built Environment	General Manager Built and Natural Environment	Not Applicable	December 2023	<ul style="list-style-type: none"> • Update of review dates • No changes applicable at this review
CCTV Policy	Built Environment	General Manager Built and Natural Environment	Not Applicable	December 2023	<ul style="list-style-type: none"> • Update of review dates • No changes applicable at this review
**Encouragement Awards – Year 11 and 12 <i>NOTE: this policy has been revoked and removed as a result of this review</i>	Communities, Facilities and Emergencies	General Manager Community and Culture	Policy Revoked and Removed	No longer applicable	<ul style="list-style-type: none"> • Policy has been removed from the Council policy schedule as it can be addressed as an operational procedure/process • Combined expenditure is less than \$1,500pa and is listed as a separate line item in the budget so can be easily tracked and reported on
Electronic Gaming Machine Policy	Communities, Facilities and Emergencies	General Manager Community and Culture	Minor	December 2024	<ul style="list-style-type: none"> • Update of review dates • Update of Responsible Officer title • Extended review date to a 2 year cycle instead of annual
Council Provision of Recreation-	Communities, Facilities and Emergencies	General Manager Community and Culture	Not Applicable	December 2023	<ul style="list-style-type: none"> • Update of review dates • No changes applicable at this review

Community Facilities Policy					
Committees Policy	Communities, Facilities and Emergencies	General Manager Community and Culture	Minor	December 2023	<ul style="list-style-type: none"> • Update of review dates • Minor change to correct spelling error • Replace 'childcare' with 'Kindergarten' in the description of community facilities
Community Assistance Grants Program	Communities, Facilities and Emergencies	General Manager Community and Culture	Minor	December 2024	<ul style="list-style-type: none"> • Update of review dates • Change to two year review cycle instead of annual
Community Engagement Policy	Communities, Facilities and Emergencies	General Manager Community and Culture	Minor	June 2025	<ul style="list-style-type: none"> • Update of review dates • Extend review date to align with adopted Community Engagement strategy
Art Gallery Collection Policy	Arts and Culture	General Manager Community and Culture	Major	December 2023	<ul style="list-style-type: none"> • Update of review dates • Inclusion of deaccession of artworks procedures (workshop with Councillors conducted)
Art in Public Places Policy	Arts and Culture	General Manager Community and Culture	Not Applicable	December 2023	<ul style="list-style-type: none"> • Update of review dates • No changes applicable at this review

COUNCIL EXPENSE AND ADMINISTRATION POLICY

Policy Number:	1.1
Approved by:	Council
Date Approved:	December 2022
Date of Next Review:	December 2023
Applicable to Unit(s):	Councillors
Responsible Officer:	General Manager Corporate Services
Related Policies:	Provision of Motor Vehicles for Councillors Policy
Related Documents:	Councillor Expense Claim Form Councillor Travel Expense Claim Form Governance Rules Remote Area Allowance Claim Form Remote Area Allowance Guideline
Statutory Reference:	<i>Carers Recognition Act 2012</i> <i>Charter of Human Rights and Responsibilities Act 2006</i> <i>Local Government Act 2020</i>

OVERVIEW

The objective of this policy is to define and establish the administrative support, resources and facilities to be provided to Councillors and the entitlements for Councillors and members of Delegated Committees to have necessary out-of-pocket expenses incurred while performing their civic, statutory and policy-making duties as a Councillor or member of a Delegated Committee either reimbursed or paid direct by Council.

Section 41 of the *Local Government Act 2020* ('the Act') provides that a Council must adopt and maintain a policy in relation to reimbursement of expenses of Councillors and members of a Delegated Committee. This policy has been adopted to provide an overview of how assistance and support is provided, as well as appropriate resourcing and facilities to ensure that they can effectively carry out their roles, responsibilities, duties and powers.

Councillors are elected as the representatives of residents and ratepayers, to govern the Shire of Wellington in accordance with the *Local Government Act 2020*. To assist them to perform their role and responsibilities as Councillors they will be provided with administrative support, resources and facilities and be reimbursed for the expenses specified in this policy incurred in carrying out their official Council duties.

This policy provides direction on the provision of specific equipment, services, consumables, financial assistance and reimbursement which the Council will provide to the Mayor and Councillors in carrying out their duties. It cannot prescribe for every possible situation that may arise and makes no attempt to do so. Where a situation is not adequately covered by this policy, the test of a "necessary expense" will be whether it was incurred as a consequence of undertaking duties associated with an individual's elected role. Where this test is satisfied and a Councillor has incurred an expense, this will be reimbursed by the Council.

The Council recognises that any expenses reimbursed should not be excessive and must be related to the actual performance of an individual's civic, statutory and policy making duties.

Legislative Framework

Section 39 of the Act provides for payment of annual allowances to Mayors and Councillors. The allowance framework is determined in accordance with the Victorian Independent Remuneration Tribunal under the *Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019*. Allowances are taxable income and are paid monthly in advance. Personal taxation implications are the responsibility of individual Councillors. Council is required to increase allowances in accordance with any adjustment factor as prescribed by determinations of the Victorian Independent Remuneration Tribunal.

If a Councillor is appointed to act as Mayor under section 20B for a continuous period exceeding 50 days, the acting Mayor may be paid a Mayoral allowance instead of a Councillor allowance for the period that he or she is acting as Mayor.

A Council must pay a Councillor allowance or Mayoral allowance as specified in the most recent determination of the Victorian Independent Remuneration Tribunal.

A Council does not have to pay an allowance to a Councillor or Mayor who does not want to receive an allowance.

A person is only entitled to receive an allowance while he or she holds the office in respect of which the allowance is payable.

A person elected to be a Councillor is entitled to receive a Councillor allowance from the date the person takes the oath of office under section 30 of the Act.

A Councillor elected to be Mayor is entitled to receive a Mayoral allowance from the date he or she is elected under section 25 of the Act.

A Councillor elected to be Deputy Mayor is entitled to receive a Deputy Mayoral allowance from the date he or she is elected under section 27 of the Act.

The Victorian Government views Councillor allowances 'not as a form of salary, but as some recognition of the contributions made by those elected to voluntary, part time roles in the community'. They are in addition to reimbursements for approved expenses and other support.

Section 40 of the Act provides for the reimbursement of "necessary out-of-pocket expenses incurred" by Councillors while performing their duties as a Councillor.

Definition of "Council Duties"

For the purpose of this Policy, "Council Duties" is the business of the Council, not of a Councillor.

Section 28 of the Act refers to the role of a Councillor which means duties performed by a Councillor that are necessary or appropriate for the purposes of achieving the objectives of a Council having regard to any relevant Act, regulations, Ministerial guidelines or Council policies.

Claims may be submitted by Councillors for expenses under this Policy when performing Council Duties. To this extent, Council duties are defined as the following:

- Meetings of the Council or its Committees;
- Meetings, briefing sessions and civic or ceremonial functions convened by the Mayor or the Council;
- Meetings of community groups, organisations and statutory authorities to which a Councillor has been appointed as Council representative or is authorised by Council;
- A meeting, function or other official role as a representative of the Mayor or the Council;

- Other meetings, inspections or events attended by a Councillor in an official capacity;
- Conferences, seminars, events and professional development being undertaken by a Councillor.

As a general rule, it is expected that the Mayor or his/her representative will attend functions or events to represent the Council. On occasions where more than one representative is invited to attend a function or event; reimbursement will be payable provided such attendance by multiple representatives has been endorsed at a preceding Councillor Diary Meeting. In the event that it is not practicable to wait until the next diary meeting endorsement may be sought via email request to which the majority of Councillors have responded in the positive.

The basic test to be applied to determine whether or not an expense is lawfully incurred is whether the expense is related to a clear business need because it is either supplemental to, incidental to, or consequent on the exercise of Council duties.

Where these criteria are satisfied and a Councillor has incurred an out-of-pocket expense, the expense will be paid or reimbursed by the Council.

Note: For all Council business that falls outside the above criteria; a request will need to be submitted on a Councillor Expense Claim Form at the earliest available Councillor Diary Meeting, for consideration and approval by Council. If approved, this then becomes a *Council* duty as opposed to a *Councillor* duty.

Note: Where attendance is agreed to, the Councillor is expected to attend or to nominate a substitute if he/she becomes unable to attend.

ALLOWANCES

Claims are to be submitted where possible but not less than quarterly (by end June, September, December and March). All outstanding claims for the June quarter must be received by no later than ten business days after the end of the financial year. Any claims submitted later than three months after the expense was incurred will not be considered for payment.

Where out of pocket expenses arise as a result of a Councillor being appointed by the Council to an external body, Councillors are requested to seek reimbursement of necessary out of pocket expenses from the governing body rather than Council.

Councillor Allowance

Councillor allowance paid as per section 39 of the Act is not a "salary" or payment for time spent performing Council duties. It is an entitlement due to a Mayor or Councillor (payable monthly in advance) on the basis that they hold the office in respect of which the allowance is payable.

Councillor allowances will be paid at the determined rate prescribed for Council by the Victorian Independent Remuneration Tribunal (VIRT), currently Category 2, plus the amount equivalent to the Superannuation Guarantee (currently 10.5%) where applicable.

Allowance reviews are conducted by VIRT in December annually and allowances apply from 18 December through to 17 December to following year when the next determination is made.

Statement of Allowances

In July annually, Councillors will be provided with a summary statement of allowances paid to them in the previous financial year.

Remote Area Allowance

Where a Councillor (including a Mayor) normally resides more than 50 kilometers by the shortest possible practicable road distance from the location or locations specified for the conduct of ordinary or committee meetings of the Council or any municipal or community functions, he or she shall be entitled to:

- Be paid an additional allowance of \$44.00 per day, up to a maximum of \$5,500 per annum.

The Remote Area Travel Allowance is classified as Travel Allowance in the Annual Report.

In addition to the conditions set down in the Guidelines, Councillors attending ANZAC Day and Australia Day events on behalf of Council shall be entitled to claim Remote Area Allowance.

*For further information, refer to: **Remote Area Allowance Guidelines***

*To complete a claim, refer to: **Remote Area Allowance Claim Form***

REIMBURSEMENTS

Councillor and Delegated Committee member out-of-pocket expenses are reimbursable as per section 40 of the Act. Out-of-pocket expenses are lawfully incurred only when performing Council Duties (as defined under "Definition of Council Duties" in this Policy).

Expenses Reimbursed

Reimbursement for out-of-pocket expenses may include payment for:

- Attendance at functions;
- Travel;
- Professional Development;
- Use of Communication Technology and Equipment;
- Dependent Care;
- Meals.

Submission of a claim for reimbursement

All claims are to be submitted on the prescribed form, authorised by CEO Executive Assistant and forwarded to the Finance Unit for processing and payment.

Councillors and members of Delegated Committees must ensure that any expense details the following information:

- Number of attendees;
- A clear business reason for claim;
- Parties benefitting from the expense.

All claims should be accompanied by fully accredited receipts / tax invoices for any expenses claimed. If receipts cannot be produced, there may be a requirement for the provision of a statutory declaration.

All claims must include sufficient detail to demonstrate, in accordance with the Act, that the expense for which reimbursement is claimed is a reasonable bona fide out-of-pocket expense while serving a clear business need and incurred while performing the duties of a Councillor or member of a Delegated Committee.

NOTE: Supporting evidentiary documentation will be required for all expense reimbursements and payments.

Excluded Reimbursements

The following expenses cannot be funded or reimbursed by Council:

- Any expense arising from a breach of road, traffic, parking or other regulations or laws;
- Stationery, furniture or equipment additional to that provided for in this policy;
- Damage to or loss of personal possessions;
- Expenses for a partner which are not expressly provided for within this policy;
- Donations, tips or gratuities, gifts, the purchase of raffle tickets, or tickets or entry fees to events, unless attending on behalf of Council;
- Hotel mini bar, inhouse entertainment, room services or similar;
- Alcohol;
- Reading material and personal consumption items such as confectionery, snacks and drinks;
- Expenses incurred by third parties;
- Expenses claimed as a tax deduction; and
- Expenses which are fully or partly recoverable from a third party.

NOTE: Where out-of-pocket expenses arise as a result of a Councillor being appointed by the Council to an external body, Councillors are requested to seek reimbursement of necessary out-of-pocket expenses from the governing body rather than Council.

Payment of allowances and expenses will be paid by Council's Accounts Payable into a nominated bank account.

To ensure transparency and accountability in the payment and reimbursement of expenses to the Mayor and Councillors, a report will be submitted to the Remuneration Committee and Council's Audit and Risk Committee. These reports will then be presented to Council for consideration and adoption.

*To complete a claim, refer to: **Councillor Travel Expense Claim Form***

Attendance at Functions

From time to time, all Councillors (and often their partners) are invited to social functions which require the payment of an attendance charge. It is usual for the Mayor to represent the Council at these functions with the cost of the Mayor's attendance (including the Mayor's partner, when invited) being met by the Council. Individual Councillors have the option of attending at their own cost. If another Councillor is requested to attend on behalf of the Mayor, attendance costs will also be met by the Council.

TRAVEL

Mayoral Vehicle

The Mayor will be provided with a motor vehicle which is fully maintained by Council for official and personal use during the Mayoral term. The motor vehicle is fully maintained to the standard specified in Council's Motor Vehicle Policy which outlines safety and environmental requirements.

A fuel card is provided as part of the Mayoral vehicle package.

If the Mayor of the day elects to use his/her own car, the following will apply:

- The Mayor is responsible for all maintenance of their vehicle;
- A fuel card will be assigned to and provided for their vehicle only;
- The Mayor is responsible for insuring their own vehicle, and it is encouraged that their insurer is advised that their vehicle is being used for business purposes;
- Council will not be responsible for any damage, loss or breakdown that occurs whilst private vehicles are being used for Council purposes;
- Council will not cover or contribute to any insurance excess that may be payable; and
- Council will not be responsible for any infringement notices incurred for road, traffic or parking violations whilst private vehicles are being used for Council purposes or otherwise.

Use of Private Vehicles by Councillors

Councillors are encouraged to consider whether it is appropriate to use their private vehicle and to consider carpooling and public transport before deciding to use their private vehicles to carry out official duties such as attending meetings, conferences, seminars or inspections outside of the municipality to which the Councillor has been appointed as a representative of the Council.

Access to a Council Pool Vehicle

Where requested a Council fleet vehicle may be provided, subject to availability, for Councillors to perform their duties.

Use of a Council vehicle must be in accordance with relevant Council policies including the Driver's Logbook.

Fleet vehicle bookings can be made via the CEO Executive Assistant.

Tolls

While travelling on Council business in metropolitan Melbourne, Councillors may incur tolls including those associated with the use of CityLink or EastLink. Councillors may seek reimbursements of costs associated with tolls including the use of CityLink or EastLink passes or those transaction incurred as part of existing personal e-tags accounts.

Claims must be accompanied by copies of receipts or accounts detailing the individual transactions.

Car Parking

Car parking fees incurred while conducting Council business will be reimbursed on the basis of original receipts and relevant details regarding the purpose, date and time of the meeting or function. Carpooling is encouraged when a number of Councillors are attending the same meeting. It is recommended that Councillors seek lowest cost options when choosing paid parking facilities.

Infringement Notices

A Councillor will not be reimbursed the cost of any infringement incurred for road, traffic or parking violations.

Myki Card

Council will make available to councilors a Myki card for travel via public transport to and from their Councillor related duties.

When Councillors use their personal Myki card, Council will reimburse the associated cost of travel in line with appropriate receipt documentation.

In addition to the duties specified under "Definition of Council Duties" in this Policy, the Council will reimburse Councillors upon request for travel expenses incurred to attend:

- A meeting, function or any other official role, as either a representative of the Council or the Mayor in the Mayor's absence; and
- A meeting of any organisation or deputation to which the Councillor has been appointed as the Council's representative, or where a Councillor is deputising for the Mayor.

Reimbursement will be:

- For travel by car, reimbursement at the Motor Car Allowance rate determined by the current RACV Vehicle Expense rate for tax deduction purposes;
- For travel by public transport, the fare will be reimbursed upon production of receipt/ticket.

NOTE: Where practical, travel must be undertaken by the shortest route possible.

For accuracy, all reimbursements regarding mileage will be referenced back to Councillor's Diary and the distance claimed against appropriate mapping software / tool.

*For further information and to claim, refer to: **Councillor Travel Expense Claim Form***

Interstate and International Travelling

Requests for attendance at interstate and overseas events must be accompanied by a business case, describing the benefits to be gained from attendance and detailing the total costs and Council funds requested at the closest diary meeting to the expected date of travel; within three months of their attendance at an interstate or overseas event, a Councillor must table a report at a Council meeting, detailing the following:

- Details of the event topic, content, location, date and duration;
- Relevance of the event to Council's business and the Councillor's personal development needs;
- Benefits accruing to the Council from attendance; and
- Where two or more Councillors attend an event for which the tabling of a report is required, the Councillors may table a joint report.

Where a Councillor elects to have their partner accompany them to an event, all expenses relating to the partner's attendance will be met by the Councillor.

Professional Development

Councillors will invariably opt to undertake professional development to improve their knowledge and ensure they are properly informed on issues of importance to the community. To assist in this education process, the policy encourages Councillors to undertake appropriate professional development (conferences, seminars, workshops and training sessions) that may be of benefit to the individual Councillor and Council as a whole.

In the first year of a new Council term, Council will provide a comprehensive induction program for all Councillors which includes:

- *Local Government Act 2020*;
- Conflict of Interest;
- Dispute Resolution;
- Fraud and Corruption Awareness training;
- Responsibilities of Councillors; and
- Councillor Code of Conduct.

Councillors undertaking professional development shall have expenses for transport, accommodation, registration fees, meals and refreshments (excluding purchases of alcohol) relating to their attendance paid by Council, as follows:

- The Council may approve expenses of up to \$2000 per financial year per Councillor, for conferences / events within Australia;
- Councillors attending conferences, seminars and other special functions are generally expected to provide a brief written or oral summary to the next formal Council meeting. The summary should outline the benefits of the conference to themselves personally, to Council operations and the Council Plan as applicable;
- The Council must approve all requests for events outside Australia, or for which a Councillor's individual \$2000 limit will be exceeded, either at a Council meeting or through inclusion in an adopted budget.

Dependent Care Expenses

Councillors incurring bona fide dependent care expenses paid to a recognised provider will be reimbursed expenses when the dependent care is necessary in order to allow the Councillor to perform Council duties (as defined under "Definition of Council Duties" in this Policy).

Dependent care includes childcare, specific home care and any other support provided in the case of a dependent as defined under the meaning of a care relationship under section 4 of the *Carers Recognition Act 2012*.

Where the care relates to dependent adults, the Chief Executive Officer must be satisfied that the expense is warranted.

Meals

Meals (generally lunch and dinner) shall be provided to Councillors where meetings are scheduled during mealtimes. Alcohol will not be provided by the Council however Councillors are able to purchase/bring their own alcohol at their own cost.

Councillors with Disabilities

The Council may resolve to meet reasonable additional expenses to assist a Councillor with a disability to perform his or her official Council duties.

Other Expenses

Expenses not specifically addressed in this Policy as expenditure for which a Councillor is entitled to be reimbursed or paid, may be referred to the Remuneration Committee for consideration as a "necessary expense". Where the Committee considers the expense to be legitimately incurred in the performance of Council duties, a proposal will be minuted and report provided at the next

Council meeting recommending reimbursement.

Insurance

Councillors are covered under the following Council insurance policies on a 24 hour basis while discharging the duties of office of Councillor including attendance at meetings of external bodies as Council's representative:

- Public Liability and Professional Indemnity;
- Councillors and Officers Liability;
- Personal Accident;
- Motor Vehicle (Council vehicles only);
- Workers Compensation.

RESOURCES, FACILITIES AND SUPPORT

Protective Clothing

Where requested, Council will lend the Councillors protective clothing required to assist in carrying out duties of office. This clothing must be returned promptly upon the completion of the duty.

- Hard hats;
- Reflective vests.

Equipment

The demands made upon a Councillor's time can be significant and Council business can be conducted more efficiently if Councillors are provided home access to appropriate facilities and equipment. This access is provided subject to:

- The facilities and equipment being used predominantly for the transaction of Council business (minimal non-Council use of equipment such as computers, that has no direct cost for Council, is allowable);
- The facilities and equipment are not to be used for electioneering purposes;
- Councillors must ensure the integrity and configuration of equipment provided is maintained at all times;
- Personal use which can be separately costed (e.g. personal calls from a mobile phone) will be met from the Councillor Allowance;
- Councillors must ensure the protection and safe keeping of all equipment issued;
- All equipment and stationery issued shall remain the property of Council.

Telecommunications

Councillors will be provided with a personal computer, printer (incorporating the capability to scan, copy and fax (if required)), and a "smart phone" or equivalent with email access. All connection fees, rental fees and call charges relating to Council business will be met by the Council. Consumables associated with the equipment (e.g. printer toner (if required)) will be provided by the Council.

Councillors must meet the cost of electricity and reimburse the Council for all personal calls on mobile telephones.

Phone calls relating to Council business made from private home phones shall be reimbursed upon presentation of records to support this.

All equipment remains the property of the Council and must be returned at the end of a Councillor's term of office or upon retirement / resignation of the Councillor.

Stationery

Councillors will be provided with name tags, business cards and basic stationery needs as required.

Security Access

Each Councillor will be provided with a security access swipe card authorising 24 hour access and a parking sticker authorising use within the appropriate permit area.

All security access swipe cards remain the property of the Council and must be returned at the end of a Councillor's term of office or upon retirement / resignation of the Councillor.

Other Expenses

Expenses not specifically addressed in this Policy as expenditure for which a Councillor is entitled to be reimbursed or paid, may be referred to the Remuneration Committee for consideration as a "necessary expense". Where the Committee considers the expense to be legitimately incurred in the performance of Council duties, a proposal will be minuted and report provided at the next Council meeting recommending reimbursement.

Any expenditure not specified above as expenditure for which a Councillor is entitled to be paid or reimbursed by Council shall be the responsibility of the Councillor.

Other Resources

- A Council officer nominated by the Chief Executive Officer will be made available to assist the Mayor and Councillors
- Protective clothing on loan, where required to assist in carrying out a Councillors duties, such as reflective vests are to be promptly returned on completion of the duty;
- A library of reference materials (including electronic) relating to Council policies and practices, policy matters of Local Government significance in Victoria and nationally, and any other materials that may be expedient in supporting Councillors in their work.

Councillor's Welfare

Councillors may approach the Chief Executive Officer with regard to any specific guidance, counselling or coaching that may be required to enhance their performance as a Councillor.

Councillors encountering difficulties with the role or personal difficulties that may impact on their role as a Councillor, are able to seek counselling on a confidential basis through Converge International. This service can be contacted on 1800 337 068. Normally, up to three sessions are provided, however, further sessions can be arranged on an as needed basis.

REVIEW AND REPORTING

Reimbursement of Councillor and Delegated Committee member expenses will be reviewed on a regular basis by the Remuneration Committee and reported to the Council.

HUMAN RIGHTS

Wellington Shire Council is committed to upholding the Human Rights principles as outlined in the *Charter of Human Rights and Responsibilities Act 2006 (Vic)* and referred to in Council's Human Rights Policy. The Human Rights Checklist has been completed and this policy accords with Council's policy commitment to uphold human rights principles.

REVISION HISTORY

VERSION	MAJOR / MINOR UPDATE	SUMMARY OF CHANGES
1.0	Minor update	<p>Inclusion of allowance payable to the Deputy Mayor under "Legislative Framework" as a result of VIRT determinations</p> <p>Inclusion of updated process for determinations of allowances payable to Councillors under "Councillor Allowances"</p> <p>Various minor formatting and grammar</p>

PROVISION OF MOTOR VEHICLES FOR COUNCILLORS

Policy Number:	1.2
Approved by:	Council
Approved Date:	December 2022
Date of Next Review:	October 2023
Applicable to Unit(s):	Councillors
Responsible Officer:	General Manager Corporate Services
Related Policies:	Council Expenses and Administration Policy
Related Documents:	Councillor Expense Claim Form Fleet Guidelines
Statutory Reference:	<i>Local Government Act 2020</i>

OVERVIEW

To establish policy for the provision of motor vehicles for Councillors.

THE POLICY

This document details Wellington Shire Council's policy for the provision of motor vehicles for Councillors during their term of office as a Councillor. Usage of any provided Council motor vehicle will be in accordance with Council's Fleet Guidelines.

Where the annual cost for the provision of a motor vehicle is determined to be less than the expense for reimbursement of approved individual motor vehicle usage for a Councillor when undertaking Council business, then Council will provide a motor vehicle to that Councillor for his/her term of office if so requested by the Councillor. The Council will provide a dedicated motor vehicle to the Mayor for use during the conduct of Council business and for private use within Victoria.

The vehicle provided will be determined by the General Manager Corporate Services in consultation with the individual Councillor. The vehicle will meet Council's fleet environmental requirements, as set out in the Fleet Guidelines. Safety and new technologies will be considered when determining the type of vehicles that best suit the needs of the individual Councillor. Consideration will also be given to achieving a reduction in fuel consumption and emissions.

The type of vehicle provided will be approved by the Chief Executive Officer and will generally be a 4-cylinder sedan or SUV at a modest cost base. Preference will be given to Australian manufactured vehicles where possible.

If a Councillor's personal circumstances change during the term of office such that the original assessment of Council business related travel may change, then a review of the expected travel costs will be undertaken to determine the appropriateness of the provision of a motor vehicle in accordance with this policy.

HUMAN RIGHTS

Wellington Shire Council is committed to upholding the Human Rights principles as outlined in the *Charter of Human Rights and Responsibilities Act 2006 (Vic)* and referred to in Council's Human Rights Policy. The Human Rights Checklist has been completed and this policy accords with Council's policy commitment to uphold human rights principles.

REVISION HISTORY

VERSION	MAJOR / MINOR UPDATE	SUMMARY OF CHANGES
1.0	Not applicable	No changes applicable at this review

MEDIA AND COMMUNICATIONS POLICY

Policy Number:	1.3
Approved by:	Council
Date Approved:	December 2022
Date of Next Review:	December 2023
Applicable to Unit(s):	Whole Organisation
Responsible Officer:	Coordinator Communications and Media
Related Policies:	Social Media Policy
Related Documents:	Council Plan 2021 – 2025 Wellington 2031 Community Vision
Statutory Reference:	Nil

OVERVIEW

To manage the flow of information within the organisation and to the wider Wellington community.

THE POLICY

The Council will maintain a regular two-way flow of information between itself and staff and the community through effective use of the media, adopting an open policy for Council meetings and implementing other effective internal and external communication activities.

Wellington Shire Council will promote and communicate the strengths and positive features of Wellington Shire Council's services, facilities and lifestyle. In all communications Wellington Shire Council will reaffirm its commitment to the community vision and their aspirations as detailed in Wellington 2031 through its Council Plan.

In their personal and professional conduct, all members of staff have an opportunity to play an important role in the Council's communication and community presentation. Staff members are not permitted to make official comments on behalf of Council with representatives from the media or online.

The Council's spokesperson on policy matters is the Mayor and on executive matters, the Chief Executive Officer by delegation. No interviews, photographs, discussion or liaison with the press (including social media), radio or television should be undertaken by any other officer without prior approval of the Chief Executive Officer or delegate.

HUMAN RIGHTS

Wellington Shire Council is committed to upholding the Human Rights principles as outlined in the *Charter of Human Rights and Responsibilities Act 2006 (Vic)* and referred to in Council's Human Rights Policy. The Human Rights Checklist has been completed and this policy accords with Council's policy commitment to uphold human rights principles.

REVISION HISTORY

VERSION	MAJOR / MINOR UPDATE	SUMMARY OF CHANGES
1.0	Minor update	Social media as type of key media under Policy

SOCIAL MEDIA POLICY

Policy Number:	1.4
Approved by:	Council
Date Approved:	December 2022
Date of Next Review:	December 2023
Applicable to Unit(s):	Whole Organisation
Responsible Officer:	Coordinator Communications and Media
Related Policies:	Media and Communications Policy
Related Documents:	Customer Service Charter Wellington Shire Council Social Media Guide – Staff Induction Wellington Shire Council Written Style Guide and Web Style Guide Wellington Shire Council Corporate Style Guide
Statutory Reference:	Nil

OVERVIEW

The objective of this policy is to provide understanding and guidance for the appropriate use of social media platforms and tools by Councillors, Council staff, Council volunteers and contractors for the purpose of conducting Council business.

THE POLICY

This policy applies to all Council employees, contractors, agents and volunteers of Wellington Shire Council who use social media on behalf of Wellington Shire Council. This policy also applies to agencies and individuals who provide services to Wellington Shire Council.

The policy outlines requirements for compliance with confidentiality, governance, legal, privacy and regulatory parameters when using social media to conduct Council business. It aims to:

- Inform appropriate use of social media tools for Wellington Shire Council
- Promote effective and productive community engagement through social media
- Minimise miscommunication or mischievous or damaging communications
- Ensure that only accurate information is shared on social media platforms

The policy applies to those digital spaces where people may comment, contribute, create, forward, post, upload and share content, including blogs; bulletin boards; citizen journalism and news sites; forums and discussion boards; instant messaging facilities; microblogging sites (e.g. Twitter, Tumblr); online encyclopedias and wikis (e.g. Wikipedia); podcasts and video podcasts; social networking sites (e.g. Facebook, LinkedIn, Twitter, Instagram, TikTok, Messenger, WhatsApp, Snapchat, YouTube, Vimeo); video and photo sharing sites (e.g. Flickr, Pinterest, Periscope); e-marketing software (Mailchimp or other), third-party event builders (Eventbrite or other) and any other websites that allow individuals to use simple publishing tools or new technologies emerging from the digital environment. The absence of a reference to a particular site or type of social media activity does not limit the application of this policy. Access to current social media channels can be discussed with the Communications and Media team.

This policy is not intended to cover personal use of social media where:

- The author publishes information in their personal capacity and not on behalf of Wellington Shire Council; and
- No reference is made to Wellington Shire Council, its Councillors, staff, policies and services, suppliers or other stakeholders or council related issues.

Where a staff member makes reference to Council activities, issues, policy or Council decisions in their personal use of social media, Wellington Shire Council will consider whether the staff member in doing so has breached Wellington Shire Council's Staff Code of Conduct. This policy should be read in conjunction with other relevant policies and procedures of Wellington Shire Council.

When using social media in relation to Council business Councillors, staff, volunteers and contractors are expected to:

- Seek prior authorisation from the Communications and Media Unit.
- Adhere to Wellington Shire Council codes of conduct, policies and procedures
- Behave with caution, courtesy, honesty and respect
- Comply with relevant laws and regulations
- Reinforce the integrity, reputation and values of Wellington Shire Council.
- Forward any important social media activity to the Communications and Media unit for follow up.
- Direct stakeholders to official communication channels to make a request or complaint.
- Consider if comments on a post may be harmful to the reputation of Council and if warranted, remove comments or moderate as necessary in line with the rules of Council's social media channels.
- Act responsibly when communicating as Council or a Council representative in community Facebook groups.

The following content is not permitted under any circumstances:

- Abusive, profane or sexual language
- Content not relating to the subject matter of that channel or website
- Content which is false or misleading
- Confidential information about Council or third parties
- Copyright or Trade Mark protected materials
- Content that uses Council brands, logos or identifiers without permission from the Communications and Media unit.
- Discriminatory material in relation to a person or group based on age, colour, creed, disability, family status, gender, nationality, marital status, parental status, political opinion/affiliation, pregnancy or potential pregnancy, race or social origin, religious beliefs/activity, responsibilities, gender or sexual orientation
- Illegal material or materials designed to encourage illegal activity
- Materials that could compromise Council, employee or system safety
- Materials which would breach applicable laws (defamation, privacy, trade practices, financial rules and regulations, fair use, trademarks)
- Material that would offend contemporary standards of taste and decency
- Material which would bring the Wellington Shire Council into disrepute

- Personal details or references to Councillors, Council staff or third parties, which may breach privacy laws
- Spam, meaning the distribution of unsolicited bulk electronic messages
- Statements which may be considered to be bullying or harassment.
- Council staff using their personal online profiles to comment or provide negative or trolling feedback on social media content about Council's community consultation, projects, works or Council issues.
- Fake Council or employee profiles used to distribute or comment on Council content, or content related to a Council decision.
- Personal social media accounts linked to staff email addresses or similar.
- Posts to social media groups on behalf of Council. If an employee wishes to post to a local community group, they should seek approval from the Communications and Media unit.

In addition:

- Social media channels are monitored and updated by the Communications and Media Unit, or other staff as deemed necessary during normal business hours or as reasonably required.
- Council staff can make a request for online or social media promotion directly to the Communications and Media team.
- Content posted to social media must have permissions and legible, high quality imagery suitable for online purposes. Logos or other authorized imagery requires permission from the Communications and Media Unit before being posted on social media.
- Where a staff member or Councillor would like to update or create a new social media page, request must be received from the Communications and Media team for consideration.
- Council staff must not comment or provide feedback on social media content concerning community consultation of projects or works. Issues should be passed on to the Communications and Media Unit to be addressed.
- Council staff using their own personal online profiles are permitted to share social media items on their preferred platforms

When using social media in their private time via private accounts, employees, contractors and Councillors should not:

- Publish any information on behalf of Wellington Shire Council
- Make any reference to Wellington Shire Council, its Councillors, employees, policies and services, suppliers, other stakeholders or Council related issues.
- Upload photographs of themselves or their colleagues where they are easily identifiable as a Council employee (for example wearing a Council uniform, driving a Council vehicle), acting in an unprofessional or illegal manner.
- Use social media to bully, intimidate or harass current employees, contractors or stakeholders of Council.
- Rely on privacy settings, thinking your comments and/or photos are private.

If you have any doubt about applying the provisions of this policy, check with the Communications and Media Unit before using social media to communicate. Depending upon the nature of the issue and potential risk, it may also be appropriate to consider seeking legal advice.

ENFORCEMENT

All content published or communicated on behalf of Wellington Shire Council using social media must be recorded (including the author's name, date, time and media site location) and kept on record.

Wellington Shire Council actively monitors social media for relevant contributions that impact on the municipality, its operations and reputation. Wellington Shire Council will be able to find – and act upon – contributions made by Councillors and staff if deemed necessary.

This policy will be published and promoted to Councillors, staff, volunteers and contractors of Wellington Shire Council. Breaching this policy may result in disciplinary action, performance management and review. Serious breaches may result in suspension or termination of employment or association.

HUMAN RIGHTS

Wellington Shire Council is committed to upholding the Human Rights principles as outlined in the *Charter of Human Rights and Responsibilities Act 2006 (Vic)* and referred to in Council's Human Rights Policy. The Human Rights Checklist has been completed and this policy accords with Council's policy commitment to uphold human rights principles.

REVISION HISTORY

VERSION	MAJOR / MINOR UPDATE	SUMMARY OF CHANGES
1.0	Minor update	Update of terminology, details referencing social media

EQUAL OPPORTUNITY, ANTI-DISCRIMINATION AND HARASSMENT POLICY

Policy Number:	2.1.1
Approved by:	Chief Executive Officer
Date Approved:	December 2022
Date of Next Review:	December 2023
Applicable to Unit(s):	Whole Organisation
Responsible Officer:	Manager People and Capability
Related Policies:	Human Rights Policy Occupational Health & Safety Policy
Related Documents:	Equal Opportunity, Anti-Discrimination and Bullying & Harassment Procedure Discipline and Performance Management process Workplace Grievance process Enterprise Agreement No. 10 Equal Employment Opportunity, Part 4.6 Enterprise Agreement No. 10 Prevention and Settlement of Disputes, Part 4.7
Statutory Reference:	<i>Disability Act 2006</i> <i>Equal Opportunity Act 2010</i> <i>Local Government Act 2020</i> <i>Occupational Health and Safety Act 2004</i> <i>Accident Compensation Act 1985</i> <i>Charter of Human Rights and Responsibilities Act 2006</i> <i>Fair Work (Commonwealth Powers) Act 2009</i> <i>Public Interest Disclosures Act 2012</i> <i>Sex Discrimination Act 1984</i>

OVERVIEW

The purpose of this policy is to ensure that Wellington Shire Council effectively maintains an organisation that is committed to the ethos of equal opportunity and to the prevention of unlawful discrimination and harassment.

THE POLICY

Wellington Shire Council is committed to the principles of equal opportunity which are central to the core values of the organisation that celebrates the diversity and inclusion of its people. As such, Council advocates equal opportunity for all council stakeholders including employees, Councillors, contractors, visitors, volunteers, work experience/vocational students and customers.

This Policy applies at all times when an individual is representing Council, engaging in work on behalf of Council, and pertains to, but is not limited to, Council premises or off-site work locations. Off-site work locations include business trips, seminars or conferences and working at customer sites. It applies to meetings, events, interactions and functions that are organised by Council, or which are attended on behalf of Council with during or after hours.

Equal Opportunity Act 2010

The *Equal Opportunity Act 2010* contains a number of features which are applicable to Council:

- it makes discrimination and treatment of an individual on the basis of a personal characteristic unlawful;
- it prohibits discrimination in a range of settings;
- an obligation on organisations;
- a duty to provide reasonable adjustments for people with disabilities;
- an obligation for employers to accommodate the responsibilities of a parent or carer;
- protection of employees, volunteers and unpaid workers;
- to further promote and protect the right to equality as set out in the *Charter of Human Rights and Responsibilities Act 2006*;
- to eliminate discrimination, sexual harassment and victimisation to the greatest possible extent.

Discrimination

Discrimination is regarded as unfavorable treatment of a person in public life due their one of their personal characteristics or on the basis of a 'Protected Attribute' as per the *Equal Opportunity Act 2010*, the *Local Government Act 2020*; and *Occupational Health and Safety Act 2004*.

Protected Attributes are defined as:

- age;
- breastfeeding;
- disability or impairment;
- employment activity;
- gender identity (transsexual or transgender);
- industrial activity or union membership;
- lawful sexual activity;
- marital status;
- parental status or status as a carer;
- physical features;
- political belief/activity;
- pregnancy;
- race (including colour, nationality, ethnicity and ethnic origin);
- religious belief or activity;
- sex (male, female or intersex);
- sexual orientation (gay, lesbian, bisexual, queer, heterosexual, etc);
- an expunged homosexual conviction;
- personal association (whether as a relative or otherwise) with a person who is identified by reference to any of the above attributes.

Direct discrimination occurs if a person treats or proposes to treat a person with an attribute

unfavorably because of that attribute.

Some examples of direct discrimination include:

- not offering training to an older employee because of their age;
- not inviting a coworker to a social event because they have children;
- excluding a work colleague from a work-related event because they are pregnant.

Indirect discrimination occurs if a person imposes, or proposes to impose, a requirement, condition or practice.

- That has, or is likely to have, the effect of disadvantaging persons with an attribute; and
- That is not unlawful when the rule of policy is reasonable, having regard to the circumstances of the case.

Some examples of indirect discrimination are:

- Scheduling team meetings before the start of working hours as parents who have childcare responsibilities may not be able to attend;
- Holding a team building event at a sporting venue that does not permit access or participation by an employee with a disability.

Unlawful discrimination can occur even if you do not intend to discriminate.

Equal Employment Opportunity

Wellington Shire Council advocates for equal employment opportunity to enhance workplace diversity and embed a culture that maximises the contribution for all employees.

Council takes all reasonably practicable steps to provide a safe workplace environment that is free from unlawful discrimination, victimisation and harassment including:

- Annual staff training in equal opportunity, human rights and the prevention of discrimination and/or harassment;
- Promoting the benefits of diversity and maintaining an inclusive workplace;
- Maintain equal opportunity for promotion, recruitment and selection of employees;
- Maintain an Equal Employment Opportunity (EEO) Committee and provide EEO Contact Officers;
- Regular reviews of internal and external complaint handling and grievance processes.

Equal Opportunity for Promotion, Recruitment and Selection

Wellington Shire Council makes decisions about the promotion, recruitment and selection of staff on the basis of merit in fair and open competition according to the skills, qualifications, knowledge, attitude and behaviors relative to the position involved.

Further to this, Council is committed to attracting and retaining the best people for the job regardless of age, gender, ethnicity, race, religion, sexual orientation or identity.

All applicants for positions at Council are made aware of our commitment to equal employment opportunity at pre-employment selection, staff induction and through ongoing annual training for all employees.

Equal Employment Opportunity (EEO) Committee

The role of the EEO committee is to provide a forum for the promotion and discussion of EEO and human rights at Wellington Shire Council including:

- undertaking the duties of EEO contact officers including the provision of information to staff in relation to discrimination and/or bullying and harassment;
- promoting a workplace free of discrimination, victimisation and harassment, where each person has the opportunity to progress to the full extent of their ability;
- reviewing EEO employment policies and relevant practices;
- providing input into staff EEO training and development;
- generating awareness of the Victorian Charter of Human Rights and Responsibilities and its implications for Wellington Shire Council including related access and inclusion matters;
- ensure that any relevant access and inclusion matters are considered and addressed such as reasonable adjustments for people with disabilities (as per *Disability Act 2006*).

Definitions of Harassment

Council takes a zero-tolerance approach to harassment, sexual harassment, victimisation and racial or religious vilification.

These terms are explained in more detail below.

Harassment

Harassment is considered to be repeated unreasonable behavior directed towards a person or a group of people that poses a risk to their mental wellbeing or physical health and safety.

Unreasonable behavior is defined as behavior that a reasonable person, having regard to all the circumstances, would victimise, humiliate, undermine or threaten an individual.

Some examples of sexual harassment are:

- verbal abuse, insults or name-calling;
- continually making jokes about a person, or singling out one person for remarks more often than others in a group;
- personal attacks, threats, intimidation and misuse of power;
- unjustified criticism or excessive scrutiny of work.

Sexual Harassment

Sexual harassment is another type of harassment and is any unwanted or unwelcome sexual behavior, which offends, humiliates or intimidates an individual regardless of gender. Sexual harassment can take many different forms; it can be obvious or indirect, physical or verbal, repeated or one-off and perpetrated by males and females against people of the same or opposite sex.

Sexual harassment may include:

- staring or leering;
- unnecessary familiarity, such as deliberately brushing up against the person or unwelcome touching;
- suggestive comments or jokes;
- insults or taunts of a sexual nature;

- intrusive questions or statements about your private life;
- displaying posters, magazines or screen savers of a sexual nature;
- sending sexually explicit emails or text messages;
- making, orally or in writing, any remark or statement with sexual connotations to a person or about a person in his or her presence;
- inappropriate advances on social networking sites;
- accessing sexually explicit internet sites;
- requests for sex or repeated unwanted requests to go out on dates;
- behavior that may also be considered to be an offence under criminal law, such as physical assault, indecent exposure, sexual assault, stalking or obscene communications.

Racial or Religious Vilification

Racial or religious vilification is defined as conduct that incites hatred against, serious contempt for, or revulsion or severe ridicule of, a person or group of persons on the basis of their race or religious belief. Serious racial or religious vilification involves a threat to harm another person or their property and is a criminal offence.

Some examples of racial or religious vilification are:

- sending an email to your workmates which ridicules indigenous Australians;
- making threats to harm a work colleague because he/she is of another faith (serious religious vilification).

Victimisation

Victimisation means subjecting or threatening to subject a person to some form of detriment because they have:

- lodged, or are proposing to lodge, a complaint of discrimination or harassment;
- provided information or documents to an internal investigation or an external agency;
- attended a conciliation conference;
- reasonably asserted their rights, or supported someone else's rights, under federal anti-discrimination laws;
- made an allegation that a person has acted unlawfully under federal anti-discrimination laws.

Some examples of victimisation are:

- dismissing an employee because she has made a complaint about unlawful discrimination in the workplace;
- excluding or isolating a workmate because he has made a complaint of sexual harassment against one of your friends at work.

Responsibilities for Managers and Supervisors

Council expects Managers and Supervisors to lead by example and exhibit positive attitudes and behavior in line with Council values to:

- ensure employees in their business unit or team understand their obligations under this policy;
- provide leadership to the organisation by demonstrating appropriate attitudes and behavior at all times and ensure others in the workplace model these behaviours;

- take appropriate action to investigate observations or reports of unlawful discrimination, victimisation or harassment, even if there is no formal complaint;
- encourage employees in your business unit or team to treat each other with dignity, courtesy and respect;
- treat all complaints seriously and confidentially.

What happens if this policy is breached?

Council will consider disciplinary action against any individual or group in breach of this policy. Depending on the outcome of an internal or external investigation and the severity of the breach, disciplinary action may range from provision of training or counselling through to verbal or written warning or termination of employment/engagement with Council.

An individual who commits a serious breach of this policy may also be in breach of the *Equal Opportunity Act 2010*, *Occupational Health and Safety Act 2004* and the *Crimes Act 1958 (Vic)*. This may result in individual prosecution of the person and a possible fine, intervention order or jail sentence. Where there is an alleged breach of this policy, all information must be treated confidentially, to the extent possible, by all parties involved.

Where a complaint is serious and disciplinary action needs to be taken, information will be disclosed only to those people who need to know about the complaint. The obligation of confidentiality does not prevent Council from using or disclosing any information necessary to initiate or defend any legal proceedings, or to make any submissions in relation to any inquiry or complaint, or to refer a matter to the Victoria Police.

It is unlawful to victimise a person for making a legitimate complaint of workplace bullying. Furthermore, an individual reporting a legitimate complaint will not be disadvantaged or subject to negative treatment by Council.

HUMAN RIGHTS

Wellington Shire Council is committed to upholding the Human Rights principles as outlined in the *Charter of Human Rights and Responsibilities Act 2006 (Vic)* and referred to in Council's Human Rights Policy. The Human Rights Checklist has been completed and this policy accords with Council's policy commitment to uphold human rights principles.

REVISION HISTORY

VERSION	MAJOR / MINOR UPDATE	SUMMARY OF CHANGES
1.0	Minor update	Updated Responsible Officer title and legislative references

OCCUPATIONAL HEALTH AND SAFETY POLICY

Policy Number:	2.1.2
Approved by:	Chief Executive Officer
Date Approved:	December 2022
Date of Next Review:	December 2023
Applicable to Unit(s):	Whole Organisation
Responsible Officer:	General Manager Corporate Services
Related Policies:	Child Safe Policy Equal Opportunity, Anti-discrimination and Harassment Policy Health and Wellbeing in the Workplace Policy Human Rights Policy Risk Management Policy
Related Documents:	Internal Occupational Health and Safety Management System Human Rights Charter Child Safe Standards ISO 45001:2018 Occupational Health and Safety Management Systems Occupational Health & Safety Strategic Action Plan Wellington Shire Council Plan 2021-2025
Statutory Reference:	<i>Occupational Health and Safety Act 2004</i> <i>Occupational Health and Safety Regulations 2017</i>

OVERVIEW

“Wellington Shire Council is committed to providing and maintaining a safe work environment, and protecting the health, safety and welfare of staff, labour hire personnel, volunteers, contractors, customers, associated authorities and visitors and all other persons whose health or safety could be at risk through our work”

We will do this by ensuring:

- Compliance with relevant legislation, including supporting regulations; and
- The implementation of the health and safety management system, and the plans, policies, procedures, and programs necessary to support and implement this policy.

THE POLICY

Wellington Shire Council will implement and maintain this policy, and a health and safety management system and will ensure that:

- We establish measurable safety performance objectives and targets and that we review these to continuously improve OH&S performance. This shall include regular workplace inspections and the prompt control of identified hazards.
- Commit to ensuring continuous improvement of safety systems, and reducing work related injuries, risks, and hazards.
- Provide and maintain safe vehicles, plant, and systems of work.
- Employees are trained on all health and safety matters relevant to their work.

- All managers, supervisors, employees, contractors, and other persons are inducted into the requirements of the OH&S Management System and are held accountable for enacting their roles and responsibilities as defined in the OH&S Management System.
- Effective employee and contractor consultation on health and safety matters include the two-way communication of relevant information, toolbox meetings, reporting and feedback mechanisms.
- Adequate resources are provided to enable full implementation of this OH&S Policy and OH&S Management System.
- Where Council does not have the necessary in-house knowledge or expertise to enable it to meet its health and safety objectives, it will ensure that advice and guidance are obtained from competent health and safety professionals.
- This OH&S Policy will be reviewed every year period to ensure it is relevant and appropriate to the organisation operations.
- The OH&S Management System will be systematically reviewed internally over a five-year period or when required to ensure sections are reviewed and appropriate to the organisation operations.
- After each five-year period an external consultant will be engaged to provide gap analysis to ensure continuous improvement, operational relevance, current industry standard and legislative compliance.
- Provide information, instruction, training, and supervision to ensure staff, labour hire personnel, volunteers and contractors can perform their work safely and without risk to health.
- Develop and implement work Occupational Health and Safety guidelines and procedures.
- Management and staff are expected to work co-operatively to effectively implement this policy.
- All employees and contractors engaged by Council will always comply with relevant sections of the OH&S Management System.

Management is responsible within their area of responsibility for:

- Senior managers and supervisors being responsible for the implementation and dissemination of all matters dealing with the health and safety of employees and contractors under their control.
- Development, promotion and implementation of Occupational Health and Safety policies and procedures.
- Ensuring the provision and maintenance of a healthy and safe workplace, including identifying, assessing, and mitigating hazards.
- Providing adequate and competent supervision for their staff.
- Providing resources to ensure Occupational Health and Safety requirements are maintained.
- Providing relevant information, instruction, training to maintain a healthy and safe workplace.
- Ensure the safe use, handling, storage, and transport of substances.
- Provide support, assistance and consult with staff on Occupational Health and Safety issues.
- Ensure contractors are fully aware of the hazards associated with their work and implement appropriate hazard control measures.

Staff/Labour Hire Personnel and Contractors are to:

- Comply with all Occupational Health and Safety policies and procedures.
- Accept responsibility and take reasonable care of their own safety and not adversely affect the safety of others at the workplace.
- Co-operate with management regarding OH&S actions taken by the employer to maintain health and safety.
- Immediately report all incidents, near misses, and hazards to their supervisor.
- Not willfully interfere with or misuse items provided in the interests of occupational health and safety.

Consultation and Application:

This policy has been developed and implemented through the workplace by management and Health and Safety Representatives (HSR's) in consultation with staff. In accordance with the duty of employers to consult with employees (section 35 of the *Occupational Health and Safety Act 2004*), management will be responsible to consult or communicate with HSR's (with or without other affected stakeholders) regarding any workplace change that impacts occupational health and safety.

This policy is applicable to Wellington Shire Council in all its operations and functions including those situations where staff /labour hire personnel and contractors are required to work at various Council locations.

HUMAN RIGHTS

Wellington Shire Council is committed to upholding the Human Rights principles as outlined in the *Charter of Human Rights and Responsibilities Act 2006 (Vic)* and referred to in Council's Human Rights Policy. The Human Rights Checklist has been completed and this policy accords with Council's policy commitment to uphold human rights principles.

REVISION HISTORY

VERSION	MAJOR / MINOR UPDATE	SUMMARY OF CHANGES
1.0	Not applicable	No changes applicable at this review

HUMAN RIGHTS POLICY

Policy Number:	2.1.3
Approved by	Council
Date Approved/Effective	December 2022
Date of Next Review:	December 2023
Applicable to Unit(s):	Organisation
Responsible Officer:	Manager People and Capability
Related Policies	Equal Opportunity, Anti-Discrimination and Harassment Policy Privacy and Data Protection Policy Public Interest Disclosures Policy
Related Documents:	Nil
Statutory Reference:	<i>Charter of Human Rights and Responsibilities Act 2006</i>

OVERVIEW

Victorian legislation requires Council to adhere to the fundamental human rights of all people, including employees, Councillors, contractors, customers and volunteers when making decisions, creating local laws, setting policies and providing services.

THE POLICY

Wellington Shire Council recognises that human rights are accompanied by responsibilities and are committed to upholding the human rights principles as outline in the *Charter of Human Rights and Responsibilities Act 2006 (Vic)* by:

- recognising and protecting the **freedom** of all persons;
- promoting and encouraging **respect** for all persons;
- promoting **equality** amongst all persons; and
- recognising and protecting the **dignity** of all persons.

The Charter requires that all public authorities, including Councils, comply with the 20 specific rights protected under it. These broadly relate to four basic principles;

Freedom

- Your right to freedom from forced work (*section 11*)
- Your right to freedom to movement (*section 12*)
- Your right to freedom of thought, conscience, religion and belief (*section 14*)
- Your right to freedom of expression (*section 15*)
- Your right to peaceful assembly and freedom of association (*section 16*)
- Property rights (*section 20*)
- Your right to liberty and security of person (*section 21*)
- Your right to a fair hearing (*section 24*)
- Rights in criminal proceedings (*section 25*)
- Right not to be tried or punished more than once (*section 26*)
- Protection from retrospective criminal laws (*section 27*)

Respect

- Your right to life (*section 9*)
- Your right to protection of families and children (*section 17*)
- Cultural rights, including recognition that human rights have a special importance for Indigenous peoples (*section 19*)

Equality

- Your right to recognition and equality before the law (*section 8*)
- Your right to taking part in public life (*section 18*)

Dignity

- Your right to protection from torture and cruel, inhuman or degrading treatment (*section 10*)
- Your right to privacy and reputation (*section 13*)
- Your right to humane treatment when deprived of liberty (*section 22*)
- Rights of children in the criminal process (*section 23*)

Breaches of Human Rights Policy

Where an issue or concern arises in regard to a breach of human rights, all allegations are treated confidentially, seriously and empathetically. Each case will be dealt with individually and all complaints should be referred in the first instance to the Manager People and Capability.

All steps will be undertaken to ensure the complainant, including staff members specifically, will not be penalised or disadvantaged because of raising genuine concerns or complaints relating to a breach of the human rights charter.

External complaints can be referred to the Australian Human Rights Commission or the Victorian Equal Opportunity and Human Rights Commission. These bodies can investigate and help resolve complaints of discrimination, sexual harassment and racial vilification. The Victorian Equal Opportunity and Human Rights Commission can also help people resolve complaints about religious vilification.

REVISION HISTORY

VERSION	MAJOR / MINOR UPDATE	SUMMARY OF CHANGES
1.0	Minor update	Updated Responsible Officer title

BANK GUARANTEES POLICY

Policy Number:	2.2.1
Approved by:	Chief Executive Officer
Date Approved:	December 2022
Date of Next Review:	December 2023
Applicable to Unit(s):	Finance
Responsible Officer:	Manager Corporate Finance
Related Policies:	Nil
Related Documents:	Nil
Statutory Reference:	Nil

OVERVIEW

To establish policy on the management of bank guarantees for loans for community organisations, whilst limiting Council's exposure to potential loss. Council's ability to borrow for its own purposes such as to fund the capital works program may be limited by any outstanding Bank Guarantees.

THE POLICY

- a) Council will only support incorporated community organisations associated with Council's facilities or operations via Bank Guarantees for loans.
- b) Council's total exposure to contingent liability via Bank Guarantees will be limited to a maximum of 0.5% of the total annual rate revenue budget of the municipality.
- c) Council will not act as guarantor on loans under \$10,000.
- d) Any Bank Guarantee should not exceed \$50,000 for any one organisation.
- e) The term of any loan must not be in excess of ten years.
- f) Council may require conditions to be met by the applicant.
- g) Any previous or existing support provided by Council to the organisation will be taken into consideration.
- h) A Council resolution will be required in each particular case but, in any case, any such decision to provide a bank guarantee will be entirely at Council's discretion.
- i) Council may require the community organisation to reimburse to Council the annual cost of maintaining the Bank Guarantee, should Council's banking service provider levy such a fee.

Asset Construction

- a) Any Bank Guarantee will be for a maximum of 75% of the value of the asset proposed to be created by the funds being generated, and
- b) Council reserves the right to consider each application on its merits taking into account such issues as (but not limited to):
 - i) Any contributions made by the organisation
 - ii) Past record in terms of payment of debts, rental fees and performance under any agreements with Council.
 - iii) Any other factors considered relevant by Council such as business plans, membership numbers and structure, growth projections and management

- iv) Priorities in strategic recreation and asset planning.
- c) Council may arrange, if necessary, an independent assessment of the organisation's financial position and such costs will be at the expense of the organisation.

Extraordinary Circumstances:

- a) Where a Bank Guarantee is sought for purposes other than asset construction or creation, Council will only consider such where extraordinary circumstances exist.
- b) Council reserves the right to consider each application on its merits taking into account such issues as (but not limited to):
 - i) Purpose of loan
 - ii) Circumstances resulting in the request for a Bank Guarantee
 - iii) Council's Public Policy objectives
 - iv) Potential impact on community, Council and its ratepayers
 - v) Past record in terms of payment of debts, rental fees and performance under any agreements with Council
 - vi) Any other factors considered relevant by Council such as business plans, membership numbers and structure, growth projections and management
- c) Council may arrange, if necessary, an independent assessment of the organisation's financial position and such costs may be at the expense of the organisation.
- d) Council, at its absolute discretion, may resolve to exceed the maximum stated in clause 2d, subject to the limits of clause 2b.

HUMAN RIGHTS

Wellington Shire Council is committed to upholding the Human Rights principles as outlined in the *Charter of Human Rights and Responsibilities Act 2006 (Vic)* and referred to in Council's Human Rights Policy. The Human Rights Checklist has been completed and this policy accords with Council's policy commitment to uphold human rights principles.

REVISION HISTORY

VERSION	MAJOR / MINOR UPDATE	SUMMARY OF CHANGES
1.0	Not applicable	No changes applicable at this review

INVESTMENT POLICY

Policy Number:	2.2.2
Approved by:	Council
Date Approved:	December 2022
Date of Next Review:	December 2023
Applicable to Unit(s):	Finance
Responsible Officer:	Manager Corporate Finance
Related Policies:	Nil
Related Documents:	Investment Guidelines
Statutory Reference:	<i>Local Government Act 2020</i>

OVERVIEW

To establish a policy for the investment of Council's surplus funds.

THE POLICY

Due to the public nature of the Council's activities, prudent management of its monetary assets is essential to mitigate against unnecessary risks. For this reason, Council needs to establish conservative and risk averse guidelines for its investments.

1. The interest earned on investments should be maximised while minimising Council's exposure to financial risk.
2. All investments are to be made exercising care, diligence and skill that a prudent person of business would exercise in managing the affairs of other persons. When acting under the provisions of this policy Council staff should always maintain a professional balance of risk and return and act as a steward of Council funds.
3. Investments are to be denominated in Australian Dollars.
4. Investment of surplus funds shall only be through investment types as permitted by Section 103 of the *Local Government Act 2020* and will comply with all relevant regulations and Ministerial guidelines.
5. Short Term Investments (less than or equal to 12 months) will only be made with financial institutions with a minimum Short-Term Standard & Poor's rating of A-2.
6. Long Term Investments (more than 12 months) will only be made with financial institutions with a minimum Long-Term Standard & Poor's rating of AA-.
7. Any amendment to this policy will be reviewed by Council's Audit & Risk Committee prior to being presented to Council for consideration.

HUMAN RIGHTS

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REVISION HISTORY

VERSION	MAJOR / MINOR UPDATE	SUMMARY OF CHANGES
1.0	Not applicable	No changes applicable at this review

DEBT COLLECTION AND INTEREST CHARGING – RATES, CHARGES AND FIRE SERVICES PROPERTY LEVY POLICY

Policy Number:	2.2.3
Approved by:	Chief Executive Officer
Date Approved:	December 2022
Date of Next Review:	December 2023
Applicable to Unit(s):	Finance Rates
Responsible Officer:	Manager Corporate Finance
Related Policies:	Nil
Related Documents:	Revenue and Rating Plan 2021-2024 Wellington Coast Strategy Wellington Coast Subdivision Strategy Voluntary Assistance Scheme Wellington Planning Scheme Ninety Mile Beach Policy
Statutory Reference:	<i>Local Government Act 1989</i> <i>Local Government Act 2020</i> <i>Penalty Interest Rates Act 1983</i> <i>Fire Services Property Levy Act 2012</i>

OVERVIEW

The *Local Government Act 1989* and *2020* provides a legislative framework for the raising and collection of annual rates and charges, for the sections detailed herein.

It also sets out the circumstances under which a property may be determined to be non rateable, which are very restrictive. Hence Council has no discretion as to whether to rate a property or not but must rate all properties that do not meet the criteria for non-rateable status.

Annual rates and charges are determined during the budget process each year and must be formally adopted by Council before they can be officially levied (raised) against ratepayer accounts.

THE POLICY

1. Rates Notices

Council will distribute annual and quarterly rates notices at least 14 days prior to each payment due date, allowing ratepayers sufficient time to effect payment (s158 (4)(d) of the *Local Government Act 1989*).

2. Payments

2.1 Due Dates

Rates are due four times annually by the dates as published in the Government Gazette. Council **does not** offer the option to pay annually in February.

2.2 Postal Payments

Payments postmarked prior to the due date but received after the due date will be accepted without interest penalty. Payments posted on the due date with no chance of same day delivery will attract an interest penalty.

2.3 Other Payment methods

Payments made using electronic methods (i.e. BPay, Council's website) will be deemed to have been made by the due date where the date of transaction is on or before the due date.

Payments made at Australia Post outlets or at Council's service centres must be made on or before the due date.

When a property is sold the rates are due and payable at settlement where arrears exist section 175 of the *Local Government Act 1989* states that a person becoming the owner of rateable land must pay any rate or charge which is current and any arrears of rates and charges including any interest. Where there are no overdue rates or charges, a new owner may elect to pay by instalments.

3. Interest Charges

Section 172(1) of the *Local Government Act 1989* states that a Council may require a person to pay interest on any amounts of rates and charges which have not been paid by the due date, and which that person is liable to pay.

3.1 Application Date

Interest charges on unpaid rates will commence on the day immediately following the due date of each instalment.

3.2 Interest Rate

The rate charged will be the rate fixed under section 2 of the *Penalty Interest Rates Act 1983* that applied on the 1st of July immediately before the due date for payment (s172(2) of the *Local Government Act 1989*).

3.3 Weekends/Public Holidays

If the due date of an instalment falls on a public holiday or weekend, interest will begin accruing from the day after the next working day i.e. due date is Sunday, interest will commence from the following Tuesday.

3.4 Payment Arrangements

Further legal action will be deferred if a payment arrangement acceptable to Council is entered into with the ratepayer; however, interest will continue to accrue on unpaid amounts until the debt is cleared, unless otherwise agreed.

4. Financial Hardship

Where ratepayers can demonstrate significant financial hardship, Council may, on application, vary payment arrangements and waive penalty interest charges (s171A of the *Local Government Act 1989*).

5. Unpaid Rates

Council has extensive powers for the recovery of unpaid rates, as set down in the *Local Government Act 1989*.

Section 180 of the *Local Government Act 1989* gives Council the power to take legal action to recover any rate or charge that remains unpaid after it is due and payable including any instalment or any part of a rate and charge.

Section 181 of the *Local Government Act 1989* gives Council the power to sell land for unpaid rates and charges.

5.1 Final Notice

A Final Notice, including advice of the actions which may be taken, will be sent out, and Council will exhaust other options such as negotiating payment arrangements with the ratepayer, prior to instigating formal debt collection procedures.

5.2 Legal Action

Actions which may be taken include, but are not limited to the following:

- Field call
- Default Summons/Complaint
- Judgement in Magistrates Court
- Entry in ratepayer credit rating
- Summons for oral examination
- Earnings order
- Seizure of property by Sheriff

Any legal cost incurred by Council as a result of legal action will be recovered from the ratepayer.

5.3 Referral to Council

If a debt is considered unrecoverable under normal circumstances, then the matter will be referred to Council for one of the following actions:

- hold as debt against property;
- allow to accrue with/without interest; or
- sell property after three years of unpaid rates (as per section 181 of the *Local Government Act 1989*).

6. Inappropriate Subdivisions – Ninety Mile Beach

Council adopted the Wellington Coast Subdivision Strategy in September 2005, which outlined the way forward to resolving the issues of the inappropriate subdivisions, including a rating review. This was conducted, and recommendations implemented included the removal of the Municipal Charge, and a review of the policy on charging penalty interest on unpaid rates, commencing with the 2006/07 rating year.

Council adopted the Wellington Coast Subdivisions Implementation Package in April 2009, followed by the adoption and commencement of the Ninety Mile Beach Plan Voluntary Assistance Scheme in June 2011 for the 'between settlements' rural conservation areas.

Council ceased levying rates and the Waste Infrastructure Charge on undeveloped Ninety Mile Beach subdivided lots from 1 July 2019 in response to consideration of recommendations from the Ombudsman.

The following table provides a framework for the various precincts and Council's policy with regard to debt collection procedures.

The precincts are consistent with the terms used in the Wellington Planning Scheme zones and overlays and the Ninety Mile Beach Policy at Clause 22.08.

Description of land/precinct	Charge rates	Charge interest	Debt collection action
1. Urban Nodes - within the settlement boundaries of Golden Beach, Paradise Beach and The Honeysuckles	Yes	Yes	Yes
2. Rural Conservation (Between settlements) - vacant land in the between settlements area in Restructure Plan Stages R7-R18 between Firefly Road, Golden Beach and Acrux Way, Glomar Beach	Yes	No	No
3. Subject to Inundation (Vacant Land only)	Yes	No	No
4. Rural Conservation (Glomar Beach) - vacant completed restructure lots in Restructure Plan Stages R19-R22 between Acrux Way and Vegas Way - vacant single lots in Restructure Plan Stages R19-R22 between Acrux Way and Vegas Way	Yes Yes	Yes No	Yes No
All other restructure areas i.e. Rural Conservation, Coastal Dunes (former Beach Dune Buy Back)	Yes	No	No
All lots with existing dwellings	Yes	Yes	Yes

7. Seacombe And Hollands Landing

In addition, Council has the following policy on properties in Hollands Landing and Seacombe:

Description of land/precinct	Charge rates	Charge interest	Debt collection action
Seacombe/Hollands Landing – Vacant Land	Yes	No	No
All lots with existing dwellings	Yes	Yes	Yes

8. Fire Services Property Levy (FSPL) Charges and Interest

This policy applies equally to all Fire Services Property Levy charges and associated interest raised according to the provisions of the *Fire Services Property Levy Act 2012*.

HUMAN RIGHTS

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REVISION HISTORY

VERSION	MAJOR / MINOR UPDATE	SUMMARY OF CHANGES
1.0	Minor update	Inclusion of <i>Local Government Act 2020</i>

PROCUREMENT POLICY

Policy Number:	2.2.4
Approved by	Council
Date Approved/Effective:	21 December 2021
Date of Next Review:	21 December 2025
Applicable to Unit(s):	Whole Organisation
Responsible Officer:	Manager Corporate Finance
Related Policies:	Risk Management Policy Fraud Control Policy Best Value and Competitive Neutrality Climate Change and Sustainability Policy Conflict of Interest Policy Fleet Guidelines
Related Documents:	Nil
Statutory Reference:	<i>Local Government Act 1989</i> <i>Local Government Act 2020</i>

OVERVIEW

To provide guidance to the Council to allow consistency and control over procurement activities.

THE POLICY

1. Principles

1.1 Policy Objective

The objective of this Policy is to:

- facilitate compliance with relevant legislative requirements;
- provide policy and guidance to the Council to allow consistency and control over Procurement activities;
- demonstrate accountability to ratepayers;
- provide guidance on ethical behaviour in local government purchasing;
- demonstrate the application of elements of best practice in purchasing; and
- increase the probability of obtaining the right outcome when purchasing goods and services.

1.2 Associated Policies, Guidelines and Procedures

This Policy forms part of Council's overall procurement policies and guidelines and should be read in conjunction with the following:

- Wellington Shire Council (WSC) Tenders, Expressions of Interest and Contracts System (TECS)
- Best Practice Guide for Tendering and Contract Management (Victorian Civil Construction Industry)
- Victorian Local Government Best Practice Procurement Guidelines (Department of Planning

& Community Development)

- Social Procurement: A Guide for Victorian Local Government
- *Trade Practices Act 1974*
- *Security of Payments Act 1999*
- *Local Government Act 1989*
- *Local Government Act 2020*
- *Local Government (Planning and Reporting) Regulations 2020*
- Wellington Shire Council Risk Management Policy
- OH&S Management System, section 4
- *Charter of Human Rights and Responsibilities Act 2006 (Vic)*
- *Environment Protection Act 2017*
- *Modern Slavery Act 2018*
- *Australian Consumer Law and Fair Trading Act 2012*
- Wellington Shire Council Best Value and Competitive Neutrality Policy
- Wellington Shire Council Fraud Control Policy
- Wellington Shire Council S7 Instrument of Sub-Delegation by CEO to staff
- Wellington Shire Council Environmental Sustainability Policy
- Wellington Shire Council Employee Code of Conduct
- Wellington Shire Council Councillor Code of Conduct
- Wellington Shire Council Conflict of Interest Policy
- Wellington Shire Council Cashiers Manual
- Wellington Shire Council Corporate Credit Card Guidelines
- Wellington Shire Council Fleet Guidelines

1.3 Background

Wellington Shire Council recognises that developing a procurement strategy and adopting appropriate best practice contracting and procurement principles, policies, processes and procedures for all goods, services and works by Council, will enhance achievement of council objectives such as sustainable and socially responsible procurement; cost savings, supporting local economies; achieving innovation; and better services for communities.

The elements of best practice applicable to local government Procurement incorporate:

- broad principles covering ethics, value for money, open and fair competition, risk management, probity and transparency, responsibilities and accountabilities;
- guidelines giving effect to those principles;
- a system of delegations (i.e. the authorisation of officers to approve and undertake a range of functions in the Procurement process);
- procurement processes, with appropriate procedures covering simple Procurement to high value complex Procurement.

Council's contracting, purchasing and contract management activities endeavour to:

- support the Council's corporate strategies, aims and objectives including, but not limited to

those related to sustainability, protection of the environment, and corporate social responsibility;

- span the whole life cycle of an acquisition from initial concept to the end of the useful life of an asset, including its disposal, or the end of a service contract;
- achieve value for money and quality in the acquisition of goods, services and works by the Council;
- demonstrate that public money has been well spent;
- provide a robust and transparent audit trail which ensures that procurement objectives are delivered on time, within cost constraints and that the needs of end users are fully met;
- are conducted, and are seen to be conducted, in an impartial, fair and ethical manner;
- seek continual improvement including the embrace of innovative and technological initiatives such as electronic tendering processes to reduce activity cost; and
- generate and support business in the local community.

1.4 Scope

This Procurement Policy is made under Section 108 of the *Local Government Act 2020* (the Act). The Act requires each council to:

- Prepare and adopt a procurement policy which specifies the principles, processes and procedures applying in respect of the purchase of goods and services and carrying out of works by the Council: and
- Review its procurement policy at least once during each 4 year term of the Council.

This Policy applies to all contracting and procurement activities at Council and is binding upon Councillors, Council Officers and temporary employees, contractors and consultants while engaged by the Council.

The Act and this Procurement Policy are the primary reference points for how all procurement will be undertaken.

1.5 Purchase Order Exemptions

Purchases not requiring a purchase order are listed in Appendix A. This is owing to the nature of the purchases.

1.6 Treatment of GST

All monetary values stated in this policy include GST except where specifically stated otherwise.

1.7 Definitions and Abbreviations

Term	Definition
The Act	<i>Local Government Act 2020</i>
Category Management	A 'Category' is an area of spend determined by known market boundaries separating different products, services or industries. Category management recognises that suppliers within a certain market are likely to have similarities which enable a tailored approach to procurement.
Collaborative Procurement Arrangement	A contract established by the Council, government or a nominated agent, such as Procurement Australia,

	Municipal Association of Victoria (MAV), Group of Councils or a local government entity, for the benefit of numerous state, federal and/or local government entities that achieves best value by leveraging combined economies of scale.
Contract Management	The process that ensures both parties to a contract fully meet their respective obligations as efficiently and effectively as possible, in order to deliver the business and operational objectives required from the contract and in particular, to provide value for money.
Council Staff	Includes full time and part-time council officers, and temporary employees, contractors and consultants while engaged by the Council.
Local suppliers	Located within Wellington Shire, then preference for Gippsland, Victoria or Australia (as opposed to inter-state or international suppliers).
Probity	The dictionary definition of probity refers to uprightness, honesty, proper and ethical conduct and propriety in dealings. Within Local Government, the word "probity" is often used in a general sense to mean "good process." A Procurement process that conforms to the expected standards of probity is one in which clear procedures that are consistent with the Council's policies and legislation are established, understood and followed throughout the procurement process. These procedures need to consider the legitimate interests of suppliers and ensure that all potential suppliers are treated equitably.
Procurement	Procurement is the whole process of acquisition of external goods, services and works. This process spans the whole life cycle from initial concept through to the end of the useful life of an asset (including disposal) or the end of a service contract.
e-Procurement	e-Procurement is integral to the overall development of procurement processes and involves the use of an electronic system to acquire and pay for supplies, services and works.
Quotation	An offer to sell goods at a stated price and under specified conditions.
Tender Process	The process of inviting parties to submit a quotation or tender by public advertisement, followed by evaluation of submissions and selection of a successful bidder or tenderer.
Expression of Interest (EOI)	An invitation to submit an EOI for the provision of the Goods and/or Services generally set out in the overview of requirements contained in the document. This invitation is not an offer or a contract.

2 Effective Legislative and Policy Compliance and Control

2.1 Ethics and Probity

2.1.1 Requirement

The Council's procurement activities shall be performed with unquestionable integrity and in a manner able to withstand the closest possible scrutiny.

All tender processes shall be conducted in accordance with the requirements of this Procurement Policy and any associated procedures, relevant legislation, relevant Australian Standards, Commercial Law and *the Act*.

2.1.2 Conduct of Councillors and Council Staff

2.1.2.1 General

Councillors and Council Staff shall at all times conduct themselves in ways that are, and are seen to be, ethical and of the highest integrity and *will*:

- comply with Council's policies, guidelines, procedures and applicable legislation;
- comply with Council's Codes of Conduct (Staff and Councillors), in particular relating to Conflict of Interest provisions;
- not participate in any aspect of the procurement process unless acting in the capacity of Council at a formally constituted Council meeting to consider the awarding of a contract;
- treat potential and existing suppliers with equality and fairness;
- not seek or receive personal gain;
- maintain confidentiality of matters deemed to be Commercial in Confidence; such as contract prices and other sensitive information;
- present the highest standards of professionalism and probity;
- deal with suppliers in an honest and impartial manner that does not allow conflicts of interest;
- provide all suppliers and tenderers with the same information and equal opportunity;
- be able to account for all decisions and provide feedback on them;
- maintain fair, equitable and non-discriminatory procedures for addressing complaints and concerns raised by suppliers or members of the community regarding Council's procurement activities, and
- report matters if they are concerned that improper conduct is being undertaken, this includes:
 - Corrupt conduct
 - A substantial mismanagement of public resources
 - A substantial risk to public health or safety; and
 - A substantial risk to the environment.

Council Staff responsible for managing or supervising contracts are prohibited from performing any works under the contract they are supervising.

2.1.3 Conflict of Interest

Councillors and Council staff shall at all times avoid situations in which private interests conflict, or might reasonably be thought to conflict, or have the potential to conflict, with their Council duties.

Councillors and Council staff involved in the procurement process, in particular preparing tender documentation, including writing tender specifications and tender evaluation panels, must:

- **Avoid** conflicts, whether actual, potential or perceived, arising between their official duties and their private interests. Private interests include the financial and other interests of Councillors and Council Staff, plus their relatives and close associates.
- **Declare** that there is no conflict of interest. Where future conflicts, or relevant private interests arise Council Staff must complete an Employee Declaration and Management of Conflict of Interest Form, make their manager, or the chairperson of the relevant tender assessment panel or board aware and allow them to decide whether the officer should continue to be involved in the specific Procurement exercise.
- **Observe** prevailing Council and Local Government Victoria guidelines (in particular the Staff Code of Conduct and the Conflict of Interest Policy) on how to prevent or deal with conflict of interest situations; and not take advantage of any tender related information whether or not for personal gain.

Refer to *1.2 Associated Policies, Guidelines and Procedures* for more information.

2.1.4 Fair and Honest Dealing

All prospective contractors and suppliers must be treated impartially and afforded an equal opportunity to participate in a procurement activity.

Any suspected improper conduct, including suspected fraud, corruption, substantial mismanagement of public resources, risk to public health and safety, risk to the environment, or detrimental action should be managed in accordance with Council's internal policies and processes.

2.1.5 Modern Slavery

Council is committed to operating lawfully and ethically. We expect our suppliers to operate in accordance with all applicable modern slavery laws including those prohibiting human slavery and slavery like practices, human trafficking, and child labor. We value and observe all laws regarding corporate social responsibility, environmental and workplace safety protection and staff inclusion and diversity.

2.1.6 Probity, Accountability and Transparency

Accountability in procurement means being able to explain and provide evidence on the process followed. The test of accountability is that an independent third party must be able to see clearly that a process has been followed and that the process is fair and reasonable.

Therefore, the processes by which all procurement activities are conducted will be in accordance with the Council's Procurement policies and procedures as set out in this policy and related Council policies and procedures.

Additionally:

- all Council Staff must be able to account for all Procurement decisions made over the lifecycle of all goods, services and works purchased by the Council and provide

feedback on them; and

- all procurement activities are to leave an audit trail for monitoring and reporting purposes.

2.1.7 Gifts, Benefits and Hospitality

Staff are obliged to notify their Manager of any gift, reward or benefit that they have received or have been offered. All gifts and acts of hospitality, regardless of their value, must be declared using the Gifts, Benefits and Hospitality Declaration Form and included in Council's Gifts, Benefits and Hospitality Declaration Register.

Staff should not accept any gift where there is, or where there may be, the perception of a conflict of interest with past, present or future duties, or where the object of the gift is to maintain or return a favour.

Offers of bribes, commissions or other irregular approaches from organisations or individuals must be promptly brought to the attention of their Manager.

Councillors and Council Staff, particularly contract supervisors:

- Must not knowingly visit a current supplier's premises without invitation when acting in their official capacity; and
- Must not knowingly engage a Council supplier for private benefit, unless that engagement is on proper commercial terms.

2.1.8 Reward and Loyalty Program Participation

Councillors and Council Staff cannot accumulate reward or loyalty program credits on purchases made on behalf of Council or accept any discounts through the use of Council corporate credit or fuel cards.

Participation in a reward or loyalty program must not influence procurement decisions.

2.1.9 Disclosure of Information

Commercial in Confidence information received by Council must not be disclosed and is to be stored in a secure location.

Councillors and Council staff are to protect confidentiality, by refusing to release or discuss the following:

- Information disclosed by organisations in Tenders, Quotations or during Tender negotiations;
- All information that is Commercial in Confidence; and
- Pre-contract information including but not limited to information provided in quotes and tenders or subsequently provided in pre-tender negotiations.

Councillors and Council Staff are to avoid references to current or proposed contracts in discussion with acquaintances or outside interests.

Discussion with potential suppliers during tender evaluations should not go beyond the extent necessary to resolve doubt on what is being offered by that supplier.

At no stage should any discussion be entered into which could have potential contractual implications prior to the Contract approval process being finalised other than through authorised pre-contract negotiations.

2.2 Governance

2.2.1 Structure

The Council shall:

- establish a procurement management responsibility structure and delegations ensuring accountability, traceability and auditability of all Procurement decisions made over the lifecycle of all goods, services and works purchased by the Council;
- ensure that the Council's Procurement structure:
 - obtains value for money
 - is flexible enough to purchase in a timely manner the diverse range of material, goods, works and services required by Council;
 - ensures that prospective contractors are afforded an equal opportunity to register as an approved preferred contractor;
 - encourages competition.

2.2.2 Responsible Financial Management

The principle of responsible financial management shall be applied to all procurement activities. Accordingly, to give effect to this principle, the availability of existing funds within an approved budget, or source of funds, shall be established prior to the commencement of any Procurement action for the supply of goods, services or works.

Council Staff must not authorise the expenditure of funds in excess of their financial delegations. (Refer to 2.4.1 and 3.4.1)

Council staff must not disclose allocated procurement activity budgets to suppliers.

Council funds must be used efficiently and effectively to procure goods, services and works and every attempt must be made to contain the costs of the procurement process without compromising any of the procurement principles set out in this Policy.

2.2.3 Fraud Prevention

Council is committed to fraud prevention and as part of the requirements under this Policy Council will support a fraud-resistance culture by;

- Reporting breaches of the Procurement Process to the General Manager Corporate Services and the Chief Executive Officer;
- Reporting material breaches of the Procurement process to the Audit & Risk Committee;
- Investigate potential breaches of the Procurement Policy;
- Run regular reports to identify potential fraudulent transactions;
- Require all Tender Evaluation panel members to sign conflict of interest and confidentiality declarations prior to evaluating any tenders and for the life of the contract.

2.2.4 Reporting Fraud and Complaints

Council regards all allegations of improper conduct and complaints about the procurement process as serious and is committed to handling such disclosures in a sensitive and confidential manner.

Feedback or general complaints about procurement processes and procedures should be directed to the Procurement Coordinator and/or Manager Corporate Finance.

Members of the public, suppliers and Council staff are encouraged to report allegations of improper or corrupt conduct by a public officer involved in any Council procurement process. A disclosure relating to alleged improper or corrupt conduct of a public officer of Council can be made in person, via phone, in writing (letter or email) or anonymously. Disclosures can be made to:

- General Manager Corporate Services; or
- The Independent Broad-Based Anti-Corruption Commission (IBAC), GPO Box 24234, Melbourne Victoria 3000, Internet www.ibac.vic.gov.au.

2.3 Procurement Thresholds and Competition

The Purchase of goods, services and works to the value of \$250,000 or more, including GST, for the whole term of the contract will be undertaken by an open public tender process, unless one of the nominated and/or legislated exemptions apply including the declaration of an “emergency event” by the Chief Executive Officer.

When an emergency event is declared it will be managed in accordance with the Chief Executive Officer’s delegation for contracts specifically relating to repair and remediation requirements directly attributable to that emergency event.

Tenders will be advertised on Council’s website as well as advertised in selected local newspapers.

2.3.1 Requirement

The Council will from time to time decide and publish in this policy clear guidelines for minimum spend competition thresholds. These will be decided by the Council based on the size and complexity of the proposed procurement activities.

Where a Purchase Order is used, it must be raised prior to the purchase being made following the required quotation process (according to the level of expenditure as reflected in Table 1).

Suppliers will be informed that they must receive a Council purchase order prior to the supply of goods and services and quote the purchase order reference number on their invoice that must be emailed to Accounts Payable after the supply of their goods and services.

2.3.2 Approved Methods

The Council’s standard methods for purchasing goods, services and works shall be by:

- corporate credit card;
- purchase order which must be raised prior to the purchase being made, following a quotation process;
- under contract following a tender process; or quotation processes; or
- Group Purchasing Schemes - where the Council is satisfied that Value for Money requirements have been satisfied, under purchasing schemes including collaborative purchasing arrangements with other Councils and commercial schemes such as provided by MAV Procurement or Procurement Australia; or

- Using Collaborative Procurement Arrangements; or
- unless arrangements otherwise authorised by the Council or the CEO on a needs basis are required by abnormal circumstances such as emergencies; or
- Miscellaneous petty cash purchases are being phased out.

The Council may, at its discretion and based on the complexity and cost of the project, conduct one stage or multi-stage tenders.

Typically, a multi-stage tender process will commence with an expression of interest stage followed by a tender process involving the organisations selected as a consequence of the registration of interest stage.

Expressions of Interest (EOI) may be appropriate where:

- the requirement is complex, difficult to define, unknown or unclear;
- the requirement is capable of several technical solutions;
- the Council wishes to consider ahead of formal tender processes such issues as whether those tendering possess the necessary technical, managerial and financial resources
- tendering costs are likely to be high and Council seeks to ensure that companies incapable of supplying the requirement don't incur unnecessary expense;
- it is necessary to pre-qualify suppliers and goods to meet defined standards; and
- the requirement is generally known but there is still considerable analysis, evaluation and clarification required (both of the objective and the solution).

2.3.3 In the Event of Emergency

Circumstances under which procurement may be undertaken under this clause are as follows:

- An emergency exists as defined by the *Emergency Management Act 2013*; and
- The Chief Executive Officer has declared in writing that an emergency exists; and is satisfied that procurement needs to be undertaken immediately.

Situations where this might occur include:

- During the period where a natural disaster has been declared such as flooding, bushfire or epidemic that may require the immediate procurement of goods, services or works to provide relief;
- The occurrence of an event such as flooding or fire at a Council property which may require the immediate procurement of goods, services or works to ensure business continuity;
- The unforeseen cessation of trading of a core service provider to Council resulting in a need to appoint a replacement service provider on the grounds of public safety;
- An unforeseen event which impacts heavily and unsustainably on Council's level of service to the community and represents an immediate risk to health or safety; or
- Any other situation which may constitute a risk to health, life or property.

Procurement made under the Emergency provisions must be in accordance with Council's Financial Delegations and be limited in scope to what is necessary to deal with the immediate emergency.

The Emergency provision must not be used for new or extended works and services after the need for an emergency response has passed. Immediately after the Chief Executive Officer declares that an Emergency no longer exists, the use of this power ceases.

2.3.4 Appointment of an Agent for Procurement

In consideration of the appropriate Procurement process to follow, Council may join with other Councils as a defined group, based on similar requirements for products, goods or services. In doing so, Council may nominate to appoint another council to act as Council's Agent or for Council to act as Agent for other Councils.

Council is able to access contracts from State Government, Municipal Association of Victoria Procurement (MAVP) and Procurement Australia (PA). This means that Council can utilise the rates and suppliers established under any existing State Government, MAVP or PA contract without the requirement to complete the formal agency appointment process. This does not negate the requirement for financial approval dependent on delegation limits.

Where Council requires an agent to act on Council's behalf for the tendering process, governance arrangements will be required including;

- Formal appointment of the agent;
- Review of the Specification to meet Council's requirements; and
- Advice to the agent of Council's Procurement Policy requirements including evaluation criteria, Tender panel and weightings to the criteria.

2.3.5 Minimum Spend Competition Thresholds

Purchase of all goods, services and works for which the estimated expenditure exceeds \$250,000 (inclusive of GST), must be undertaken by public tender.

However, this does not preclude the tendering for contract works of lesser amounts should this be in the best interests of a value for money outcome.

In addition, where there is a possibility that the service being provided may exceed the threshold, then it should also be tendered.

The level of expenditure in accordance with Table 1 determines the appropriate procurement methodologies. Staff should consider the total value of the procurement for an ongoing commitment. Tenders should be called for all high-risk procurement (eg. reputational, multiple suppliers within Shire) no matter what the expenditure level.

2.3.6 Exemptions from tendering

The Chief Executive Officer (CEO) or Council, depending on Financial Delegation limits, can approve an exemption from publicly advertising a tender.

The following circumstances, when approved, can be exempt from the general publicly advertised tender, quotations and expression of interest requirements:

Exemption Name	Explanation, limitations, responsibilities and approvals	Approval by
A contract made because of genuine	Where the Council, CEO or Appropriate Delegate needs to enter into	Approved by the CEO up to approved Financial

Exemption Name	Explanation, limitations, responsibilities and approvals	Approval by
emergency or hardship	arrangements in response of an emergency (e.g. to provide immediate response to a natural disaster, declared emergency)	Delegation Approval by Council when above the CEO Financial Delegation
A contract made with, or a purchase from a contract made by, another government owned entity or other approved third party	This general exemption allows engagements: <ul style="list-style-type: none"> ○ With another government entity or government owned entity. ○ In reliance on contracts and arrangements established by another government group purchasing scheme, Municipal Association of Victoria (MAV) or National Procurement network members, Procurement Australia (PA) 	Approved by the CEO up to approved Financial Delegation Approval by Council when above the CEO Financial Delegation
Extension of contracts while Council is at market	<ul style="list-style-type: none"> ○ Allows Council to extend an existing contract where the procurement process to replace the contract has commenced, and where the tender process or negotiations will take or are taking longer than expected. ○ This exemption may be used when the establishment of an interim short-term arrangement with an alternative supplier is considered not to be in the public interest, as it may be cost prohibitive and/or present a risk in the delivery of critical public services to the municipality. 	Approved by the CEO up to approved Financial Delegation Approval by Council when above the CEO Financial Delegation
Professional services unsuitable for tendering	<ul style="list-style-type: none"> ○ For the procurement of Legal Services ○ Where Council must take out specific insurance requirements specified by law or another instrument. 	Approved by the CEO up to approved Financial Delegation Approval by Council when above the CEO Financial Delegation
Novation of Contracts	Where the initial contract was entered into in compliance with <i>the Act</i> and	Approved by the CEO up to approved Financial Delegation

Exemption Name	Explanation, limitations, responsibilities and approvals	Approval by
	due diligence has been undertaken in respect to the new party.	Approval by Council when above the CEO Financial Delegation
Information technology resellers and software developers	Allows Council to renew software licenses and maintenance and support, or upgrade existing systems, where there is only one supplier of the software who holds the intellectual property rights to the software.	Approved by the CEO up to approved Financial Delegation Approval by Council when above the CEO Financial Delegation
Statutory Compulsory Monopoly Insurance Schemes	<ul style="list-style-type: none"> Motor vehicle compulsory third party WorkCover 	Approved by the CEO up to approved Financial Delegation Approval by Council when above the CEO Financial Delegation
Operating Leases	Where a lessor leases an asset (generally a vehicle or plant and equipment) to the Council and assumes the residual value risk of the vehicle.	Approved by the CEO up to approved Financial Delegation Approval by Council when above the CEO Financial Delegation
Other specific Council Exemptions	<ul style="list-style-type: none"> The CEO may approve ad-hoc exemptions in exceptional circumstances within the financial Delegation where it can be demonstrated that it is in the best interests of the community to do so. If exceeding the financial delegation exemption must be referred to Council for approval. The public tender threshold and related exemptions also apply to collaborative procurements. 	Approved by the CEO up to approved Financial Delegation Approval by Council when above the CEO Financial Delegation

2.3.7 Sole source procurement exemptions

Council may at times make purchases at values above the single quoted threshold, normally requiring a competitive process (multiple quotes or formal tender) but may find there is no competitive market for that particular product or service. One example is software licences

which are only available from the vendor/manufacturer of that software and therefore a requirement to seek multiple quotes or tender responses is unenforceable.

Only the Chief Executive Officer, within financial delegations, can provide an exemption when seeking a sole source procurement exemption from public tendering and this must be obtained prior to the supplier quoting. If exemption is given, this is to be included in the recommendation report to the relevant approver as part of the purchase justification.

2.3.8 Collaboration

In accordance with the Act, section 108(3)(c), Council will seek to collaborate with other Councils and Public Bodies through the various networks. Other networks in which Council staff are engaged may also provide collaboration opportunities depending on the procurement opportunity being considered.

Collaboration will be sought where it can be demonstrated that the Value For Money proposition will be improved by the scaling up of the opportunity with the inclusion of other Councils and Public Bodies. Value for Money, in regard to collaboration, will consider the relative cost reductions achieved by the scaling up of the opportunity in comparison to any additional costs incurred such as delays to accommodate timing differences between Councils, the multi-party contract management regime imposed, and the contractual complexities incurred such as handling of securities and early contract withdrawal by one or more parties. Collaboration will be sought by email request to the Procurement representative of each Gippsland RPEN member inviting their interest in collaborative participation. Relevant opportunities will also be communicated with other networks and government bodies on a per opportunity basis.

In accordance with the Act, section 109(2), each report to Council recommending entering into a procurement agreement, will include information relating to the opportunities for collaboration.

2.3.9 Value for Money

Value for Money is the guiding principle of Council procurement decisions and is in accordance with the Act, Section 108(3)(b). Value For Money (VFM) seeks to make sound judgement procurement decisions based on much more than least cost. For each goods, services or works opportunity, VFM considers aspects relevant to financial and non-financial elements such as (but not limited to):

- Quality
- Longevity
- Fitness for purpose
- Operational costs
- Experience and performance history
- Flexibility, innovation and adaptation
- Whole of life costs including acquisition, decommissioning and disposal costs
- Environmental impact including recyclability or reuse considerations
- Backup and Support systems
- Licensing, registering and training costs
- Legal costs
- Risk, security and safety considerations.

The relevant aspects of each procurement are to be considered by each officer in making each procurement decision.

In a multi-quote and tendered opportunity, the relevant VFM elements form the assessment criteria and are weighted and scored as a quantitative means to determine the offer representing best value for money to Council. These criteria and their weighting are to be established and fixed prior to quotes and tenders being sought, are to be included in the quote/tender documentation, and then responses evaluated once all responses have been provided. The response evaluation is to be included with the recommendation to the final tender/contract approver.

2.3.10 Further guidance

Should a matter arise that is not covered by this Policy or the relevant Legislation, Standards, Guidelines, other Council Policies, the matter must be referred to the Coordinator Procurement/Manager Corporate Finance to determine the appropriate action.

TABLE 1

		EXPENDITURE LEVEL (INC. GST)				
		<\$100	\$100 to \$5,000	\$5,000 to \$25,000	\$25,000 to \$250,000 Goods/Services and Works	> \$250,000 Goods/Services and Works
Verbal Quote		1	1	2		
Supply contract purchasing scheme			Yes	Yes	Yes	Yes
Written Quote			Optional	Optional	3	
Public Tender				Optional	Tender optional. If not, contractors must be registered as preferred contractors	Yes Mandatory
APPROVED METHODOLOGY	Petty Cash	✓				
	Corporate Credit Card	✓	✓			
	Purchase Order		✓	✓	✓	✓
	Contract			✓	✓	✓

For the purposes of the table above the expenditure levels (inclusive of GST) are calculated as follows:

- for single one-off purchases shall be the value of, or estimated value of the purchase;
- for multiple purchases shall be the gross value of, or estimated gross value of all items to be purchased, i.e. buying 30 computers at \$2,000 each is not to be considered 30 separate one-off purchases, but is to be viewed as a spend of \$60,000, therefore

requiring 3 written quotes, a public tender, or use of a group purchasing scheme;

- for ongoing purchases over a period of time shall be the annual gross value of, or estimated annual gross value of purchases, i.e. hire of water carts over a 6-month period for different work sites around the Shire should be considered as one purchase of the same nature;
- for contracts spanning a number of years, the value of the expenditure is the total estimated spend for all years specified for the service, including any optional extension periods.

It is unacceptable to divide a particular procurement or procurement phase into separable parts or use a particular method for calculating the estimated total value of procurement for the purpose of circumventing an approach to the open market.

Verbal quotations

Quotations must be sought as per Table 1, and details recorded in Council's corporate system, Authority, when raising the purchase order. Where only one quote is required, the receipt of purchase is sufficient for recording purposes.

Written quotations

When written quotations are sought, details must be stored in Council's corporate record system, Authority, when raising the purchase order.

Council will endeavor to obtain at least one quote from a local supplier wherever possible. (refer to 4.1)

Insufficient quotations

The situation may arise where insufficient quotations are received to satisfy the above requirements. This may occasionally occur where there are few local suppliers for the goods, services or works being sought or the work is highly specialised. In this case, the details of the contacted suppliers must be recorded in the corporate system and an appropriate comment recorded when raising the purchase order.

Random audits will be conducted on purchase orders of this nature.

Cumulative Spend

Council will monitor cumulative spend with suppliers at least annually. If expenditure with a supplier or a number of suppliers providing similar goods, services and works is ongoing in nature and the cumulative spend is likely to exceed the legislated threshold over a two year period, then Council will review the opportunity to pursue a contract for such goods, services and works through a competitive process.

Approved Contractors

Council shall maintain a register of approved contractors, who have met Council's requirements in terms of OH&S systems and processes and, where applicable, quality and environmental factors. All works must be undertaken by approved contractors.

2.4 Delegation of Authority

2.4.1 Requirement

Delegations define the limitations within which Council staff are permitted to work.

Delegation of procurement authority allows specified Council staff to approve certain purchases, quotations, tenders and contractual processes without prior referral to the Council. This enables the Council to conduct procurement activities in an efficient and timely manner whilst maintaining transparency and integrity.

Procurement delegations ensure accountability and provide confidence to Council and the public that purchasing activities are dealt with at the appropriate level.

The S7 Instrument of Sub-Delegation by CEO identifies Council Staff authorised to make procurement commitments in respect of goods, services and works on behalf of the Council.

2.4.2 Delegations Reserved for the Council

Council must approve the award of all contracts exceeding a limit as determined by the S5 Instrument of Delegation – Council to the Chief Executive Officer (\$400,000 as at 7 July 2021).

2.5 Internal Controls

The Council will install and maintain a framework of internal controls over procurement processes that will ensure:

- more than one person is involved in and responsible for a transaction end to end (from purchase to payment);
- transparency in the procurement process;
- a clearly documented audit trail exists for procurement activities;
- appropriate authorisations are obtained and documented; and
- systems are in place for appropriate monitoring and performance measurement.

2.6 Commercial Information

Procurement activities will be carried out in a way that supports Council staff in meeting their obligations - to ensure information of a commercially sensitive or confidential nature is obtained, stored, processed, published (where applicable) in an appropriate manner in accordance with the relevant Council guidelines.

2.7 Risk Management

2.7.1 General

Risk Management is to be appropriately applied at all stages of Procurement activities which will be properly planned and carried out in a manner that will protect and enhance the Council's capability to prevent, withstand and recover from interruption to the supply of goods, services and works.

2.7.2 Supply by Contract

The provision of goods, services and works by contract potentially exposes the Council to risk.

The Council will minimise its risk exposure by measures such as:

- standardising contracts to include current, relevant clauses;
- where appropriate requiring security deposits, performance bonds and retention bonds;
- referring specifications to relevant experts;

- requiring contractual agreement before allowing the commencement of work;
- use of or reference to relevant Australian Standards (or equivalent); and
- effectively managing the contract including monitoring and enforcing performance.

2.8 Contract Terms

All contractual relationships must be documented in writing based on standard terms and conditions, including dispute resolution and contract management requirements. Where this is not possible, approval must be sought from the Manager Corporate Finance. Upon approval, relevant procurement and legal advice should be sought where necessary.

To protect the best interests of the Council, terms and conditions must be settled in advance of any commitment being made with a supplier. Any exceptions to doing this exposes the Council to risk and thus must be authorised by the Manager Corporate Finance.

2.9 Contract Management

The purpose of contract management is to ensure that the Council, and where applicable, its clients, receive the goods, services or works provided to the required standards of quality, costs and quantity as intended by the contract by:

- establishing a system of monitoring and achieving the responsibilities and obligations of both parties under the contract;
- providing a means for the early recognition of issues and performance problems and the identification of solutions;
- adhering to Council's Risk Management Framework and adhering to relevant Occupational Health and Safety Contractor compliance procedures; and
- ensuring goods, services and works have been completed to Council satisfaction prior to payment occurring.

Furthermore, contracts are to be proactively managed by the member of Council staff responsible for the delivery of the contracted goods, services or works to ensure the Council receives Value for Money.

2.10 Tender evaluation and evaluation criteria

A Tender Evaluation Panel will be established to evaluate each Tender submission against the specified evaluation criteria. Tender Evaluation Panels can include both internal and external personnel in order to ensure the best outcome for a procurement activity and must comprise of at least 3 persons which includes the chairperson.

External personnel can also be included in the procurement process in an advisory role and not sit on the Tender Evaluation Panel or may sit on the Tender Evaluation Panel where technical or professional experience is required for the appropriate evaluation of submissions. Engagement of external advisors must be approved by the relevant General Manager.

A detailed Tender Procurement and Evaluation Plan shall be developed, approved and strictly adhered to by the Tender Evaluation Panel. This involves the establishment of detailed evaluation criteria and the application of a pre-approved and robust weighted scoring system.

The Tender Procurement and Evaluation Plan is to be completed and signed off prior to the Tender being issued to market.

All tender evaluation panel members must complete necessary declarations of no conflict of interest prior to receiving or evaluating any tenders.

2.11 Evaluation Criteria

Council may include the following evaluation criteria categories to determine whether a proposed contract provides Value for Money and complies with Council's key principles and objectives (in addition to other relevant criteria for the particular procurement):

- tendered price;
- mandatory compliance criteria (e.g. ABN registration, OH&S, Fair Work Act);
- capacity of the tenderer to provide the Goods, Services or Works;
- capability of the tenderer to provide the Goods Services or Works;
- demonstration of sustainability;
- social procurement;
- environment;
- local content; and
- other specialised criteria may also be used, depending on the goods, service or works being sought.

3 Demonstrate Sustained Value

3.1 Integration with Council Strategy

The Council procurement policy shall support its corporate strategy, aims and objectives, including but not limited to those related to sustainability, protection of the environment, corporate social responsibility and meeting the needs of the local community such as:

- feeling safe;
- living in a clean and pleasant environment; and
- receiving good quality, well managed Council services that are Value for Money.

3.2 Achieving Value for Money

3.2.1 Requirement

The Council's procurement activities will be carried out on the basis of obtaining Value for Money. This means minimising the total cost of ownership over the lifetime of the requirement consistent with acceptable quality, reliability and delivery considerations. Lowest price is not the sole determinant of best value.

3.2.2 Approach

This will be facilitated by:

- developing, implementing and managing procurement strategies that support the co-ordination and streamlining of activities throughout the organisation;
- effective use of competition;
- using aggregated contracts and standing offer arrangements (SOA) where appropriate;
- identifying and rectifying inefficiencies in procurement processes;
- developing a more cost efficient tender process including appropriate use of e-solutions;
- Council staff responsible for providing procurement services or assistance within the Council providing competent advice in terms of available products and agreements; and

- working with suppliers to create relationships that are professional and productive and are appropriate to the value and importance of the goods, services and works being acquired.

3.2.3 Role of Specifications

Specifications used in quotations, tenders and contracts are to support and contribute to the Council's Value for Money objectives by being written in a manner that:

- clearly defines the Council's requirements;
- ensures impartiality and objectivity;
- encourages the use of standard products;
- encourages sustainability;
- eliminates unnecessarily stringent requirements; and
- determines the quality of the outcome.

3.3 Sustainability

Sustainable procurement is the acquisition of necessary goods and services that have the least impact on the environment and human health, within the purchaser's capacity to do so. The Council is committed to achieving sustainable Procurement within the context of purchasing on a Value for Money basis, by ensuring that it monitors and reports on Council activities that have an impact on or contribute to the environment, including:

- waste management
- recycling
- energy management
- emission management
- water conservation
- climate change considerations
- gender equity considerations
- green building design; and
- procurement.

Value for Money purchasing decisions made by the Council are made on the basis of cost and non-cost factors including contribution to the Council's sustainability objectives.

Wellington Shire Council recognises it has an implicit role in furthering sustainable development, through its procurement of goods and services and works and where applicable will integrate sustainability, environmental and social issues into the procurement process. The Council aims to achieve this by:

- Considering the environmental performance of all suppliers and contractors and encouraging them to conduct their operations in an environmentally sensitive manner;
- Considering the basic life cycle analysis of products to minimise the adverse effects on the environment resulting directly or indirectly from products;
- Working more effectively with local suppliers to ensure they are encouraged to bid for the Council's business in line with the Procurement Policy.

3.4 Performance Measures

Council will establish and put in place appropriate performance measures. Reporting systems will be used to monitor performance against metrics and compliance with procurement policies, procedures and controls.

Council will use the performance measurements developed to:

- Highlight trend and exceptions where necessary to enhance performance;
- Improve the internal efficiency of the procurement process and where relevant the performance of suppliers; and
- Facilitate relevant programs to drive improvement in procurement to eliminate waste and inefficiencies across key spend categories.

3.4.1 Breaches of the Policy

Any possible breaches of the requirements of the Policy will be investigated and the contract will be listed in Council's Annual Report as required by the *Local Government (Planning and Reporting) Regulations 2020*.

Breaches of the spend thresholds for purchases below the requirements will be dealt with in the context of performance management discussions with the relevant staff.

4 Build and Maintain Supply Relationships

Council recognises that in order to achieve sustainable value, appropriate relationships must be developed and maintained with suppliers and that it seeks to operate with 'informed choice' on what supply strategy it adopts – whether to 'do it yourself', participate in regional or sector aggregated projects or to access State Government panel agreements. Council will consider supply arrangements that deliver best value outcomes for council in terms of time, cost and value.

4.1 Support of Local Business

Council is committed to:

- Ensuring that procurement practices are strategically aligned with Council's wider objectives;
- Purchasing ethical and fair trade goods to support equitable, local, national and international trade;
- Enhancing partnerships with community stakeholders, suppliers and other Councils; and
- Providing opportunities to businesses who support aboriginal people, people with disabilities and disadvantaged people.

In the first instance quotes must be obtained from a Local Supplier, and only where the local business cannot supply it, are deemed not capable, or cannot provide value for money, can suppliers outside of the local area be invited to quote.

4.2 Social Procurement

Social procurement involves using procurement processes and purchasing power to generate positive social outcomes in addition to the delivery of efficient goods, services and works.

For Local Government social procurement builds on initiatives already undertaken by the sector

in enhancing sustainable and strategic procurement practice, enabling procurement to effectively contribute to building stronger communities.

Social procurement is a key mechanism by which to generate wider social benefits by providing a mechanism for linking and integrating social and economic agendas.

4.3 Developing and Managing Suppliers

Council recognises the importance of effective and open working relationships with its suppliers, and is committed to the following:

- Managing existing suppliers, via the appropriate development programs and performance measurements to ensure the benefits are delivered;
- Developing approved supplier lists; and
- Developing new suppliers and improving the capability of existing suppliers where appropriate.

4.4 Relationship Management

The Council is committed to developing constructive long-term relationships with suppliers. It is important that the Council identifies its key suppliers so that its efforts are focused to best effect. Such areas may include:

- Size of spend across the Council;
- Criticality of goods / services, to the delivery of the Council's services;
- Availability of substitutes; and
- Market share and strategic share of suppliers.

4.5 Communication

External

External communication is very important in ensuring a healthy interest from potential suppliers and partners to the Council. The external website provides:

- Information about Council and how to become an approved contractor;
- A list of existing contract opportunities;
- Guidelines for doing business with Council; and
- Links to other relevant sites.

Internal

Council is committed to providing ongoing training to all staff with procurement responsibilities, which will include:

- Initial training prior to undertaking any procurement activities (new staff); and
- Ongoing annual refresher training for all staff engaged in procurement.

4.6 Continuous Improvement

The Council is committed to continuous improvement and will review the procurement policy on an annual basis, to ensure that it continues to meet its wider strategic objectives.

In particular, Council will continue to explore the potential cost implications for 'greening' the

supply chain, and minimising waste through use of eco-friendly, recycled or recyclable products.

APPENDIX A

EXEMPTION LIST – No Purchase Orders Required (Corporate Credit Cards are alternative to purchase orders)

- Accommodation/travel (via credit card)
- Advertising placement fees
- Agency Staff (including labour hire contractors and umpires)
- Audit & Risk Committee
- Community Hall Hire
- Conferences
- Contractual Agreements (i.e. software maintenance/licences, debt collection, leases, secure pay)
- Contributions (i.e. grants, sponsorships, Committee of Management (COM) operating subsidy)
- Councillor Allowances & reimbursements
- Daily food purchases for Aqua Energy café/kiosk (i.e. fruit, vegetables, bread)
- E-tags
- Emergency after- hours repairs/maintenance, up to 3 days after emergency first occurred
- Fuel Accounts
- Government/statutory charges (i.e. EPA levy, licenses, police checks)
- Insurances (including work cover)
- Legal Fees
- Medical Expenses
- Memberships/subscriptions
- Milk
- Postage
- Rental (property)
- Photocopier volume charges
- Reactionary maintenance – fire hydrants
- Reimbursements/refunds (employees and others)
- Royalties – (The Wedge shows etc)
- Security Services i.e. call out fees (not contract charges)
- Training courses
- Utilities – electricity, phone, water, gas, street lighting etc
- Vehicle Registration
- Vet accounts (i.e. euthanasia of animals)

HUMAN RIGHTS

Wellington Shire Council is committed to upholding the Human Rights principles as outlined in the *Charter of Human Rights and Responsibilities Act 2006 (Vic)* and referred to in Council's Human Rights Policy. The Human Rights Checklist has been completed and this policy accords with Council's policy commitment to uphold human rights principles.

REVISION HISTORY

VERSION	MAJOR / MINOR UPDATE	SUMMARY OF CHANGES
1.0	Not applicable	Policy remains current

CORPORATE CREDIT CARD POLICY

Policy Number:	2.2.5
Approved by:	Chief Executive Officer
Date Approved:	December 2022
Date of Next Review:	December 2023
Applicable to Unit(s):	Organisation
Responsible Officer:	Manager Corporate Finance
Related Policies:	Accommodation and Meal Allowance Policy (internal) Seminars and Conferences Policy (internal) Service Recognition and Employee Departure Policy (internal) Procurement Policy
Related Documents:	Fleet Management Guidelines
Statutory Reference:	Nil

OVERVIEW

This policy will provide understanding and guidance for staff who use a corporate credit card.

THE POLICY

The purpose of these cards is to allow the Chief Executive Officer, General Managers, Managers and authorised staff with delegation to pay for goods and services necessarily incurred in the performance of their duties. These cards must adhere to Council policies on employee spending; Accommodation and Meal Allowance Policy, Seminars and Conferences Policy and Service Recognition and Employee Departure Policy and Fleet Management Guidelines.

USE OF CORPORATE CREDIT CARD

The corporate credit card is only to be used within the financial delegations given in writing by the S7 Instrument of Sub-delegation to the employee. It is strictly for **BUSINESS USE** only and for the specific purpose of purchasing goods and services necessary for the undertaking of the employee's normal duties as a part of their role. Users are expected to refund transactions or portions of transactions that are identified as inappropriate.

Use of the card for personal expenses, in any situation, is prohibited. Any personal reward card or membership should not be used in conjunction with the corporate credit card. If there is an accidental personal purchase on the corporate credit card, the person responsible must inform the Corporate Card Administrator immediately in writing, and refund the amount spent at Customer Service. The receipt from Customer Service must then be attached to the transaction before approval.

Fuel should not be purchased on corporate cards unless a fuel card was provided and failed to work. Fuel purchases for non-Council vehicles are prohibited.

Alcohol is not permitted to be purchased via credit card, and any alcohol purchases made must be refunded to Council as a personal expense. Exceptions can only be organised **in advance and in writing** by the CEO or General Manager Corporate Services. A copy of the written permission must be attached as proof of prior approval.

Delegation Authority

It is important to note that prior to an employee obtaining a corporate credit card, their position description and level of delegation must be authorised and included in the S7 Instrument of Sub-delegation CEO to Council Staff. A copy of this instrument is available for review on the Council intranet and by members of the community via request.

Purchasing and Record Keeping

Cardholders must ensure adequate reporting for all transactions:

- **Legible, complete, and correct tax invoices or receipts** must be scanned or photographed and attached to all transactions. An EFTPOS docket is not a Tax Invoice and will not be treated as such. If an invoice is not provided, the cardholder must contact the Merchant to request a new copy.
- **Unavailable receipts:** Where a tax invoice is unable to be provided, a statutory declaration including an itemised list of what was purchased must be completed and signed for purchases over \$20.00 incl GST. GST cannot be claimed and will be charged to the relevant business unit ledger.
- **Expenditure description:** The purpose of all expenditure must be described in adequate detail, and **all** beneficiaries are to be identified by name and categorised as internal employees or external guests.
- **GST:** All cardholders are responsible for correctly reporting GST. When completing their reporting, users should ensure the GST shown in Promaster matches the receipt by changing the GST code or splitting the transaction between multiple codes.

Restrictions/Limits

All corporate credit cards are blocked for cash advances.

Temporary and Permanent Limit increase

If a staff member requires an increase for a short period of time, a temporary increase can be arranged. A form (Request for Corporate Credit Card Increase) on the intranet can be completed by the cardholder, signed by a Manager and sent to the Corporate Card Administrator for processing.

If a permanent increase is required, in the first instance, the cardholder must have a conversation with their Manager. If an increase is agreed upon, the form on the intranet (Request for Corporate Credit Card Increase) can be completed and returned to the Corporate Card Administrator for processing.

Purchase Approval

Approvers are expected to review all transactions on a regular basis to ensure:

- the expenditure is acceptable business use per the relevant policies, and if not, must request that the cardholder refunds the transaction at Customer Service;
- a legible, complete, and correct tax invoice or receipt is attached, and if not, the transaction must be reversed to the cardholder to retrieve the required documentation;
- that the description provided by the user contains the required details as described above, and if not, the transaction must be reversed to the cardholder to amend.

Reporting Authorisation

Prior to submission for payment, all corporate credit card accounts must be authorised either by the Chief Executive Officer, General Manager or Manager as appropriate.

The Manager Corporate Finance will authorise the Chief Executive Officer's corporate card account which will be forwarded to the Mayor to review and note upon request, in line with the Councillor Code of Conduct.

Security

The card must be kept secure at all times. All details relating to the card including, the Personal Identification Number (PIN), and key words are not to be divulged to any other party or be written or stored electronically on or with the card.

Corporate credit cards are only to be used by the employee whose name appears on the card. It is prohibited to provide a card for use by anyone other than the named employee under any circumstance.

If a corporate cardholder were to undertake an extended period of leave, the card must be returned to the Corporate Card Administrator for safe keeping. The card must not be used while an employee is on any kind of leave as card usage will be checked against their documented attendance.

If a person is dismissed, the card must be returned immediately to the Corporate Card Administrator for destruction.

In the event the card is lost or misplaced, the Corporate Card Administrator and Commonwealth Bank must be informed immediately.

All cardholders are expected to check their transaction report weekly, as a minimum. In the event an unauthorised or fraudulent transaction is identified, the Corporate Card Administrator and Commonwealth Bank must be informed immediately.

PERIODIC REVIEWS AND INTERNAL AUDIT OF CREDIT CARD USAGE

The Finance department will undertake monthly assurance reviews of credit card usage and credit card transactions to identify any non-compliance with this policy or fraudulent activity.

Individual credit card transactional reporting will also be available to all authorising managers to ensure that credit cards are being used in line with this policy.

A quarterly report summarising all expenditure will be reviewed by the Corporate Management Team.

The CEO's credit card expenditure will also be authorised by the Manager Corporate Finance and regularly reviewed by the Mayor, and the Audit & Risk Committee.

Failure of an individual to use their corporate credit card in line with Council's Corporate Credit Card Policy or the Commonwealth Bank's requirements will result in immediate cancellation of the facility, disciplinary action and/or termination of employment.

HUMAN RIGHTS

Wellington Shire Council is committed to upholding the Human Rights principles as outlined in the *Charter of Human Rights and Responsibilities Act 2006 (Vic)* and referred to in Council's Human Rights Policy. The Human Rights Checklist has been completed and this policy accords with Council's policy commitment to uphold human rights principles.

REVISION HISTORY

VERSION	MAJOR / MINOR UPDATE	SUMMARY OF CHANGES
1.0	Minor update	Clarification about when reports are presented to the Mayor Clarification about the content of the quarterly report of expenditure for CMT

BEST VALUE AND COMPETITIVE NEUTRALITY POLICY

Policy Number:	2.2.6
Approved by:	Council
Date Approved:	December 2022
Date of Next Review:	December 2023
Applicable to Unit(s):	Whole Organisation
Responsible Officer:	Manager Corporate Finance
Related Policies:	Nil
Related Documents:	Wellington Shire Council Enterprise Bargaining Agreement
Statutory Reference:	<i>Local Government Act 2020</i> <i>Australian Consumer Law and Fair-Trading Act 2012</i> <i>Charter of Human Rights and Responsibilities Act 2006 (Vic)</i>

OVERVIEW

The purpose of this policy is to outline the Wellington Shire Council's commitment to best value and competitive neutrality.

THE POLICY

Best Value

Implementation of Best Value Principles requires the Council to ensure that:

- all Council services meet quality and cost standards in accordance with section 106 of the *Local Government Act 2020*;
- all services provided by Council must be responsive to the needs of the community;
- all Council services are accessible to those members of the community for whom the services are intended;
- all Council services achieve continuous improvement in the provision of services for its community;
- the Council consults regularly with the community in relation to the services it provides; and
- the Council regularly reports to the community in relation to its compliance with Best Value Principles.

When applying Best Value Principles, the Council may take into account:

- the requirement to review services against the best on offer in both the private and public sectors; and
- an assessment of value for money in service delivery; and
- community expectations and values; and
- the balance of affordability and accessibility of services to the community; and
- opportunities for local employment growth or retention; and
- the value of potential partnerships with other councils, the State Government and the Commonwealth Government; and
- potential environmental advantages for the Council's municipal district.

Council commits to incorporating Best Value Principles into its daily operations by integrating best value into its continuous improvement program. It also commits to reviewing all of its services as part of its annual planning cycle as well as during the development of strategies that support the achievement of community and organisation goals.

Council commits to involve management, staff and the community (where appropriate) in the conduct of any best value service reviews.

Outcomes arising from Best Value service reviews will be implemented in accordance with the relevant conditions of Council's current Enterprise Bargaining Agreement, specifically per clauses relating to introduction of change and best value processes.

Competitive Neutrality

Wellington Shire Council is committed to implementing a Best Value and Competitive Neutrality Policy and will apply a **competitive neutrality** measure to a "Significant Council Business":

- to the extent that the benefits to be realized from the application of the Competitive Neutrality Measure outweigh the costs; and
- where the application of the competitive neutrality measure is in the public interest.

Where Council applies a competitive neutrality measure, it will select the **competitive neutrality** measure that is most appropriate to the particular significant Council business in question.

Wellington Shire Council is also committed to documenting the application of **competitive neutrality** measures to significant Council businesses or businesses that may be deemed "significant". In doing so, Council will:

- consult with and inform the community about the process of implementing a competitive neutrality measure to a relevant Council business;
- inform the community about the outcome of any application of a competitive neutrality measure; and
- investigate, document and respond to complaints alleging non-compliance by the Council to the implementation of a Best Value and Competitive Neutrality Policy or improper business practices.

HUMAN RIGHTS

Wellington Shire Council is committed to upholding the Human Rights principles as outlined in the *Charter of Human Rights and Responsibilities Act 2006 (Vic)* and referred to in Council's Human Rights Policy. The Human Rights Checklist has been completed and this policy accords with Council's policy commitment to uphold human rights principles.

REVISION HISTORY

VERSION	MAJOR / MINOR UPDATE	SUMMARY OF CHANGES
1.0	Not applicable	No changes applicable at this review

PRIVACY AND DATA PROTECTION POLICY

Policy Number:	2.3.1
Approved by:	Chief Executive Officer
Date Approved:	December 2022
Date of Next Review:	December 2023
Applicable to Unit(s):	Whole Organisation
Responsible Officer:	Chief Information Officer
Related Policies:	Records Management Policy Customer Service Policy
Related Documents:	(OVIC) Privacy by Design Policy Wellington Shire Council's Freedom of Information Part II Statement (website);
Statutory Reference:	<i>Electronic Transactions Act 2000</i> <i>Freedom of Information Act 1982</i> <i>Health Records Act 2001</i> <i>Privacy and Data Protection Act 2014</i> <i>Public Records Act 1973</i>

OVERVIEW

To assist Council in meeting the legislated requirements of the *Privacy and Data Protection Act 2014* and to establish policy for the responsible management of personal information held and collected by Wellington Shire Council.

THE POLICY

The Victorian *Privacy and Data Protection Act 2014* (Act) applies to Victorian government departments, Ministers, local councils, statutory offices, government schools, universities and TAFEs. These organisations are public sector organisations. The Act governs the way in which these organisations must responsibly collect, handle and protect personal information and ensure data security.

All Wellington Shire Council employees, Councillors, contracted service providers including subcontractors to them, consultants, volunteers, temporary and casual staff and other authorised personnel of Council are required to comply with the ten (10) Information Privacy Principles (IPPS) of the Act. The IPPS set out the minimum standards for the handling personal information.

The Privacy and Data Protection Act 2014 does not apply to health information, or how Commonwealth government agencies (i.e.: Australian Tax Office, Centrelink, etc) and private organisations (i.e.: charities and companies) should handle personal information. These are covered by other privacy laws.

The purpose of this policy is to provide a general statement about how Wellington Shire Council manages personal information and to demonstrate our commitment to privacy by:

- Helping employees understand how personal information should be handled;
- Preventing the unnecessary collection or unlawful use or disclosure of personal information; and
- Promoting greater public confidence in Wellington Shire Council's handling of personal

information.

Wellington Shire Council collects personal information provided by applicants, complainants, government agencies, members of the public, employees and other third parties in compliance with its functions and obligations under the *Privacy and Data Protection Act 2014* for the purpose of carrying out their statutory functions and associated activities.

Definitions:

Personal Information	Recorded information or opinion, whether true or not, about an individual whose identity is apparent, or can reasonably be identified. Personal information can be almost any information linked to an individual, including name, email address, address, phone number, signature, photographs or surveillance footage of an individual, comments written about an individual, or financial details.
Sensitive Information	Information or an opinion about an individual's marital status, race, political opinions, trade union membership, religion, sexual preferences, education, criminal record or employment history is considered sensitive information. These types of information are subject to higher protections under the <i>Privacy and Data Protection Act 2014</i> .
Health Information	Information or opinion about the physical, mental, psychological health of an individual, disability of an individual or a health service provided or to be provided to an individual. Health Information does not include information about an individual who has been deceased for more than 30 years.

Responsibilities:

This Policy applies to **all** Council employees, Councillors, contracted service providers including subcontractors to them, consultants, volunteers, temporary and casual staff and other authorised personnel of Wellington Shire Council. These persons must comply with the Act and the Principles which regulate the handling of personal information of individuals.

The Coordinator Information Management is Wellington Shire Council's Information Privacy Officer. The Information Privacy Officer is responsible for the review of this policy, privacy training, the promotion of privacy and data protection and to assist with related internal and external enquiries.

An e-learning training course (Record Keeping and Privacy which also incorporates Freedom of Information) is available to new and existing staff on Wellington Shire Council's Learning & Development System (LDS).

AN OVERVIEW OF THE TEN INFORMATION PRIVACY PRINCIPLES

The *Privacy and Data Protection Act 2014* contains ten IPPs, namely Collection, Use and Disclosure, Data Quality, Data Security, Openness, Access and Correction, Unique Identifiers, Anonymity, Transborder Data Flows and Sensitive Information.

Below is a summary of the ten Information Privacy Principles:

Principle 1 - Collection

Council must only collect personal information that is necessary for specific and legitimate functions

and activities and only collect the information by fair, lawful and unobtrusive means. Where reasonably practicable, Council will inform individuals why their personal information is being collected, how it will be used and to whom it may be disclosed. Privacy Collection Statements will be included on forms which collect personal affairs information of individuals.

Principle 2 – Use and Disclosure

Council must not use or disclose personal information for a purpose other than the primary purpose for which it was collected, unless it is for a related purpose that would be reasonably expected or consent from the individual has been obtained. The law allows some uses and disclosures without consent, such as to protect safety and for law enforcement purposes.

Note: Where authorised, Council may disclose personal information to third parties.

Principle 3 – Data Quality

Council takes reasonable steps to ensure that the personal information it collects, uses or discloses, is accurate, complete and up-to-date.

Wellington Shire Council will endeavour to maintain accurate records. When an error is identified (either internally or by an external party) Council will correct the information promptly.

Principle 4 – Data Security

Council takes reasonable steps to protect all personal information it holds from misuse, loss, unauthorised access, modification or disclosure.

If Council becomes aware that an individual's information has been inappropriately handled, it will take steps to inform the individual of the incident and will take appropriate action to ensure that such a breach does not occur again.

When/if Council becomes aware of a privacy breach, they must report it to Office of Victorian Information Commissioner (OVIC) so that they can respond to any enquiries which they may receive relating to the breach.

Principle 5 - Openness

Wellington Shire Council's Privacy and Data Protection Policy is publicly available on Council's website www.wellington.vic.gov.au

Council, on request, will take reasonable steps to provide individuals with general information on the types of personal information it holds and for what purposes and how it collects, holds, uses and discloses that information.

Principle 6 – Access and Correction

Individuals are able to inform Wellington Shire Council of changes to their name or address by completing a Name and Address Alteration form either online via Council's website or by hard copy and submitting the completed form to Council.

Wellington Shire Council will provide an individual with reasonable access to their personal information held by Council and will take reasonable steps to correct such information when requested by that person, in order to ensure that its records are accurate.

If Council denies access or correction, Council will provide reasons in accordance with the *Freedom of Information Act 1982*.

Principle 7 – Unique Identifiers

Council will only assign, adopt, use, disclose or require unique identifiers from individuals for the course of conducting normal Council business or if required by law. Council will only use or disclose unique identifiers assigned to individuals by other organisations if the individual consents to the use and disclosure or the conditions for use and disclosure set out in the Act are satisfied.

Principle 8 - Anonymity

Council, **where it is lawful and practicable**, will give individuals the option of remaining anonymous when entering into transactions with Council.

Principle 9 – Transborder Data Flows

Generally, Council will not send your personal information outside Victoria. In the rare cases that this may be necessary, Council will only send this personal information if the recipient of the information is bound by a scheme that is substantially similar to the IPPs or Council has obtained your consent. In some cases, this consent may be implied.

Any other transfers of information outside Victoria will be made in accordance with the provisions of the *Privacy and Data Protection Act 2014*.

Principle 10 – Sensitive Information

Sensitive information is information or an opinion about an individual's racial or ethnic origin, political opinions, trade union membership, philosophical or religious beliefs, sexual preferences or criminal record. Council will not collect sensitive information about an individual except for circumstances specified under the Act.

WHAT PERSONAL INFORMATION CAN AN ORGANISATION ASK FOR?

In Victoria, public sector organisations, including Councils, must allow individuals to remain anonymous when dealing with the organisation, where possible, if they do not require your personal information to do their work.

Personal information must be collected in a fair and lawful way and preferably collected directly from the individual rather than from another person or organisation.

DISCLOSURE OF PERSONAL INFORMATION WHERE AUTHORISED

In Victoria, individuals have the right to have their information handled securely and to be informed why their information is being collected, how it will be used, and if their information is likely to be disclosed. Council must protect and manage the personal information it holds and ensure any disclosure of personal information is authorised under the Act.

Information sharing and disclosure of personal information can occur in some instances, typically when established agreements or procedures are in place. Any disclosure requires proper legislative authority and must be documented accordingly.

Personal information may be disclosed in the following circumstances:

1. if the information is being disclosed for a related purpose which the individual would reasonably expect;
2. if the individual has given consent (remembering that there are instances permitted under the *Privacy and Data Protection Act 2014* which don't require individual's consent);
3. if the information is necessary to lessen or prevent a serious threat to health or safety;
4. if the organisation suspects unlawful activity has occurred and using or disclosing the personal information of an individual is necessary to investigate or report the activity;
5. where other law allows or requires it;
6. if it is necessary to assist a law enforcement agency; or
7. if it is necessary for research that will benefit the wider community and the research will not be published in a way that identifies the individual.

THE RIGHT TO BE INFORMED

To enable individuals to be informed, Council uses Privacy Collection Statements on forms and other platforms which seek the collection of personal information.

Privacy Collection Statements:

A Privacy Collection Statement is included on forms and online applications where individuals are required to provide their personal information. The collection statement informs the individual why their information is being collected, the intended use of the information and which third parties the information may be disclosed to.

OTHER LEGISLATION

If the *Privacy and Data Protection Act 2014* is inconsistent with a particular piece of legislation, the other legislation will take precedence.

VICTORIAN PROTECTIVE DATA SECURITY STANDARDS (VPDSS)

The *Privacy and Data Protection Act 2014*, also refers to the Victorian Protective Data Security Standards (VPDSS) which establish mandatory requirements to protect public sector information across all security areas including governance, information security, personnel security, Information Communications Technology (ICT) and physical security.

Wellington Shire Council performs assessments of its business using the Standards which support a risk management approach to identify and manage risks. This in turn informs good decision making, supports the achievement of business objectives, and effective information sharing whilst protecting public sector information.

OVIC is the primary regulator of the *Privacy and Data Protection Act 2014* and the standards and provide a source of independent advice to the community and Victorian government about how the public sector collects, uses and discloses information.

OTHER PRIVACY RIGHTS

Person Information held by Commonwealth agencies and private organisations is protected under the *Privacy Act 1988* – Australian Commonwealth law.

The *Health Records Act 2001* protects individual's health information when it is handled by public and private sector organisations in Victoria.

BREACHES

Privacy breaches occur when personal information is stolen, lost or mistakenly or deliberately disclosed. Council must make every attempt to ensure they follow the *Privacy and Data Protection Act 2014* Information Privacy Principles to prevent breaches. If you believe Council has breached your privacy you can lodge a complaint.

YOUR RIGHT TO MAKE A PRIVACY COMPLAINT

If you have concerns about how Wellington Shire Council has handled your personal information, you have the right to make a complaint.

If you believe that Council has breached your privacy rights, you should first make a complaint to Wellington Shire Council's Privacy Officer and try to resolve the issue.

You can do so by phoning Council's Privacy Officer on 1300 366 244

By email at enquiries@wellington.vic.gov.au or

By post at PO Box 506 Sale, Vic 3850

Wellington Shire Council treats complaints seriously and will try to resolve them fairly and quickly, whilst working with you and keeping you informed of its progress.

If you are not satisfied with how Wellington Shire Council deals with your *privacy* complaint, you may lodge a complaint with the Office of the Victorian Information Commissioner (OVIC) :

By phone on 1300 006 842 between 9am and 5pm, Monday to Friday.

By email at privacy@ovic.vic.gov.au; or

By post at PO Box 24274 Melbourne, VIC 3001

A copy of OVIC's privacy complaint form is available on their website <https://ovic.vic.gov.au>

If you are not satisfied with how OVIC deals with your privacy complaint, your complaint will be referred to an external, independent conciliator, who will attempt to resolve the complaint. If conciliation is inappropriate or unsuccessful, the Information Commissioner can refer the matter to VCAT.

ENQUIRIES/FURTHER INFORMATION

Enquiries regarding the *Privacy and Data Protection Act 2014* or this Policy can be directed to Council's Information Privacy Officer by contacting 1300 366 244 or emailing enquiries@wellington.vic.gov.au

Wellington Shire Council's Privacy Statement is available on Council's website.

HUMAN RIGHTS

Wellington Shire Council is committed to upholding the Human Rights principles as outlined in the *Charter of Human Rights and Responsibilities Act 2006 (Vic)* and referred to in Council's Human Rights Policy. The Human Rights Checklist has been completed and this policy accords with Council's policy commitment to uphold human rights principles.

REVISION HISTORY

VERSION	MAJOR / MINOR UPDATE	SUMMARY OF CHANGES
1.0	Minor update	<p>Changed Date of Next Review to December 2023</p> <p>Responsible Officer changed from Manager Information Services to Chief Information Officer</p> <p>Removed Related Documents reference to Customer Service Commitment superseded by Customer Service Policy</p> <p>Added Customer Service Policy to Related Policies</p>

FREEDOM OF INFORMATION POLICY

Policy Number:	2.3.2
Approved by:	Chief Executive Officer
Date Approved:	December 2022
Date of Next Review:	December 2023
Applicable to Unit(s):	Organisation
Responsible Officer:	Manager Organisational Performance and Governance
Related Policies:	Records Management Policy Privacy and Data Protection Policy Public Transparency Policy
Related Documents:	OVIC Professional Standards Wellington Shire Council Freedom of Information Procedures Wellington Shire Council FOI Part II Statement
Statutory Reference:	<i>Freedom of Information Act 1982</i> <i>Health Records Act 2001</i> <i>Local Government Act 2020</i> <i>Ombudsman Act 1973</i> <i>Privacy and Data Protection Act 2014</i> <i>Public Records Act 1973</i>

OVERVIEW

The purpose of Victoria's *Freedom of Information Act 1982* is to extend as far as possible the right of the community to access information held by government departments, local councils, Ministers and other bodies subject to Freedom of Information legislation.

In general, a person has the right to request access to documents of agencies and official documents of Ministers, other than exempt documents.

Ministers and agencies are required to administer the Act with a view to making the maximum amount of government information promptly and inexpensively available to the public.

THE POLICY

This Policy aims to ensure compliance with Wellington Shire Council's obligations under the *Freedom of Information Act 1982* and promotes a consistent approach to the handling of applications under that Act.

The Policy applies to all Councillors, Council employees, volunteers, contractors, consultants and volunteers.

The *Freedom of Information Act 1982* places statutory obligations upon agencies to assist applicants to exercise their rights under the *Freedom of Information Act 1982* (the Act).

Wellington Shire Council ensures the Act is administered consistently by processing requests conforming with the Professional Standards which have been prepared in accordance with Part 1B of the *Freedom of Information Act 1982*. The standards are binding and ensure agencies continue to facilitate and promote access to government information within legislated timeframes and at the lowest reasonable cost.

1. DEFINITIONS

Information	In this context refers to a document
Document	In the context of Freedom of Information, a document can be structured information or data regardless of format that forms a record. Examples can include maps, graphs, drawings, photographs, CCTV footage, a label or other attachment, a disc, tape, soundtrack, or a film, as well as typed or handwritten Information held on computer disk or in a data base also fits the definition of a document.
Decision	<p>In this context refers to the decision by the Freedom of Information Officer on the request.</p> <p>All decisions must be made by an officer authorised by the principal officer of the agency (Chief Executive Officer) pursuant to section 26 of the <i>Freedom of Information Act 1982</i>.</p>
Exempt	In this context refers to documents that are restricted from access as outlined in Part IV of the <i>Freedom of Information Act 1982</i> .
Access	In this context refers to entitlement to view or obtain a copy of requested documents.
Release	In this context refers to the provision of documents by the agency to the applicant.
Review	In this context refers to the re-evaluation of a Freedom of Information decision by a third party (Office of the Victorian Information Commissioner / VCAT).

2. APPLICATIONS AND FEES

Any person may submit an application for access to a document or documents under the Act. A company or other organisation cannot make a request; but an individual employee or member of a company or organisation can do so.

Access to documents can be granted or denied in full or in part. If certain information in a document is regarded as exempt from disclosure, according to the categories of exceptions specified by the Act, the exempt material may be redacted from the copies which are released.

Council's Freedom of Information Officer must advise the applicant if a document has been lost, has never existed or has been destroyed.

Freedom of Information requests must be in writing and accompanied by an application fee unless the applicant can demonstrate hardship or concession status enabling the fee to be waived.

Access charges also apply to requests and are calculated by the Freedom of Information Officer in accordance with the *Freedom of Information (Access Charges) Regulations 2014*. Charges are calculated for time spent searching for documents, supervision times, photocopying and other charges which may be applicable to a request. In some instances a \$25.00 or 50% deposit is required prior to Council processing a request.

The Freedom of Information Officer can notify the applicant that the 30 days in which to make a decision has been extended by up to 15 days due to mandatory third party consultation. This timeframe can be further extended with consent from the applicant.

3. ACCESS OUTSIDE OF THE FREEDOM OF INFORMATION ACT

Information which can be obtained outside of the *Freedom of Information Act 1982*, either through another legislated process, is publicly available or obtainable through standard administrative practices, will be processed outside of the *Freedom of Information Act 1982*.

Wellington Shire Council's Part II Statement is a requirement under section 7 of the *Freedom of Information Act 1982*. The Act specifies a set of statements which Wellington Shire Council must publish describing its powers and functions, the documents and information maintained and the ways in which people can view or access copies.

4. EXEMPTIONS

Under the *Freedom of Information Act 1982*, a person does not have the right to obtain publications which are available for a fee from Council, documents which are held by the Public Record Office of Victoria or documents that are readily available to the public.

For a complete listing and explanation of the exemptions, a link to the *Freedom of Information Act 1982* exists on Wellington Shire Council's Freedom of Information Part II Statement available on Council's website.

5. TRAINING / ADVICE

The Coordinator Governance and Council Business is directly responsible for coordinating, delivering and attending relevant Freedom of Information training, attending network meetings, request processing and making decisions, as authorised, in accordance with the Act.

The Coordinator is also responsible for creating and maintaining the Freedom of Information Policy, FOI Part II Statement, procedures and responding to enquiries. An e-learning training course titled Record Keeping and Privacy, which incorporates FOI, is available on Wellington Shire Council's Learning and Development system.

6. OFFICE OF THE VICTORIAN INFORMATION COMMISSIONER (OVIC)

The Victorian Government has created an Office of the Victorian Information Commissioner (OVIC) as a primary regulator and source of independent advice to the community and the Victorian Government about how the public sector collects, uses and shares information.

The Act enables the Information Commissioner to develop Standards relating to the conduct of an agency in performing its functions under the Act and the administration and operation of the Act by an agency. Council processes requests in accordance with The Professional Standards.

The functions of the Victorian Information Commissioner are set out in the *Freedom of Information Act 1982* (FOI Act) the *Privacy and Data Protection Act 2014* (PDP Act) and on the OVIC Website <https://ovic.vic.gov.au>

7. REVIEWS

The Information Commissioner can review Wellington Shire Council's decisions on applications. Applications for a review of a FOI decision must be made by the applicant to OVIC within 28 days of receiving the decision from Council.

The Commissioner can make an independent review on decisions relating to:

- the refusal of access to a document in full or in part under the *Freedom of Information Act 1982*;
- deferring access to a document;
- no waiver or reduction of an application fee; or
- refusal to amend a record containing your personal information.

8. COMPLAINTS

OVIC can investigate complaints about certain actions taken or actions failed to be taken by an agency under the *Freedom of Information Act 1982*.

You can complain to the Information Commissioner if there has been:

- a delay in handling your request;
- a decision that a requested document does not exist or cannot be found; or
- a failure by the principal officer (CEO) or any other officer of an agency to comply with the Professional Standards in performing functions under the FOI Act, or
- a decision to release personal or business information.

For a complaint to be valid, it must be made within 60 days of the conduct you are complaining about, be in writing, identify the relevant agency, and describe the nature of your complaint.

Detailed information on how to make a complaint, request a review and other information relating to Freedom of Information is available on the OVIC website <https://ovic.vic.gov.au>

9. MAKING AN APPEAL TO THE VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

Council, the Freedom of Information applicant or other parties may appeal the Information Commissioner's review decision by appealing to the Victorian Civil and Administrative Tribunal (VCAT).

Applications for Appeal must be lodged to VCAT within 60 days of receipt of the Commissioner's written decision.

An appeal cannot be made to VCAT regarding the outcome of a complaint.

Procedures and Guidelines:

- Wellington Shire Council's Freedom of Information Part II Statement
- Wellington Shire Council's Freedom of Information Procedures Manual

Further Information:

Further information including guidelines on how to submit an application, request processing, costs and reviews is available on Wellington Shire Council's website www.wellington.vic.gov.au

A Freedom of Information application can be downloaded from Council's website. For further enquiries contact Wellington Shire Council's Freedom of Information Officer by emailing foi@wellington.vic.gov.au or phoning 1300 366 244.

Detailed information regarding Freedom of Information is also available on the Office of the Victorian Information Commissioner's website <https://ovic.vic.gov.au>

HUMAN RIGHTS

Wellington Shire Council is committed to upholding the Human Rights principles as outlined in the *Charter of Human Rights and Responsibilities Act 2006 (Vic)* and referred to in Council's Human Rights Policy. The Human Rights Checklist has been completed and this policy accords with Council's policy commitment to uphold human rights principles.

REVISION HISTORY

VERSION	MAJOR / MINOR UPDATE	SUMMARY OF CHANGES
1.0	Minor update	Updated Responsible Officer Updated responsible Coordinator under "Training/Advice" Minor formatting and grammar

RECORDS MANAGEMENT POLICY

Policy Number:	2.3.3
Approved by:	Chief Executive Officer
Date Effective:	December 2022
Date of Next Review:	October 2023
Applicable to Unit(s):	Organisation
Responsible Officer:	Chief Information Officer
Related Policies:	Fraud Control Policy Privacy & Data Protection Policy Records Disposal Policy Risk Management Policy Freedom of Information Policy CCTV Policy Social Media Policy
Related Documents:	Written Style Guide Councillor Code of Conduct Employee Code of Conduct
Statutory Reference:	<i>Freedom of Information Act 1982 (Vic)</i> <i>Privacy & Data Protection Act 2014</i> <i>Evidence Act 2008 (Vic)</i> <i>Electronic Transactions (Victoria) Act 2000</i> <i>Health Records Act 2001</i> <i>Crimes Act 1958</i> <i>Crimes (Document Destruction) Act 2006</i> Australian Standard on Records Management (AS ISO 15489), PROV Recordkeeping Standards, <i>Local Government Act 2020</i> Victorian Public Service Code of Conduct. <i>Public Health and Wellbeing Act 2008</i> <i>Public Records Act 1973</i>

OVERVIEW

To establish policy and recordkeeping framework outlining accountabilities and responsibilities for the creation, receipt, capture, protection, control, management and disposal of Wellington Shire Council's records in accordance with legislative requirements. The policy also specifies the potential consequences of non-compliance and, or breaches.

THE POLICY

This policy applies to all records regardless of medium or format, created, received or retained, by any staff member, where they handle information of a Council business nature and also applies to all contractors and consultants that handle information of a Council business nature in accordance with their contractual obligations, volunteers, trainees and Councillors.

Wellington Shire Council is committed to making and maintaining information and records that fully and accurately reflect its business activities, and undertakes to provide its staff with appropriate guidance, tools and services to ensure its recordkeeping commitments are achieved.

Records contain information that is a valuable resource and an important business asset. Good recordkeeping maintains corporate, personal and collective memory and provides protection and support in litigation including the management of risks associated with the existence of or lack of evidence of organisational activity.

Records also enable the conduct of business in an orderly, efficient and accountable manner. Procedures and other guidelines are not required to be adopted by Council.

This Records Management Policy is to ensure comprehensive and accurate records of all activities and decisions of Wellington Shire Council are created, managed and kept in accordance with relevant legislation.

This policy:

- Defines roles and responsibilities for the creation, management and disposal of records.
- Ensures full and accurate records of all business activities, including decisions of Council are maintained to support community, business and legislative requirements.
- Ensures appropriate access and security levels are maintained.
- Ensures corporate records are easily retrieved and accessible now and in the future.

Definitions

A comprehensive list of recordkeeping definitions is available by contacting Information Management staff or searching Wellington Shire Council's electronic document records management system for the document titled "DEFINITIONS – RECORDKEEPING TERMS"

Record	<p>A record as defined under the Public Records Act means any record of information, however recorded, created or received by a public officer in the course of their duties.</p> <p>A record can be in electronic (e.g. email, fax, word, PDF, video, social media, CCTV audio and footage, recording, instant messaging) or hardcopy format (e.g. paper, photo etc).</p>
Document	Documents consist of recorded information or data that can be structured or unstructured and in written, printed, or electronic form.
EDRMS	Electronic Document Records Management System

Responsibilities

Records Management responsibilities for Victorian Government agencies are detailed in the records management standards and specifications issued by the Public Record Office Victoria (PROV) under the Public Records Act 1973.

The Chief Executive Officer is responsible for ensuring that Wellington Shire Council complies with legislative requirements for recordkeeping, including the *Public Records Act 1973*.

All managers and supervisors are responsible for monitoring staff under their supervision to ensure that they understand and comply with records management policies and procedures. Managers and supervisors are also responsible for fostering and supporting a culture within their workgroup that promotes good record management practices.

All members of staff (including Councillors, consultants, volunteers and those under contract) have a responsibility to create, capture and manage complete and accurate records of Council's business, including records of decisions made, actions taken and transactions of daily business. They must also respect the privacy of individuals and the confidentiality of corporate information and protect records from unauthorised access, alteration, removal or destruction and from inappropriate release of information.

Records management responsibilities of all staff as identified in the policy are included in staff position descriptions.

Councillors are responsible for ensuring that full and accurate records of activities undertaken in the course of their official duties as Councillors are created, managed and disposed of appropriately to meet the Council's organisational needs and transparent governance practices. Councillors must respect and protect the confidentiality of these Records from unauthorised access and release of information. Records which have sought staff opinion or response are public records and must be captured in the organisations EDRMS or software fit for purpose and managed in accordance with the Public Record Office Victoria Standards, Policies, Guides and retention and disposal authorities (PROS 07/01 Common Administrative Functions & PROS 09/05 Local Government Functions).

Staff Departure

On ceasing employment or a contract with Council, employees, contractors, consultants and temporaries are responsible to ensure that all physical records in their custody are transferred to their supervisor or returned to Information Management. They are also responsible for ensuring records are not deliberately or accidentally deleted or destroyed. Records must remain active for their required retention and be retrievable until they are eligible for destruction in accordance with the relevant retention and disposal authorities. Information Management staff manage authorised document destructions of physical records which can only occur after inactive records which have reached their minimum document retention have been approved for destruction by the Manager and General Manager of the business unit to which the documents relate.

To ensure staff computer and software access is disabled promptly on their departure, relevant staff are alerted of the pending departure and must action departure requirements and sign the Departure Checklist. The Coordinator Information Management and the Senior Information Officer manage Councils EDRMS System Maintenance and promptly remove access rights to the system when staff departures, secondments and onboardings occur.

Policy Statements

- Wellington Shire Council ensures all employees, Councillors, contractors and volunteers receive appropriate training, guidelines and practical advice.
- Wellington Shire Council ensures that records of longer-term value are identified and protected for historical purposes and those records identified as permanent are transferred.
- Wellington Shire Council follows sound procedures for the retention and disposal of all information and records;
- Wellington Shire Council does not condone the falsification, alteration, or damage of records;
- Wellington Shire Council follows sound procedures for the storage of all information and records, including those in electronic format. This includes the implementation of appropriate disaster preparedness planning, and Approved Public Records Offsite Storage Supplier for physical records (APROSS);
- Wellington Shire Council has an Agreement with Grace Records Management (MAV Procurement) for the secure offsite storage of short and long term temporary records;
- Wellington Shire Council does not condone the destruction of records, except in accordance with PROV Standards.

- Records reasonably likely to be required as evidence in current or future legal proceedings must not be destroyed, concealed, rendered illegible, undecipherable or incapable of identification.
- Wellington Shire Council ensures that risk management and business continuity planning are considered as an integral part of information and records management practices.
- This policy will be communicated throughout Wellington Shire Council through all levels of business to all members of staff (including volunteers and those under contract, and Councillors) and must be incorporated in regular staff training including, staff induction training and Councillor inductions
- Onboarding and existing staff complete an inhouse e-learning training course on Recordkeeping & Privacy and periodically are required to re-complete the training to maintain currency and knowledge.
- EDRMS training is also provided to relevant staff via one-on-one and group face-to-face and Skype training sessions and Information Management staff are readily available to assist with recordkeeping enquiries and EDRMS ongoing assistance.

Recordkeeping Systems

Records Systems at Wellington Shire Council manage the following processes:

- The creation and capture of records;
- The maintenance and management of records;
- The storage of records;
- The protection of record integrity and authenticity;
- The security of records;
- Access to records; and
- Disposal of records.

Council's EDRMS assists in making full, complete, accurate and reliable records, which are compliant, adequate, complete, meaningful, comprehensive, accurate and authentic, by being securely maintained to prevent unauthorised access, alteration, removal or destruction.

Access to records must be open, unless there is a justifiable reason to restrict the access.

Records captured within Council's authorised electronic records document management system are accessible to all staff unless restricted access is required. System Administrators are responsible for assigning access rights to ECM accounts and auditing the access periodically.

The following exemptions to general access apply:

- where information is commercial in confidence, personal in confidence, or management in confidence; and
- where information is restricted due to legislative or business requirements.

While the EDRMS constitutes Wellington Shire Council's preferred primary records system for all corporate administrative records, there are a number of databases and software applications that manage records which operate outside of the EDRMS.

Information Ownership

Any physical document, data or information in electronic format, irrespective of how it came to be in a computer system owned or managed by the Council remains the property of the Council including any personal documents and emails. **Storage**

The PROV Storage Standard requires that all public records, regardless of format, are stored in areas appropriate for their security, preservation and retrieval.

Security

The Code of Conduct for Victorian Public Sector Employees requires that public sector employees with access to official information ensure it is only used for official purposes and in an approved manner. Official and personal information is handled according to relevant legislation and public sector body policies and procedures. Public sector employees may only disclose official information or documents acquired in the course of their public employment when required to do so by law, in the legitimate course of duty, when called to give evidence in court, or when proper authority has been given. Records must only be retrieved and used for authorised purposes in accordance with relevant legislation and access policies.

Records must be kept secure from unauthorised access, unauthorised release, alteration and unlawful destruction.

PENALTIES AND EXEMPTIONS

Adherence to the Records Management Policy is a mandatory requirement for all staff including: Chief Executive Officer, General Managers, Managers, Coordinators, Staff, Contractors, Consultants, Volunteers, and Councillors (where the records are of a council business nature).

Where there is evidence of a breach of this policy, Wellington Shire Council will conduct an investigation to determine the circumstances and extent of the breach.

Non-compliance or breaches of this policy, associated standards and legislative requirements by Council employees, Councillors, contractors and/or volunteers, will be addressed in accordance with either the Staff Code of Conduct or Councillor Code of Conduct as appropriate.

Section 254 of the *Crimes Act 1958 (The Act)* creates an offence relating to the destruction of a document or other object that is reasonably likely to be required in evidence in a legal proceeding. It is important to note that the Act creates this offence in situations where no litigation is actually commenced (it has always been illegal to destroy evidence once a case has actually been launched). This covers circumstances where an individual or organisation destroys documents that may at some future time be needed in evidence, and where this need can and has been anticipated. The Act specifies penalties for the offence, for both individuals and for corporate entities

ENQUIRIES/FURTHER INFORMATION

Enquiries regarding Records Management or this Policy can be directed to Council's Coordinator Information Management by contacting 1300 366 244 or emailing enquiries@wellington.vic.gov.au

HUMAN RIGHTS

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REVISION HISTORY

VERSION	MAJOR / MINOR UPDATE	SUMMARY OF CHANGES
1.0	Minor update	Changed Date of Next Review to October 2023 Changed Manager Information Services to Chief Information Officer Updated reference to APROSS for approved public records offsite storage supplier to correct acronym.

RECORDS DISPOSAL POLICY

Policy Number:	2.3.4
Approved by:	Chief Executive Officer
Date Approved:	December 2022
Date of Next Review:	December 2023
Applicable to Unit(s):	Organisation
Responsible Officer:	Chief Information Officer
Related Policies:	Freedom of Information Policy Privacy and Data Protection Policy Records Management Policy CCTV Policy
Related Documents:	Staff Code of Conduct Councillor Code of Conduct PROS 10/13 Disposal Standard, Specifications & Guidelines
Statutory Reference:	<i>Public Records Act 1973</i> <i>Crimes Act 1958</i> <i>Evidence Act 2008 (Vic)</i> <i>Freedom of Information Act 1982</i> <i>Privacy and Data Protection Act 2014</i> <i>Health Records Act 2001</i>

OVERVIEW

Records disposal is an important part of efficient and effective records management. It is the process of retaining, transferring, or destroying records.

Disposal is defined as a range of processes associated with implementing the retention, deletion, destruction or transfer of records.

It is mandatory for Wellington Shire Council to create, maintain, preserve and dispose of records in accordance with the *Public Records Act 1973*.

Section 254 of the *Crimes Act 1958* creates an offence if a person destroys a document, knowing that it is, or is likely to be, required in evidence in legal proceedings.

THE POLICY

The policy explains Wellington Shire Council's disposal management program and outlines Council's approach to lawfully disposing of agency records.

The Records Disposal Policy is consistent with and should be read in conjunction with Wellington Shire Council's Records Management Policy.

The policy applies to:

- All staff whether permanent, temporary or casual, including contractors, consultants, councillors and volunteers.
- Records of all work carried out by or on behalf of the agency and in all media or formats

(e.g. hardcopy, digital document, email and websites) and in all business systems.

- All records created and received by Wellington Shire Council in all formats, media and systems, including business systems. The overarching framework for all other corporate recordkeeping standards and retention and disposal schedules.

Retention and Disposal Requirements

Wellington Shire Council will only destroy or dispose of records in accordance with Public Records Office Victoria Standards. Disposal Authorities are issued by the Keeper of Public Records and are a legal instrument authorising the destruction or transfer of public records and define the minimum retention time that different classes of records must be kept and how they are to be disposed of. They authorise the destruction of time-expired records. They also identify records that are to be permanently retained as State Archives.

Public Records Office Standards

When sentencing records Wellington Shire Council references both the:

- Public Record Office Standard (PROS) 07/01 – General Retention and Disposal Authority for Records of Common Administrative Functions; and
- Public Record Office Standard (PROS) 09/05 – Retention and Disposal Authority for Records of Local Government Functions

Wellington Shire Council's Disposal Program

Council's disposal program provides planned authorised disposals which reduces storage costs; enhances access to existing records by reducing the time expired records; assists with identification of records required for Freedom of Information requests, subpoenas and discovery in general; identifies permanent records enabling appropriate management prior to transfer to the Public Record Office Victoria and assists with legislative compliance.

Certain Records can be Destroyed under Normal Administrative Practice

The destruction of some records is permitted under normal administrative practice without authorisation.

The following categories of records may be destroyed as normal administrative practice;

- superseded manuals or instructions;
- catalogues and trade journals;
- "copies" of press cuttings, press statements or publicity;
- facsimiles where copies have been made;
- drafts of reports, correspondence, speeches, notes, spreadsheets, the content of which has been reproduced and incorporated in Council's electronic document records management system (EDRMS) or other systems; and
- routine statistical and progress reports compiled and duplicated in other reports.
- Closed Circuit TV (CCTV) recordings will be routinely destroyed after approximately 30 days unless quarantined by the Coordinator Built Environment Facilities for legal or Freedom of Information purposes.

Authorisation to Approve Destruction

All official records must be authorised for destruction, whether they are hard copy or electronic records in the electronic documents record management system (EDRMS) or other systems. The

authorisation process is designed to ensure records are not destroyed before the required retention period, and other administrative, legal, financial and audit needs have been considered.

Prior to any physical records being destroyed, they are listed on a Wellington Shire Council's Records Destruction Register Authorisation and Notification form and sent directly to the relevant authorising officers' (e.g. the Manager and General Manager to whom the documents relate) for review and disposal approval.

The authorising officers must indicate if the records are still required for any of the following functions:

- Legal requirements – legislation requires the records to be retained if they relate to a current case or an expected legal case, or are relevant to an FOI application;
- Administrative need – records are required to support the business activities;
- Audit / financial requirements – records relate to an activity being audited or due to be audited.

If authorisation is not approved, the records must be retained with a new review date or trigger assigned to them. Justification for retaining the records must be provided by an authorised officer.

Records Disposal Program Structure

For the purpose of ensuring the effective management of the disposal program, it is imperative to take a coordinated approach to the sentencing and disposal of records.

Inactive records which are eligible for destruction are sentenced by Information Management in accordance with the relevant Public Record Office Victoria Retention and Disposal Schedule(s), listed on Records Destruction Authorisation forms, signed off by the relevant business units Manager and General Manager authorising the destruction of the records and are prepared for destruction by an authorised shredding company.

Wellington Shire Council captures all signed Records Destruction Authorisation forms in their electronic document records management system (EDRMS). The forms list the documents which have been destroyed by secure shredding, the disposal authority and assigned class and the date of the destruction.

Inactive records archived at Council's Approved Public Office Storage Supplier (APROSS) which are eligible for destruction are also listed on the Records Destruction Authorisation forms and signed off by the relevant Manager and General Manager. The supplier is then notified by Council of the records eligible for destruction and they are responsible for destroying the records and providing a Certificate of Destruction which is also captured into Council's EDRMS by Information Management.

Responsibilities

The Chief Executive Officer is responsible for ensuring all staff, Contractors, Consultants, Volunteers and Councillors (where the records are of a council business nature) at Wellington Shire Council comply with the *Public Records Act 1973* and the legislative requirements for records disposal.

All authorised document destructions must be managed by the Coordinator Information Management or the Senior Information Officer in accordance with the Public Record Office Victoria (PROV) Disposal Standard PROS10/13.

Methods of Secure Destruction

Documents eligible for destruction must be listed on a Wellington Shire Council's *Records Destruction Register Authorisation and Notification* form and destruction approval provided by the applicable Manager and General Manager of the unit(s) to which the records relate.

Authorised bulk document disposals are performed by Council's offsite approved secondary storage provider and/or the professional services of an authorised professional document management organisation by means of secure shredding.

Staff are **not permitted to destroy records** other than those eligible for destruction under normal administrative practice. Non-sensitive material should be placed in normal recycling bins whilst confidential and sensitive documents must be placed in locked secure bins or shredded.

Policy Breaches

Adherence to the Records Disposal Policy is a mandatory requirement for all staff including: Chief Executive Officer, General Managers, Managers, Coordinators, Staff, Contractors, Consultants, Volunteers, and Councillors (where the records are of a council business nature).

Where there is evidence of a breach of this policy, Wellington Shire Council will conduct an investigation to determine the circumstances and extent of the breach.

Non-compliance or breaches of this policy, associated standards and legislative requirements by Council employees, Councillors, contractors and/or volunteers, will be addressed in accordance with either the Staff Code of Conduct or Councillor Code of Conduct as appropriate.

Terms and Definitions

Access	The right, opportunity, means of finding, using or retrieving information.
Destruction	Process of eliminating or deleting records, beyond any possible reconstruction. Note: Authorised document destructions must be managed by Information Management Staff.
Normal Administrative Practice (NAP)	The destruction of some records is permitted under normal administrative practice (NAP). NAP covers the destruction of ephemeral material of a facilitative or duplicate nature created, acquired or collected by agency employees during the course of their employment.
Record	Information created, received and maintained as evidence by an organisation or person in the transaction of the business, or in pursuance of legal obligations, "regardless of media".
Record Management	The field of management responsible for the efficient and systematic control of the creation, receipt, maintenance, use and disposition of records, including the processes for capturing and maintaining evidence of and information about business activities and transactions in the form of a record
Retention	The preservation of records that makes possible the recall or recognition of information contained in the records.
Retention period	The period for which a record must be kept before it may be destroyed. The retention period is set from the date the record ceases to be current.

Retrieval	The process of finding and making available records that have been retained in storage.
Storage	Process involving placement and retention of records for subsequent use.
Sentencing of Records	Sentencing is the process of using a Retention and Disposal Authority or Normal Administrative Practice to decide whether to retain, destroy or transfer a record.

ENQUIRIES / FURTHER INFORMATION

Enquiries regarding records and document disposal or this Policy can be directed to Information Management staff by contacting 1300 366 244 or emailing enquiries@wellington.vic.gov.au

HUMAN RIGHTS

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REVISION HISTORY

VERSION	MAJOR / MINOR UPDATE	SUMMARY OF CHANGES
1.0	Minor update	Date of next review to December 2023 Responsible Officer changed from Manager Information Services to Chief Information Officer

RISK MANAGEMENT POLICY

Policy Number:	2.4.1
Approved by:	Chief Executive Officer
Date Approved:	December 2022
Date of Next Review:	December 2023
Applicable to Unit(s):	Whole Organisation
Responsible Officer:	Manager Organisational Performance and Governance
Related Policies:	Occupational Health and Safety Policy Procurement Policy Fraud Control Policy
Related Documents:	Risk Management Framework 2020/21 Risk Register Risk Register User Guide and Resource Manual Administrative Policy Manual Risk Management Strategy International Risk Management Standard AS ISO 31000:2018 – <i>Risk Management-Guidelines</i>
Statutory Reference:	Nil

OVERVIEW

To establish policy for the management of organisational risk.

THE POLICY

In application of the Risk Management-Guidelines (AS ISO 31000: 2018), Council is committed to best practice in the identification, evaluation and control of risks to ensure that, as far as is reasonably practical, risks are reduced to an acceptable level, or eliminated.

Specifically, risks to Council include, but are not limited to the following areas:

- Strategic risk
- Environmental
- Health and Safety
- Human Resources
- Project, Product and Service Delivery
- Financial and Economic
- Leadership and Corporate Governance
- Reputation and Corporate Image
- Legislative Compliance and legal
- Technology and Information Management
- Assets, Facilities and Security
- Procurement
- Interagency and State-wide risks

- Internal Controls

The aim of risk management is to minimise losses and maximise opportunities. This policy should be read in conjunction with Wellington Shire Council's Risk Management Framework 2021/22.

Council's risk management objectives are to:

- Embed risk management into all aspects of Council's corporate planning and operations
- Foster a culture that embraces accountability for risk management throughout the organisation
- Promote and support best risk management practices throughout Council
- Equip staff and management with the knowledge and ability to identify, analyse and prioritise areas of risk to Council
- Apply risk management processes into all pre – employment screening
- Implement effective processes to reduce and/or eliminate high-level risk
- Continuously improve risk assessment, monitoring and reporting standards
- Determine how risk should be reported to Council, Auditors and Audit Committee
- Undertake risk assessments for key operations, projects and strategies and maintain a comprehensive and regularly updated risk register to identify and monitor operational and strategic risks, and response plans
- Allow for the effective allocation and use of resources
- Provide a basis for higher standards of accountability through the creation of effective performance objectives and measurement of performance against these objectives
- Manage appropriate cover and minimise costs associated with insurance and litigation.

Council is responsible for approving the Risk Management Policy and with the Chief Executive Officer is responsible for providing adequate resources for the implementation and maintenance of this Policy. Management and staff are responsible and accountable for the application of Council's Risk Management Policy as it extends to their area of responsibility. In particular, Management is responsible for developing risk mitigation plans and implementing risk reduction or treatment strategies.

Our approach is designed to ensure risk management is an integral part of all our decision-making processes. We will use a structured risk management program to minimise foreseeable disruption to operations, financial loss, harm to people and damage to the environment and property. Such a program will actively promote and support effective risk management practices through Council via the provision of ongoing education and instruction to managers and staff, in addition to maintaining an extensive register of known risks.

Council's approach to defining risk appetite is to minimise our exposure to reputational, compliance and financial risk, whilst accepting and encouraging an increased degree of risk in pursuit of our key strategic objectives. We recognise that our appetite for risk varies according to the activity undertaken, that acceptance of risk is subject always to ensuring that potential benefits and risks are fully understood before developments are authorized, and that sensible measures to mitigate risk are established.

RISK MANAGEMENT ROLES AND RESPONSIBILITIES

Successful implementation of Council's risk management framework requires a consistent and systematic approach at all levels of the Shire. Managers, employees and contractors are responsible for ensuring that risk management is given high priority in the day-to-day conduct of the Shire and Shire related activities.

Council

- Adopt a risk management policy that complies with the requirements of ISO 31000:2018 and review and amend the policy as required.
- Provide adequate budgetary provision for the financing of risk management including approved risk mitigation activities.
- Appoint and resource the Audit and Risk Committee.

Audit and Risk Committee

- Review adequacy and effectiveness of the Risk Management Framework
- Monitor performance of implementing action plans arising from risk assessments including the risk assessments undertaken by the internal auditor.

Chief Executive Officer

- Promote effective management of all types of risks across the Shire's operations.
- Ensure Councillors are aware of risk management objectives.
- Ultimately responsible for managing risks across the Council.
- Responsible for the recognition and adoption of risk management as a key function of Council, and to ensure the inclusion of risk management as a priority within Council's strategic plan, within all staff position descriptions, within the annual report and other Council documentation.
- Demonstrate a commitment to risk management for all staff.
- Ensure resources are appropriately allocated to meet Council's risk management requirements.

General Managers and Managers

- Responsible for the identification, review, analysis and appropriate treatments applied of all risks within their Division or business unit.
- Ensure adequate protection of Shire staff, assets and operations from risks through appropriate budgeting and implementation of loss control programs.
- Ensure liability risks to customers are effectively managed.
- Ensure all staff are conversant with and understand the role of risk management within Council operations.
- Support and encourage a risk aware culture within the organization by endorsement of promotion of Council's Risk Management Framework.
- Liaise with the Occupational Health and Safety Officer to ensure provision of a safe and healthy work environment and implementation of appropriate safe work practices and control measures.
- Supervise and audit contractors to ensure risk management policies and procedure are applied.

Manager People and Capability

- Provide guidance to the Risk Management Coordinator to determine and address risk management objectives and priorities.
- Facilitate regular risk reporting to CMT and Audit and Risk Committee and update this strategy and related documents.

Risk Management Coordinator

- Promote implementation of risk management strategies and programs designed to minimise risks and potential losses to the Shire.
- In agreement with General Manager Corporate Services and the Manager People and Capability formulate a list of annual objectives to support the Risk Management Framework.
- Develop and review risk management related policies and procedures.
- Develop and maintain a risk register and update the risk analysis matrix for prioritizing of risk against Council's risk appetite.
- Support the development, maintenance and review of Council's Business Continuity Plan.
- Review and provide input into the Shire's insurance portfolio and claim procedures.
- Provide advice and training on risk management principles and processes

Employees and Contractors

- Perform duties in a manner that is within an acceptable level of risk to their health and safety, and that of other employees, contractors and customers.
- Comply with Council's policies and quality assurance procedures where applicable.
- Make loss control and prevention of priority when undertaking tasks.
- Report any hazard or incidents as detected to their Supervisor / Manager or the Shire Responsible Officer (for contractors)
- Be aware of the risk management philosophy and processes of Council.

HUMAN RIGHTS

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REVISION HISTORY

VERSION	MAJOR / MINOR UPDATE	SUMMARY OF CHANGES
1.0	Minor update	Updated Responsible Officer title No changes applicable at this review as a larger review is being undertaken and due by June 2023

FRAUD CONTROL POLICY

Policy Number:	2.4.2
Approved by:	Chief Executive Officer
Date Approved:	December 2022
Date of Next Review:	December 2023
Applicable to Unit(s):	Whole Organisation and Councillors
Responsible Officer:	Manager Organisational Performance and Governance
Related Policies:	Procurement Policy Risk Management Policy Corporate Credit Card Policy Mandatory Notification Policy Public Interest Disclosures Policy
Related Documents:	Fraud Incident Analysis Procedure Public Interest Disclosure Procedure Human Rights Charter Employee Code of Conduct Councillor Code of Conduct
Statutory Reference:	<i>Public Interest Disclosure Act 2012</i> <i>Local Government Act 2020</i> <i>Crimes Act 1958</i> <i>AS 8001-2008 Fraud and Corruption Control</i> <i>Independent Broad-based Anti-Corruption Commission</i>

PURPOSE

To provide a framework for the prevention, detection and reporting of fraudulent activity at Wellington Shire Council.

OVERVIEW

Council is committed to ensuring robust governance and the ethical conduct of all Councillors and employees by preventing, detecting and investigating all forms of fraud and corruption that may occur. It is also the responsibility of all Councillors, employees and contractors to report all suspected cases of fraud or corruption.

This Policy identifies the minimum requirements and responsibilities for the governance, prevention, detection, and the response to suspected fraud and corruption within Council and:

- ensures that our workforce and Councillors act legally, ethically and in the public interest
- enables staff to understand their obligations and implement practices to stop fraud and corruption occurring

Council has a zero tolerance approach to fraud and corruption and as required will refer any fraudulent or corrupt activity to the appropriate law enforcement or regulatory body for independent investigation.

Council's Fraud Control Policy is established to facilitate the development of controls which will aid in the prevention and detection of fraud and corruption against Wellington Shire Council. It is the intent of Council to promote consistent organisational behaviour by providing guidelines and

assigning responsibility for the development of controls and conduct of investigations.

The potential impact of fraud and corruption on Council and the community can be significant. It can disrupt business continuity, reduce the quality and effectiveness of critical services, result in costly litigation, and threaten the financial stability of Council. It can also damage Council's organisational culture, public image and reputation.

THE POLICY

This policy forms an integral part of Council's risk management strategy and will contribute to a culture of awareness which encourages all staff and Councillor responsibility and workplace protection against fraud and corruption.

This policy applies to all Councillors, Council employees and agents of Council.

Agents of Council extend to include contractors working in-house, staff on exchange, members of Special Committees, members of Advisory Committees, volunteers, work experience students or graduate placements who perform work for Council as well as external suppliers and other contractors and subcontractors.

Definition of Fraud

Fraud is defined as dishonestly obtaining a benefit by deception or other means and is criminal activity as outlined in the *Crimes Act 1958*.

The risk of fraud may be:

- **internal** (performed by an employee or contractor of an organisation), or
- **external** (performed by a customer or an external service provider or third party).

Fraud can relate to theft, false representations, concealment, destruction and unauthorised use of information. In complex fraudulent activity, there may be collaboration between employees, contractors and/or external service providers.

Internal fraud examples include but are not limited to:

- using work resources for commercial purposes;
- using departmental information to gain a personal advantage;
- using personal relationships to gain an advantage in recruitment / procurement processes;
- claiming benefits where the individual or entity is not entitled (this includes misuse of leave and / or work time and unentitled accruing, and use, of flexi-time);
- falsely recording work time to gain additional flexi-time or over-payment of wages;
- misuse of organisation credit cards and fuel cards;
- disclosing confidential and proprietary information to outside parties;
- disclosing to other persons confidential activities proposed to be engaged in by parties which require the approval of Council;
- misuse of powers granted under an Instrument of Delegation;
- accepting or seeking anything of material value from contractors, vendors or persons providing goods and services to the Council;
- destruction, removal or inappropriate use of records, computers, furniture, fixtures or equipment of Council;

- unauthorised use of Council's vehicles, plant, computers, telephones and other property or services;
- theft of plant, equipment, stock, cash, intellectual property, or other confidential information;
- forgery or alteration of any document, cheque, bank order or any other financial document;
- misappropriation of funds, securities, supplies or other assets;
- impropriety in the handling or reporting of money or financial transactions; or
- profiteering as a result of insider knowledge of Council activities.

External fraud examples include but are not limited to:

- customers deliberately claiming benefits from government programs that they are knowingly not eligible for;
- customers obtaining false identities or licenses;
- individuals making false declarations or fraudulently completing forms (i.e. court forms, statutory declarations);
- an existing external Council client knowingly providing a false invoice for payment;
- individuals creating a false vendor in order to request payment from Council for goods and / or services that were not provided;
- misuse of grant or community funding; or
- false application for grant or community funding.
- cyber fraud, phishing and vishing

Corruption is dishonest activity by an official, employee or contactor which is contrary to the interest of the organisation or its clients. An incident of corruption may include an element of fraud or deception. Accepting benefits which may be perceived to conflict with public duties, or using information obtained from work for personal benefit is corruption. For example, if an official abused their position of trust to gain advantage or avoid disadvantage to the detriment of the organisation and/or its clients, this would be corruption.

Fraud Awareness and Responsibility (refer also to Appendix A)

The responsibility for managing the risk of fraud in the Wellington Shire Council rests with both the Council and Council management. Wellington Shire Council does not tolerate or condone fraudulent conduct. Management is responsible to demonstrate a genuine and strong commitment to fraud control to Council staff and clients.

Council will provide information and training on fraud control and reporting through Council's induction process and will support this with annual refresher training to all Councillors and staff. This will include information on the trend for organised crime groups to cultivate public sector employees. Staff, Councillors, contractors and consultants have a duty to make management aware of any concerns they have about the conduct of Council affairs and/or the use of Council assets and resources.

It is the responsibility of all Managers to ensure there are mechanisms in place within their area of control to assess the risk of fraud and promote staff awareness of ethics and Council's Staff and Councillor Codes of Conduct. To do this, management must create an environment in which staff believe that dishonest acts will be detected and investigated should they occur. Management must:

- participate in training programs covering the range of dishonest and fraudulent activities that can occur, and what indicators might exist;

- ensure that staff understand that the internal controls are designed and intended to prevent and detect fraud;
- encourage staff to report suspected fraud directly to those responsible for investigation without fear of disclosure or retribution; and
- abide by Council policies and procedures and avoid any conflicts of interest.

Reporting Suspected Fraud and Corruption

Under the *Public Interest Disclosure Act 2012*, the obligation to report suspected corrupt conduct rests with the relevant Principal Officer (Chief Executive Officer) and cannot be delegated. The relevant Principal Officer must notify the Independent Broad-based Anti-Corruption Commission (IBAC) of all instances of suspected corrupt conduct occurring in their own organisation, and suspected corrupt conduct occurring in other organisations where it is connected with the relevant principal officer's duties, functions and exercise of powers. Refer to Policy 2.4.5 Mandatory Notification for further details.

As a part of the pre-employment process, Council employees are required to disclose known declarable associations, or associations they reasonably suspect to be declarable. A declarable association means any current association with a group or individual that is incompatible with the role of Council or the ability to uphold the function of Council. This may give rise to a perception in the mind of an impartial, fair-minded person that a Council employee is not upholding or may be not upholding their obligation as a Council employee and may reflect adversely on the reputation of both employee and Council within the eyes of the community. Refer to Policy 2.4.4 Declarable Associations for further details.

Fraud Control Framework and Planning

To minimise the occurrence and impact of fraud, Council has a Fraud Control Plan to prevent, detect and respond to fraud. The key elements of the fraud control plan are:

ELEMENT	METHOD FOR ADDRESSING ELEMENT
Communicating intent	<p>Fraud Control Policy and Codes of Conduct</p> <p>The Fraud Control Policy documents Council's intended action in implementing and monitoring Council's fraud prevention, detection and response initiatives.</p> <p>The Codes of Conduct promote high standards of ethical behaviour expected of Councillors and staff.</p>
Identifying risks	<p>Fraud Risk Assessment</p> <p>Council's Risk Register contains Council's fraud risk assessment at the corporate and operational levels and includes mitigation plans and actions.</p> <p>The Risk Register forms part of Council's overall risk management strategy.</p>
Limiting opportunities	<p>Internal Controls</p> <p>Council has implemented internal controls – systems, processes and procedures – to minimise risks identified as part of the fraud risk assessment i.e. role delegations for approvals and sign offs and spot audits.</p> <p>Monthly reporting of high risk procurement tools such as credit card</p>

	and fuel card expenditure with a quarterly review by the Manager Corporate Finance and a half yearly presentation to the Corporate Management team. All anomalies will be presented to the General Manager Corporate Services for further audit and investigation.
Raising awareness	<p style="text-align: center;">Fraud training</p> <p>Fraud awareness training is an effective method of ensuring all employees are aware of their responsibilities in fraud control and sets the expectation for ethical behaviour in the workplace.</p> <p>This training is conducted online for all staff and is undertaken annually and may also be supplemented with face to face training.</p>
Monitoring	<p style="text-align: center;">Audit & Risk Committee and Internal Audit</p> <p>Audit & Risk Committee and Internal Audit regularly review Council's internal controls, risk management processes and fraud control strategies.</p>
Reporting	<p style="text-align: center;">Fraud, Corruption Reporting</p> <p>Council is committed to encouraging staff, customers or community to report suspicious activity at the first available opportunity, to an appropriate reporting point within the Council or where necessary to an outside authority.</p>

Codes of Conduct

Council's Codes of Conduct clearly outline expected behaviours of staff and Councillors and the need for staff and Councillors to be fully aware of their responsibility to foster and develop the highest standards of integrity and promote an ethical workplace culture.

Fraud Prevention

The Chief Executive Officer has ultimate responsibility for the prevention and detection of fraud and is responsible for ensuring that appropriate and effective internal control systems are in place.

The Audit & Risk Committee supports the Chief Executive Officer in ensuring appropriate and effective internal control systems are operating.

Management should be familiar with the types of improprieties that might occur within their area of responsibility and be alert for any indication of irregularity. Unit risk registers must include details of fraud risks and controls.

To minimise exposure to fraud, management must ensure internal controls are in place to prevent and reduce the opportunity for fraud, including but not limited to:

- adherence to all organisational procedures, especially those concerning documentation and authorisation of transactions;
- segregation of duties (to the extent possible) such that no one staff member is responsible for a transaction from start to finish;
- proactive application of internal checks and audits especially in identified high risk areas, which may include independent review and monitoring of tasks;
- security (both physical and electronic) such as locking doors and restricting access to certain areas;
- approvals within delegated authority;

- budget controls;
- quality assurance;
- declarations of Conflict of Interest as appropriate;
- ensuring that staff take regular annual leave;
- appropriate staff induction and training; and
- thorough pre-employment checks.

ALL staff and Councillors are responsible for the safeguarding of Council assets against theft or improper use.

Fraud Detection

Managers should ensure that through their own participation in staff training programs and other awareness processes, they are aware of common indicators of fraud and that they respond to those indicators as appropriate.

Awareness of warning signs (red flags) for possible fraud or corruption is a useful method of detection. Often fraud indicators are inter-related and, in some situations, evidence of one indicator may imply a potential risk but may not constitute fraud or corruption. The more inter-related indicators identified, the higher the risk of potential fraud or corruption.

Examples of common fraud indicators, include but are not limited to:

Internal fraud indicators:

- unexplained and/or sudden sources of wealth;
- excessive secrecy in relation to work;
- employees who are aggressive or defensive when challenged, and/or controlling of certain colleagues;
- poorly reconciled cash expenses or customer accounts;
- employees known to be under external financial pressure;
- employees who delay providing information or who provide different answers to different people;
- employees under apparent stress without identifiable pressure;
- employees making procedural or computer enquiries inconsistent or not related to their normal duties;
- managers who avoid using the Procurement Unit (i.e. excessive use of petty cash or credit cards to purchase items outside the procurement framework);
- employees who appear to make a large number of mistakes, especially those leading to financial loss;
- employees with competing or undeclared external business interests;
- employees (especially managers) with too much hands-on control;
- employees refusing to take leave;
- an unusual number of customer complaints; or
- customers or suppliers insisting on dealing with just one individual.

External fraud indicators:

- client applications for government assistance with inconsistent signatures, mismatched fonts or handwriting on different pages of the same document;
- invoices which look different to previous invoices issued by the same provider;
- lack of supporting evidence, or falsified supporting evidence, that eligibility criteria for grant or community funding has been met;
- expenditure has exceeded approved budgets for grant funding but there is not adequate information to explain the variance;
- a high volume of transactions from one service provider, such as a registered training organisation, used to support a license, community or grant funding application, may indicate collusion between applicants and the provider; or
- attempts to obtain sensitive information such as usernames, passwords and credit card details (i.e. phishing emails, whaling attacks).

An employee who has knowledge of an occurrence of irregular conduct, or has reason to suspect that fraud has occurred, shall immediately notify their Manager. If the employee has reason to believe that the employee's Manager may be involved, the employee shall immediately notify their General Manager. In the event of an investigation, employees shall maintain a high degree of confidentiality and not discuss the matter with anyone other than their Manager, General Manager or Council's Public Interest Disclosure Officer.

Employees who knowingly make false allegations will be subject to discipline up to and including dismissal.

Reporting Suspected Fraud

Council is committed to encouraging staff, customers or community to report suspicious activity at the first available opportunity, to an appropriate reporting point within the Council or where necessary to an outside authority.

Allegations made by employees, contractors, and members of the public can often lead to the uncovering of fraud. Council encourages employees, contractors, service providers and, where relevant, members of the public to report their suspicions of fraud.

Any irregularity that is detected or suspected must be reported immediately to the General Manager Corporate Services who will co-ordinate all investigations, whether by Council's own staff, the Internal Auditors or other independent experts.

A staff member who discovers or suspects fraudulent activity will report the matter to their immediate supervisor or Business Unit Manager who will contact the General Manager Corporate Services immediately.

If the staff member suspects that their General Manager may be responsible, then they should contact the Chief Executive Officer.

Great care must be taken in the investigation of suspected improprieties or irregularities so as to avoid mistaken accusations or alerting suspected individuals that an investigation is underway.

The staff member or any other complainant may remain anonymous. All inquiries concerning the activity under investigation from the suspected individual or legal representative should be directed to the General Manager Corporate Services. No information concerning the status of an investigation should be given out.

The protections set out in the *Public Interest Disclosure Act 2012* will apply. Refer to Policy 2.4.3

Public Interest Disclosures for further details.

The reporting individual should be informed of the following:

- do not contact the suspected individual in an effort to determine facts or demand restitution; and
- do not discuss the case, facts, suspicions, or allegations with anyone unless specifically asked to do so by the Coordinator Human Resources.

The General Manager Corporate Services will treat all information received confidentially. Investigation results will not be disclosed or discussed with anyone other than those who have a legitimate need to know. This is important in order to avoid damaging the reputations of persons suspected but subsequently found innocent of wrongful conduct.

Public Interest Disclosures

No employer or person acting on behalf of the Council shall:

- victimise an employee;
- dismiss or threaten to dismiss an employee;
- discipline or suspend or threaten to discipline or suspend an employee;
- impose any penalty upon an employee; and
- intimidate or coerce an employee;

because the employee has acted in accordance with the requirements of the policy.

The violation of this section will result in discipline up to and including dismissal.

The General Manager Corporate Services is the designated Public Interest Disclosures Coordinator at Wellington Shire Council.

Handling Fraud – Investigation Practices and Protocols

The Corporate Services Division has the primary responsibility for the investigation of all suspected fraudulent acts as defined in the policy.

The appointed investigators will have:

- free and unrestricted access to all Council records and premises; and
- the authority to examine, copy and remove all or any portion of the content of files, desks, cabinets, mobile phones, computers and other storage facilities on the premises without prior knowledge or consent of any individual who may use or have custody of any such items or facilities when it is within the scope of their investigation.

If the investigation substantiates that fraudulent activities have occurred, the General Manager Corporate Services, will issue reports to the Chief Executive Officer, the Audit & Risk Committee and through it, to Council.

Staff found to be involved in fraudulent activities will be dismissed from Council's service.

Any investigative activity required will be conducted impartially with due deference to the *Public Interest Disclosure Act 2012*, procedures for Wellington Shire Council and the Information Privacy Policy and Guidelines. It will also be conducted with awareness of the Councillor and Staff Codes of Conduct and Council's staff grievance procedures.

Council has established a Fraud Incident Register to ensure that all incidents are recorded (*refer to Appendix B*). The Fraud Incident Register will be maintained by the General Manager Corporate Services and will include the following information in relation to every reportable fraud incident:

- date and time of report;
- date and time that incident was detected;
- how the incident came to the attention of management (i.e. anonymous report, normal report, supplier report);
- the nature of the incident;
- value of loss to Council, if any;
- the action taken following discovery of the incident.

Post Incident Analysis

Following any investigation, a Fraud Incident Analysis will be conducted to establish any system or process failures and identify future corrective actions. This is detailed using the [Post Incident Analysis Report](#).

HUMAN RIGHTS

Wellington Shire Council is committed to upholding the Human Rights principles as outlined in the *Charter of Human Rights and Responsibilities Act 2006 (Vic)* and referred to in Council's Human Rights Policy. The Human Rights Checklist has been completed and this policy accords with Council's policy commitment to uphold human rights principles.

REVISION HISTORY

VERSION	MAJOR / MINOR UPDATE	SUMMARY OF CHANGES
1.0	Minor update	Minor formatting and grammar updates made

Appendix A – Fraud and Corruption Roles and Responsibilities

Councillors	<ul style="list-style-type: none"> • Ensuring an appropriate Fraud and Corruption Control Policy is adopted • Maintaining compliance with the Conflict of Interest obligations pursuant to the <i>Local Government Act 2020</i> • Facilitating accountability at all levels within the Council for fraud and corruption control by ensuring appropriate resources are provided to ensure suitable fraud and corruption information and reporting systems are maintained. • Maintaining awareness of this policy and its applicability to elected Councillors
CEO and General Managers	<ul style="list-style-type: none"> • Overall responsibility for prevention and detection of fraud and corruption within Council • Legislated responsibility to exercise authority, on behalf of Council • Manage public resources of the department efficiently, responsibly and in an accountable manner. • Implement policies and priorities responsibly. • Ensure impartiality and integrity in the performance of the department's functions. • Ensure accountability and transparency in the department's operational performance. • Promote continual evaluation and improvement of department's management practices.
All managers, supervisors, coordinators and team leaders	<ul style="list-style-type: none"> • Display ethical leadership and high personal standards of behaviour consistent with the Employee and Councillor Codes of Conduct. • Visibly promote Council's ethical framework and adherence by all employees. • Effectively manage risk in accordance with the department's fraud risk management framework. • Proactively manage staff conduct by taking prompt and appropriate action. • Develop strong internal controls to assist with fraud and corruption prevention. • Ensure all employees and contractors complete compulsory LDS training and awareness modules in addition to job-specific training. • Ensure employee compliance with relevant policies and procedures including identifying and reporting on potential fraudulent and corrupt activities. • Advise the appropriate Manager or General Manager, or, where applicable, the Public Interest Disclosure Coordinator, regarding all reports of suspected fraud or corruption.

All employees (including contractors, volunteers, temporary and casual staff)	<ul style="list-style-type: none"> • Act in an ethical manner in the workplace, understand and comply with all policies and procedures including: <ul style="list-style-type: none"> ○ Safeguarding assets, information and other resources under their control. ○ Identify and report any potential issues. ○ Ensuring all administration is accurate with no deliberate omissions (i.e. allowance claims, recording accurate hours of work on timesheets). ○ Report all suspicions of fraud and corruption. • Register all gifts, benefits and hospitality offered, and declare all perceived, potential and actual conflicts of interest including those of family members which may influence their public duties. • Undertake required education and training to responsibly and effectively undertake their duties.
Audit & Risk Management Committee	<ul style="list-style-type: none"> • Monitor the implementation of risk management (including fraud and corruption matters) and independently recommend actions to improve management frameworks. • Monitor the internal audit function to ensure audits include key fraud and corruption risks and that audits are risk-based.
Internal Audit Contractor	<ul style="list-style-type: none"> • Undertake scheduled audits, which include examining established controls to decide if they are robust enough to reduce the risks of fraud and corruption, including the identification of work practices that may lead to fraudulent and corrupt activities. • Report in writing any suspected activities of fraudulent or corrupt practices identified during an internal audit function to the CEO or General Manager Corporate Services.
Corporate Governance	<ul style="list-style-type: none"> • Undertake and advise on business and policy improvements. • Manage compliance, performance and risk in accordance with appropriate governance framework. • Report regularly on performance and compliance including complaints and fraud issues. • Manager the Gifts and Benefits register.
Information Technology Services	<ul style="list-style-type: none"> • Manage all information technology risks and ensure all IT users are acting ethically when using department software and assets. • Advise managers, staff and contractors of human resources and industrial relations matters. • Process recruitment activities in line with a recruitment and selection framework. • Manage the security of Council's information through the use of technology.

Human Resources	<ul style="list-style-type: none">• Ensure Pre-employment screening activities are being undertaken in conjunction with the hiring manager.
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Appendix B – Fraud Reporting Register Template

Wellington Shire Council Fraud Register						
Date and time of report	Business unit / Division	Date and time of suspected fraud	How the incident came to the attention of management (i.e. anonymous report, normal report, supplier report)	Fraud Incident description (who, what, when, where, how)	Value of loss to Council, if any	Action taken following discovery of the incident
	Justice Services / VAQ	31/03/2017	XX claimed for a payment with fraudulent receipts. Payment of \$XXX was made to the applicant	31/03/2017 – Investigation commenced 7/04/2017 – Investigation recommendations presented 14/04/2017 – Brief to DG progressed for approval to refer to QPS	Ongoing	Referred to QPS

PUBLIC INTEREST DISCLOSURES POLICY

Policy Number:	2.4.3
Approved by	Chief Executive Officer
Date Approved/Effective:	December 2022
Date of Next Review:	December 2023
Applicable to Unit(s):	Whole Organisation
Responsible Officer:	General Manager Corporate Services
Related Policies:	Fraud Control Policy Procurement Policy Risk Management Policy
Related Documents:	Councillor Code of Conduct Employee Code of Conduct Public Interest Disclosure Guidelines Risk Management Framework 2021/22
Statutory Reference:	<i>Freedom of Information Act 1982</i> <i>Privacy and Data Protection Act 2014 (Vic)</i> <i>Public Interest Disclosure Act 2012</i>

OVERVIEW

This policy has been developed by Wellington Shire Council pursuant to section 58 of the *Public Interest Disclosure Act 2012* (previously the *Protected Disclosures Act 2012*). The purpose of the amendments made to the Act is to make it easier to make disclosures of improper conduct by public officers, and public bodies, including Wellington Shire Council, its staff, employees and Councillors. The changes allow a broader range of disclosures to be made, provide for more independent expert bodies to investigate disclosures and introduce a flexible 'no wrong door' approach to ensure disclosures aren't excluded because of non-compliance with complex procedures.

THE POLICY

Wellington Shire Council is committed to the aims and objectives of the Act which recognises the value of transparency and accountability in its administrative and management practices and supports the making of disclosures that reveal improper conduct. It does not tolerate improper conduct by the organisation, its employees, Officers, or Councillors, nor the taking of reprisals against those who come forward to disclose such conduct.

Public Interest Disclosure Act 2012 (the Act)

Under the Act, the Independent Broad-based Anti-Corruption Commission (IBAC) has a key role in receiving, assessing and investigating disclosures about improper conduct and detrimental action taken in reprisal for a disclosure by public bodies or public officers.

The Act provides certain protections for people who make disclosures and creates certain obligations of confidentiality preventing the disclosure of the identity of the person who had made a disclosure and the content of the disclosure, unless it is done under certain specified circumstances. Disclosure of either the identity of a discloser, or the content of their disclosure that is not covered by any of those specified exceptions is a criminal offence.

From Public Interest Disclosure (PID) to Public Interest Complaint (PIC)

A PID is 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).

A PIC is the result of an investigation into reported PIDs where the determination by IBAC, the Victorian Inspectorate or the Integrity and Oversight Committee (IOC) has established that the criteria for a PIC has been met (previously a protected disclosure complaint). Where a matter is determined to be a PIC, additional rules apply as to how it must be handled. These include:

- a restricted list of bodies which can be referred the matter for investigation,
- what notifications must be given to the discloser, and
- a restriction on withdrawing the complaint.

People making a disclosure must believe, on reasonable grounds, that the Councillor or Council employee has engaged in, or proposes to engage in, improper conduct or detrimental action. The conduct must be serious enough to constitute a criminal offence or reasonable grounds for dismissal. All disclosures can also be made anonymously.

Examples of such a disclosure may include but are not limited to:

- an officer taking a bribe to grant a permit;
- an officer ignoring, or concealing evidence of an illegal activity being conducted in the municipality;
- a Council officer selling or revealing confidential information to enable someone to gain advantage such as information about a tender;
- a substantial mismanagement of public resources;
- a substantial risk to public health or safety; or
- a substantial risk to the environment.

The definition of improper conduct has been revised to specify the following categories:

Public Interest Disclosure (Councillor)

Disclosures about a Wellington Shire Councillor should be made directly to IBAC or the Victorian Ombudsman.

Public Interest Disclosure (Council Staff)

Disclosures regarding Wellington Shire Council staff should be made to Council's Public Interest Disclosure Coordinator (General Manager Corporate Services) who has oversight and responsibility for the operation of the Public Interest Disclosure policy and compliance with the provisions of the Act.

ADDITIONAL PROVISIONS TO AMENDED *PUBLIC INTEREST DISCLOSURE ACT 2012*

Misdirected Disclosures

This allows for a PID made to the wrong receiving entity to be redirected to another receiving entity, without the discloser losing the protections of the PID scheme, where:

- the receiving entity must be an entity to which a PID ordinarily may be made; and

- the person making the disclosure must honestly believe that the receiving entity was the appropriate entity to receive the disclosure.

For example, if the Victorian Ombudsman receives a misdirected PID about Victoria Police it can redirect the PID to IBAC for assessment.

External Disclosures

A new class of disclosure is created for 'external disclosures'. External disclosures are defined as a PID made to a person or body who is not an entity to whom a PID can be made under Division 2, Part 2 of the PID Act (the part which prescribes how and to whom PIDs must be made).

A discloser may disclose the details of a PIC to an external person or body (who is not able to receive disclosures) if the assessing entity does not notify the discloser about any action taken in response to the original disclosure within six months and has not responded to a request for advice within 30 days. An external disclosure may also be made if the investigation of the original disclosure is not completed within 12 months, and the investigating entity has not responded to a request for advice within 30 days.

Finally, an external disclosure may be made where the investigation of the original disclosure was not completed within 12 months, the discloser has received an update within 30 days of requesting it, but the discloser has then not received any further update advising that the investigation has been completed within a further six months of that response.

Appointing a Welfare Manager (Coordinator Human Resources)

A Welfare Manager's role is to monitor the specific needs of the discloser or cooperator and provide them with practical advice and support.

In most circumstances, a Welfare Manager will only be required when a PID has been evaluated as a genuine public interest complaint and proceeds to investigation. However, each case needs to be assessed on its own merits.

A Welfare Manager must not divulge any details relating to the disclosed matter to any person other than the Public Interest Disclosure Coordinator, or the principal officer of the public body. All meetings between the Welfare Manager and person must be conducted discreetly to protect the person from being identified as being involved in the disclosure.

Council's Welfare Manager (Coordinator Human Resources) can be reached on 03 5142 3040.

Reporting a Public Interest Disclosure

By telephone:

Public Interest Disclosure Coordinator (General Manager Corporate Services) can be reached on 5142 3181.

By email: pid@wellington.vic.gov.au

By post:

"Confidential" Public Interest Disclosure
Attention General Manager Corporate Services
PO Box 506
Sale VIC 3850

Report directly to IBAC or the Victorian Ombudsman:**Independent Broad-based Anti-Corruption Commission (IBAC)**

Telephone IBAC on 1300 735 135 to request a form to be sent to you.

Complete the IBAC secure online form available at: <https://www.ibac.vic.gov.au/reporting-corruption/report/complaints-form> or download a complaint form at www.ibac.vic.gov.au and return by email, fax or post.

Email: info@ibac.vic.gov.au

Fax: (03) 8635 6444

Mail: GPO Box 24234,
Melbourne Vic 3001

Victorian Ombudsman

Telephone Victorian Ombudsman on (03) 9613 6222 Email: ombudvic@ombudsman.vic.gov.au

Postal address:

Level 2, 570 Bourke Street
Melbourne VIC 3000

Complete the Victorian Ombudsman secure online form available at: <https://www.ombudsman.vic.gov.au/complaints/> or download a complaint form at www.ombudsman.vic.gov.au return by email, fax or post.

HUMAN RIGHTS

Wellington Shire Council is committed to upholding the Human Rights principles as outlined in the *Charter of Human Rights and Responsibilities Act 2006 (Vic)* and referred to in Council's Human Rights Policy. The Human Rights Checklist has been completed and this policy accords with Council's policy commitment to uphold human rights principles.

REVISION HISTORY

VERSION	MAJOR / MINOR UPDATE	SUMMARY OF CHANGES
1.0	Minor update	Amended incorrect reference from PIO to PID; amended old references to Protected Disclosure Postal address for IBAC Hyperlink to online form for Victorian Ombudsman

DECLARABLE ASSOCIATIONS POLICY

Policy Number:	2.4.4
Approved by:	Chief Executive Officer
Date Approved:	December 2022
Date of Next Review:	December 2023
Applicable to Unit(s):	Organisation
Responsible Officer:	Manager People and Capability
Related Policies:	Human Rights Policy Pre-Employment Screening Policy (internal)
Related Documents:	Declarable Associations Form Employee Code of Conduct
Statutory Reference:	Nil

OVERVIEW

A declarable association means any current association with a group or individual that:

- is incompatible with the role of Council or the ability to uphold the function of council;
- may give rise to a perception in the mind of a reasonable person that a Council employee is not upholding or may be not upholding their obligation as a Council employee; and
- may reflect adversely on the reputation of both employee and Council within the eyes of the community.

THE POLICY

As a part of the pre-employment screening process, Council employees are required to disclose known declarable associations, or associations they reasonably suspect to be declarable. This includes any association with persons, a group, event or organisation that is declarable under this policy.

Examples of declarable associations

Declarable associations include, but are not limited to, associations between a Council employee and:

- an individual or group involved in the use, sale, distribution, manufacture, exportation or importation of illicit drugs, precursor chemicals or equipment used in the manufacture of illicit drugs;
- former members of any Australian Public Service or private enterprise suspected or known to have left their organisation due to an integrity issue;
- an individual, group or organisation involved in any criminal or illegal activities;
- an individual who has a criminal history if the nature or timing of the offending would be likely to raise in the mind of a reasonable member of the community that the association is incompatible with the role of the employee or the organisation;
- an individual who encourages or tries to encourage the Council employee to misuse their position, or whose association creates the perception that the staff member has or may have misused their position;

- an individual associated with a group or organisation known to be frequented by individuals suspected of engaging in criminal activity. This includes members of:
 - outlaw motorcycle groups;
 - organised crime groups;
 - street gangs;
 - extremist groups;
 - groups operating online such as the 'Anonymous' hacker group;
- a land developer, service provider or consultant who interacts with Council or undertakes services for Council;
- an individual, group or organisation suspected or known to be involved in any activities that may be in conflict with the role and mission of the organisation;
- an individual person, group, event or organisation that may reflect poorly on the good reputation and/or integrity of Council, our employees or in the eyes of the wider community.

The declarable association could exist in either the real or virtual world and includes social media interactions.

Making a declaration

In order to maintain organisational integrity, all current Council employees are required to report declarable associations as they become known, in line with the *Employee Code of Conduct*.

Employment to Council is subject to pre-employment screening processes such as National Police Record Clearance, verification of references and credentials as well as and other vetting practices (as required). Prior to commencement to Council, all new employees are required to report any declarable associations.

For existing Council employees, reports must be made as soon as practicable after the employee becomes aware of the particulars about an individual, group or event.

The report should provide the details of the individual, group, event or organisation being declared and the circumstances in which the Council employee became aware of the fact that the association was a declarable one under this policy.

A declarable association only needs to be reported once, however any change in circumstances must be reported.

Declarations should be made using the **Declarable Associations Form** available on the Governance Intranet (see also Appendix 1).

Risk Assessment

Once a declaration has been made, the relevant Business Unit Manager and Manager People and Capability will undertake a risk assessment in relation to the information about the association and the associate.

Management of Risk:

Following a risk assessment of a declarable association, the following action/s may occur:

- the declaration is noted and placed on the employee's Human Resources (HR) file;
- management of the employee's health and wellbeing;

- direct the employee to relinquish the association.

Where the association needs to be managed through a documented and agreed arrangement as prescribed by the Manager People and Capability, the employee may be directed to apply risk mitigation strategies including:

- minimising employee involvement with the associate;
- reporting future interactions;
- advising of any relevant changes to circumstances.

A documented arrangement will be established only after discussions have taken place between the Council employees, the respective Business Unit Manager and HR about how to manage the risk. If the cost in establishing, managing or maintaining an arrangement is too significant or onerous for the organisation, the employee may be directed to relinquish the declarable association.

Failing to comply with a direction to discontinue an association may be regarded as a breach of the *Employee Code of Conduct* for failing to comply with lawful and reasonable direction. If an employee disagrees with any direction given, they must seek re-evaluation through the Grievance or Dispute Procedure.

HUMAN RIGHTS

Wellington Shire Council is committed to upholding the Human Rights principles as outlined in the *Charter of Human Rights and Responsibilities Act 2006 (Vic)* and referred to in Council's Human Rights Policy. The Human Rights Checklist has been completed and this policy accords with Council's policy commitment to uphold human rights principles.

REVISION HISTORY

VERSION	MAJOR / MINOR UPDATE	SUMMARY OF CHANGES
1.0	Minor update	Removed reference to legislative requirement under "Making a Declaration" to disclose as the <i>Local Government Act 2020</i> is silent however the expectation is that the process continues as a matter of best practice Changed Grievance Process to 'Grievance or Dispute Procedure' in line with the current Enterprise Agreement.

Appendix 1

Declarable Associations Declaration Form



Background

A Declarable Association means any current association with a group or individual that:

- is incompatible with the Council undertaking its role in a lawful manner, or may have an adverse effect on the organisation and its reputation; and
- may give rise to a perception in the mind of a reasonable person that a council employee is not upholding or may be not upholding their obligation as a Council employee; and
- may reflect adversely on the reputation of both employee and Council within the eyes of the community.

In order to maintain organisational integrity, Council employees are required to disclose known declarable associations, or associations they reasonably suspect to be declarable. This includes any association with persons, a group, event or organisation that is declarable under the *Declarable Associations Policy*.

All Declarable Associations should be made by first reading the *Declarable Associations Policy* and completion of the below checklist.

Declarable associations include, but are not limited to, associations between a Council employee and:

- an individual or group involved in the use, sale, distribution, manufacture, exportation or importation of illicit drugs, precursor chemicals or equipment used in the manufacture of illicit drugs;
- former members of any Australian Public Service or private enterprise suspected or known to have left their organisation due to an integrity issue;
- an individual, group or organisation involved in any criminal or illegal activities;
- an individual who has a criminal history if the nature or timing of the offending would be likely to raise in the mind of a reasonable member of the community that the association is incompatible with the role of the employee or the organisation;
- an individual who encourages or tries to encourage the Council employee to misuse their position, or whose association creates the perception that the staff member has or may have misused their position;
- an individual associated with a group or organisation known to be frequented by individuals suspected of engaging in criminal activity;
- a land developer, service provider or consultant who interacts with Council or undertakes services for Council;
- an individual, group or organisation suspected or known to be involved in any activities that may be in conflict with the role and mission of the organisation;
- an individual person, group, event or organisation that may reflect poorly on the good reputation and/or integrity of Council, our employees or in the eyes of the wider community.

The declarable association could exist in either the real or virtual world and includes social media interactions.

Checklist

Tick (all known associations)	Declarable Association examples	Details
<input type="checkbox"/>	An individual or group involved in the use, sale, distribution, manufacture, exportation or importation of illicit drugs, precursor chemicals or equipment used in the manufacture of illicit drugs.	
<input type="checkbox"/>	Former members of any Australian Public Service or private enterprise suspected or known to have left their organisation due to an integrity issue.	
<input type="checkbox"/>	An individual who encourages or tries to encourage the Council employee to misuse their position, or whose association creates the perception that the staff member has or may have misused their position.	
<input type="checkbox"/>	An individual associated with a group or organisation known to be frequented by individuals suspected of engaging in criminal activity. This includes members of: <ul style="list-style-type: none"> a. Outlaw motorcycle groups b. Organised crime groups c. Street gangs d. Extremist groups ('Anonymous' hacker group) 	
<input type="checkbox"/>	A land developer, service provider or consultant who interacts with Council or undertakes services for Council.	
<input type="checkbox"/>	An individual, group or organisation suspected or known to be involved in any activities that may be in conflict with the role and mission of the organisation.	
<input type="checkbox"/>	An individual person, group, event or organisation that may reflect poorly on the good reputation and/or integrity of Council, our employees or in the eyes of the wider community.	

Name: _____ Date: _____

Position: _____

Please return this document to Coordinator Human Resources as soon as possible.

This form will be discussed with your Supervisor/Manager and the Manager People and Capability who will undertake a risk assessment in relation to the information about the declared association and the associate.

MANDATORY NOTIFICATION POLICY

Policy Number:	2.4.5
Approved by:	Chief Executive Officer
Date Effective:	December 2022
Date of Next Review:	December 2023
Applicable to Unit(s):	Whole Organisation
Responsible Officer:	Chief Executive Officer
Related Policies:	Fraud Control Policy Public Interest Disclosures Policy
Related Documents:	Nil
Statutory Reference:	<i>Independent Broad-based Anti-corruption Commission Act 2011</i> <i>Public Interest Disclosures Act 2012</i> <i>Local Government Act 2020</i> <i>AS 8001-2008 Fraud and Corruption Control</i> <i>Crimes Act 1958</i>

OVERVIEW

Council aims to establish an environment in which corrupt conduct is not tolerated and one in which Councillors and all Council employees do not act dishonestly. This environment will promote a culture where all fraudulent activities and corrupt conduct, once notified or legitimately suspected, are reported, investigated and resolved in a timely and fair manner.

Council will not tolerate any incident of corrupt conduct. Councillors and Council employees will act in accordance with applicable Codes of Conduct and in the spirit of ethical standards.

THE POLICY

This policy forms an integral part of Council's risk management strategy and will contribute to a culture of awareness which encourages staff responsibility and workplace protection against suspected or actual corrupt behavior.

The Australian Standard AS 8001-2008 defines corruption as:

"Dishonest activity in which a director, executive, manager, employee or contractor of an entity acts contrary to the interest of the entity and abuses his / her position of trust in order to achieve some personal gain or advantage for him or herself or for another person or entity."

The obligation to report suspected corrupt conduct rests with the relevant Principal Officer (Chief Executive Officer) and cannot be delegated. Where another person is acting as the relevant Principal Officer, the obligation applies to that person. The relevant Principal Officer must notify the Independent Broad-based Anti-corruption Commission (IBAC) of all instances of suspected corrupt conduct occurring in their own organisation, and suspected corrupt conduct occurring in other organisations where it is connected with the relevant principal officer's duties, functions and exercise of powers. There is no legislative obligation for the relevant principal officers to search out corrupt conduct, only to report it when suspected.

Corrupt conduct

Suspect conduct may be detected during a regular review process (e.g. an internal audit, service review or routine quality assurance review).

Section 4 of the *Independent Broad-based Anti-corruption Commission Act 2011* describes and defines corrupt conduct, summarised here as conduct, or an attempt or conspiracy to engage in conduct that:

- a) adversely affects the honest performance of the functions of a public officer or public body;
- b) constitutes or involves the dishonest performance of the functions of a public officer or public body;
- c) constitutes or involves knowingly or recklessly breaching public trust;
- d) involves the misuse of information or material acquired in the course of the performance of the functions of a public officer or public body;
- e) is intended to adversely affect the effective performance of the functions or powers of a public office or public body and results in the person or their associate obtaining a specified benefit.

In order for conduct to be corrupt conduct, it must also be the case that the conduct would constitute a relevant offence which means an indictable offence against any Act, or the common law offences of attempt to pervert the course of justice, bribery or a public official, perverting the course of justice and misconduct in public office.

Examples of misconduct in public office include:

- deliberately falsifying accounts to conceal or obtain a benefit;
- entering into a secret commission or profit-sharing arrangement with another person;
- colluding to share profits with tender recipients and concealing the overvaluation of tenders;
- using public office to deceive a member of the public to gain a financial advantage;
- misusing power to harm, oppress or disadvantage a person.

When must a report be made?

Notifications of suspected corrupt conduct must be made as soon as practicable after the Chief Executive Officer has formed a reasonable suspicion that corrupt conduct may have occurred or may be occurring.

CONFIDENTIALITY

Notifications to IBAC must be made without advising the person(s) to whom the notification relates, and without publicity. All notifications of suspected corrupt conduct to IBAC will be treated in the strictest confidence.

Failure to handle notifications to IBAC confidentially may prejudice any subsequent investigation, whether by IBAC or the public-sector body concerned, and may cause unnecessary reputational or other damage to individuals.

Making a mandatory notification

Complete the IBAC Mandatory Notification form available at: <https://www.ibac.vic.gov.au/reporting-corruption/notifications>

The mandatory notification form can be submitted by:

Email info@ibac.vic.gov.au

Post Attention: Manager Assessments and Review
IBAC Commissioner
GPO Box 24234
Melbourne VIC 3001

HUMAN RIGHTS

Wellington Shire Council is committed to upholding the Human Rights principles as outlined in the *Charter of Human Rights and Responsibilities Act 2006 (Vic)* and referred to in Council's Human Rights Policy. The Human Rights Checklist has been completed and this policy accords with Council's policy commitment to uphold human rights principles.

REVISION HISTORY

VERSION	MAJOR / MINOR UPDATE	SUMMARY OF CHANGES
1.0	Minor update	Updated link and instructions for completion of mandatory notification form

CONFLICT OF INTEREST POLICY

Policy Number:	2.4.6
Approved by:	Chief Executive Officer
Date Approved:	December 2022
Date of Next Review:	December 2023
Applicable to Unit(s):	Organisation and Councillors
Responsible Officer:	Manager Organisational Performance and Governance
Related Policies:	Fraud Control Policy Procurement Policy Risk Management Policy
Related Documents:	Councillor Code of Conduct Employee Code of Conduct Governance Rules Councillor Conflict of Interest Declaration Form (hardcopy and e-form) Employee Conflict of Interest Declaration and Management Plan
Statutory Reference:	<i>Local Government Act 2020</i> <i>Local Government (Governance and Integrity) Regulations 2020</i>

OVERVIEW

This policy has been developed to provide information and guidance to Councillors, staff and committee members in the identification, disclosure and management of conflict of interest and duty when carrying out their Council duties (i.e. actual, perceived or potential).

While conflicts are not wrong in themselves, and indeed cannot always be avoided, the potential for a conflict exists in all aspects of Council operations.

It is important that Councillors, staff and committee members act and are seen to act with integrity and are not inappropriately benefited or influenced by improperly using their position.

The most effective means to address conflicts of interest and duty is to establish a system under which Councillors, staff and committee members are required to disclose and obtain evaluation of any conflict they may have.

The purpose of this policy is to assist Councillors, staff and committee members in the identification and management of conflicts of interest and duty – and to assist in addressing and understanding how to manage any conflict issues. Council has a responsibility to ensure that its activities and those of its Councillors, staff and committee members conform to acceptable standards of integrity and good conduct. It recognises that a well-established system for identifying, disclosing, managing and reporting conflicts increases its public accountability and reduces the risk of corruption, misconduct and bias in its operations and decision-making processes.

Council also recognises that conflicts of interest and duty are not unusual in the exercise of public responsibility and cannot always be avoided. Where a conflict occurs, the interests of the Council will be balanced against the interests of the individual. Unless exceptional circumstances exist, the balance of interests will be resolved in the Council's favour and Managers, when notified of a conflict of interest or duty, will deal promptly with the conflict and put in place arrangements that protect the integrity of the Council processes.

Conflict of interest and duty is about transparency and accountability. Councillors, staff and committee members hold positions of public trust and should always work to serve the interests of the community, not themselves or someone else's private interests.

THE POLICY

It is the responsibility of Councillors, staff and committee members to identify a conflict of interest or duty and disclose this when necessary. Failure to disclose any conflicts is a breach of the *Local Government Act 2020* (the Act) in which penalties can apply.

Private Interests

A conflict of interest exists when private interests could improperly influence, or be seen to influence, decisions or actions in the performance of an individual's public duties.

A private interest means anything that can influence duty. Private interests include direct interests, such as an individual's own personal, family, professional or business interests, as well as indirect interests, such as the personal, family, professional or business interests of individuals or groups with whom an individual is, or was recently, closely associated. Private interests may be financial (pecuniary) or non-financial.

Conflict of Duty

Conflicts of duty arise when an individual is required to fulfil two or more roles that may be in conflict with each other – often known as 'wearing two hats'. For example, a Councillor may hold a position as a member of the board of another public entity or body which Council has a direct and ongoing involvement with. The conflict of duty will arise in situations where Council is required to consider and/or make decisions where this public entity or body is involved.

Conflict of duty scenarios are especially common in regional and rural settings due to the smaller size of communities and the existence of specialist industries. As it is not always possible to avoid a situation where a conflict of duty exists, it is vital that these situations are managed appropriately to ensure the public interest is protected.

Areas of activity where conflicts may arise

Conflicts may arise because of the council's involvement in any of the following matters:

- appointing and managing staff;
- providing sponsorships;
- use of resources or assets that could be used for private gain;
- entering into contracts to procure goods or services from the private sector or engaging in projects with the private sector;
- collecting, retaining, accessing or using confidential information;
- providing financial assistance and concessions;
- performing a regulatory role in relation to the monitoring of standards;
- disciplinary role; and
- providing advice.

Disclosure and declaration

All Councillors, staff and committee members must consider the public interest when carrying out their duties and place this above their own private or personal interests. This is achieved by:

- carrying out all duties in accordance with Council and legislative ethical principles as documented in Council's Codes of Conduct
- assessing their own private and personal interest to identify any conflicts of interest or duty
- identifying and declaring all conflicts
- disclosing all conflicts of interest that arise when compiling Council reports and workshop notes
- managing all conflicts of interest in accordance with agreed management strategies
- completion of Council's conflict declaration forms.

The Councillor Conflict of Interest Declaration Form can be found on the Councillor Homepage and the Employee Conflict of Interest Declaration and Management Plan can be found on the Governance page of Council's Intranet.

All levels of management will:

- encourage a culture of disclosure within Council,
- regularly remind employees of their obligation to identify and declare conflicts,
- actively liaise with employees to resolve and manage conflicts, and
- maintain confidentiality with regards to conflict declarations.

Responsibilities of Managers

- complying with this policy with respect to their own conflicts and potential conflicts;
- ensuring annual completion of training requirements;
- facilitating the compliance of those they manage by:
 - ensuring that the staff they manage complete the annual training module;
 - being aware of the risks of conflicts inherent in the work of the staff they manage;
 - making Councillors, staff and committee members aware of relevant policies and procedures;
 - advising Councillors, staff and committee members about appropriate ways to manage conflicts;
 - recording the receipt of disclosures of conflicts reported to them by staff;
 - assisting staff who disclose conflicts in preparing management strategies; and
 - monitoring the work of staff and the risks to which they are exposed.

Responsibilities of Employees

Employees are responsible for:

- ensuring annual completion of training requirements;
- being aware of their obligation to avoid, where possible, conflicts of interest and duty and manage any conflicts that cannot be avoided;
- assessing their private and personal interests and whether they conflict, or have the potential to conflict, with their official duties;

- disclosing any conflicts they may have in accordance with this policy, specified procedures or to their Manager;
- complying with the requirements of this policy or related guidelines and procedures; and
- reporting suspected breaches of this policy by other employees to their Manager and the General Manager Corporate Services.

Responsibilities of Councillors/Committee Members

All Councillors must comply with section 130 of the Act, Governance Rules and the Councillor Code of Conduct when declaring conflicts of interest by undertaking the following:

- disclose any conflicts at the beginning of a Council meeting and again at the agenda item in question and remove themselves for the meeting for the duration of the discussion/vote;
- if details are private in nature, then the conflict can be declared to the Chair in writing prior to the meeting and the disclosure will simply be the type of interest and a brief and general summary of the details;
- immediately prior to consideration of the matter;
- classify the conflict as General (section 127) or specify the type of Material conflict (section 128);
- describe the nature of the conflict;
- where a Councillor or member of a delegated committee has two or more conflicts on matters being considered consecutively, they must disclose the conflicts prior to the first matter being heard;
- while the matter is being considered or any vote is taken in relation to the matter, the Councillor or member of a delegated committee must:
 - leave the room and notify the Mayor or the Chair of the delegated committee that he or she is doing so;
 - remain outside the room; and
 - the Mayor or Chair of the delegated committee must invite the Councillor or member of a delegated committee to return to the meeting.

All declarations and mitigation strategies (i.e. leaving the room for the duration of the discussion) must be recorded in the meeting minutes. All reported conflicts of interest and/or duty, including mitigation strategies, must also be recorded in the Conflict of Interest Declaration register maintained by the Governance Officer.

Councillors have full access to various guidance material, including the Councillor Conflict of Interest Guide, which is available on the Councillor Homepage.

Sections 127, 128 and 129 of the Act defines general and material conflicts of interest and provides exemptions for remoteness and interests in common with a substantial proportion of ratepayers along with other specific circumstances as set out in the following table.

General and Material conflicts of interest can give rise to the following conflict types:

1. An **actual conflict** occurs when there is a real, current conflict between a public officer's duties and their private interests;
2. A **potential conflict** arises when a public officer's duties could conflict with their private interests. A public officer can anticipate potential conflicts by thinking about how the particular private interests and associations they have might influence the types of functions they carry out and decisions they make in their Council role;

3. A **perceived conflict of interest** is where one or more third parties develop a reasonable view that a public officer's private interests have or could improperly influence their decisions or actions, or the actions or decisions of their organisation, in a particular matter. The perception is that a public officer may not be objective in their dealings as a result of the conflict.

Conflict Type	Definitions
<p align="center">GENERAL CONFLICT OF INTEREST (Section 127)</p> <p>(1) Subject to section 129 (Exemptions), a relevant person has a general conflict of interest in a matter if an impartial, fair-minded person would consider that the person's private interests could result in that person acting in a manner that is contrary to their public duty.</p>	<p>Private Interests (section 127(2))</p> <p>Any direct or indirect interest of a relevant person that does not derive from their public duty and does not include an interest that is only a matter of personal opinion or belief.</p> <hr/> <p>Public Duty (section 127(2))</p> <p>The responsibilities and obligations that a relevant person has to members of the public in their role as a relevant person.</p>
<p align="center">MATERIAL CONFLICT OF INTEREST (Section 128)</p> <p>(1) Subject to section 129 (Exemptions), a relevant person has a material conflict of interest in respect of a matter if an affected person would gain a benefit or suffer a loss depending on the outcome of the matter.</p> <p>(2) The benefit may arise or the loss incurred -</p> <ul style="list-style-type: none"> (a) directly or indirectly; or (b) in a pecuniary or non-pecuniary form. 	<p>Affected Person (section 128(3))</p> <p>For the purposes of section 128(3), any of the following is an affected person—</p> <ul style="list-style-type: none"> (a) the relevant person; (b) a family member of the relevant person; (c) a body corporate of which the relevant person or their spouse or domestic partner is a Director or a member of the governing body; (d) an employer of the relevant person, unless the employer is a public body; (e) a business partner of the relevant person; (f) a person for whom the relevant person is a consultant, contractor or agent; (g) a beneficiary under a trust or an object of a discretionary trust of which the relevant person is a trustee; (h) a person from whom the relevant person has received a Disclosable Gift (section 128(4)) - <p>means one or more gifts with a total value of, or more than, \$500 or if an amount is prescribed for the purposes of section 128(4), the prescribed amount, received from a person in the 5 years preceding the decision on the matter -</p> <ul style="list-style-type: none"> a. if the relevant person held the office of Councillor, was a member of Council staff or was a member of a delegated committee at the time the gift was received; or b. if the gift was, or gifts were, or will be, required to be disclosed as an election campaign donation - but does not include the value of any reasonable hospitality received by the relevant person at an event or function that the relevant person attended in an official capacity as a Councillor, member of Council staff or member of a delegated committee.

Exemptions (section 129)

A conflict of interest does not arise if any of the following applies—

- (a) the conflict of interest is so remote or insignificant that it could not be reasonably regarded as capable of influencing the actions or decisions of the relevant person in relation to the matter;
- (b) the interest that would give rise to a conflict of interest is held in common with a substantial proportion of the residents, ratepayers or electors of the municipal district and does not exceed the interest held by the other residents, ratepayers or electors;
- (c) the relevant person does not know the circumstances that give rise to the conflict of interest, and could not be reasonably expected to know those circumstances;
- (d) the interest only arises because the relevant person is the representative of the Council on a not-for-profit organisation that has an interest in the matter and the relevant person receives no personal advantage from the not-for-profit organisation;
- (e) the interest only arises because a family member of the relevant person is a member but not an office-holder of a not-for-profit organisation;
- (f) the interest only arises because the relevant person is a member of a not-for-profit organisation that has expressed an opinion or advocated for an outcome in regard to the matter;
- (g) the interest arises in relation to a decision by a Councillor on a matter or in a circumstance that is prescribed to be exempt by the regulations.

Failure to disclose a conflict of interest

Councillors, staff and committee members have an obligation to disclose and manage conflicts of interest and duty.

Failing to comply with this policy, including refusal to take any reasonable action as directed, to resolve a conflict may constitute misconduct or serious misconduct which may result in disciplinary action or termination of employment.

Managing conflicts of interest

The management of conflicts of interest will be determined by the General Manager Corporate Services or by the relevant General Manager for the Division.

The four recommended responses could be:

1. Avoid the conflict of interest

Avoiding a conflict of interest which poses an unacceptable risk to, or impacts upon, Council's interests. This is the preferred strategy.

To avoid a conflict of interest, the staff member concerned may be removed from the decision-making process in relation to the matter concerned or requested to relinquish the interest which is creating the conflict.

2. Accept and reduce the conflict of interest

A conflict of interest may be reduced by ensuring that the staff member concerned has restrictions placed on their involvement in the relevant matter, or that another staff member or organisational area takes responsibility for the matter.

3. Share the conflict of interest

A conflict of interest may be shared by involving a third party to oversee part or all of the decision-making process that deals with the relevant matter.

4. Retain the conflict of interest

A conflict of interest may be retained, and the staff member continues to be involved in the matter concerned, subject to a regular review of the situation.

This response is only suitable for low risk conflicts of interest.

Monitoring conflicts of interest

All disclosed conflicts of interest must be reviewed by the General Manager Corporate Services, Coordinator Governance and Council Business, the staff member and their Manager on at least an annual basis to ensure that the information remains correct and that the management responses continue to be appropriate and effective. Any change in the arrangements must be notified immediately to the relevant Manager.

Breaches of this Policy

Failure to comply with this policy will constitute a breach of the relevant Codes of Conduct and may result in disciplinary action or other serious sanctions as per the *Local Government Act 2020*.

HUMAN RIGHTS

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REVISION HISTORY

VERSION	MAJOR / MINOR UPDATE	SUMMARY OF CHANGES
1.0	Minor update	Updated Responsible Officer title Conflict of Duty has been added to the legislated requirements relating to Conflict of Interest for greater clarity at the recommendation of Council's Audit & Risk Committee; as such the definition of conflict of interest and conflict of duty has been split and various reference to conflict of interest have been updated to include conflict of duty where applicable

DELEGATIONS POLICY

Policy Number:	2.4.7
Approved by	Chief Executive Officer
Date Approved:	December 2022
Date of Next Review:	December 2023
Applicable to:	Organisation
Responsible Officer:	Manager Organisational Performance and Governance
Related Policies:	Conflict of Interest Policy Fraud Control Policy Procurement Policy
Related Documents:	Various Instruments of Delegation Employee Conflict of Interest Declaration & Management Plan
Statutory Reference:	<i>Local Government Act 1989</i> <i>Local Government 2020</i>

OVERVIEW

Delegations are the mechanisms by which council enables its officers to act on behalf of Council. Delegations are a key element for effective governance and management of the Council and provide formal authority to delegated staff members.

What is a Delegation?

Delegation means the assignment of a duty, power or function to another, together with the authority to carry out that duty or complete the action assigned with responsibility for the outcome.

It is important to understand the following characteristics of delegation:

- a delegation may be revoked by formal decision of Council or the Chief Executive Officer;
- a delegation is allocated to a position and not to a person;
- a delegation can apply to those persons temporarily acting in the position, unless specially advised otherwise;
- delegations are only to be provided to those who have the skills, experience and/or the appropriate or approved qualification to undertake the task;
- where a function is delegated to more than one position, each position may exercise the delegated function independently unless otherwise indicated;
- Council is able to impose conditions or limitations on a delegation; and
- delegations are derived from sections 11 and 47 of the *Local Government Act 2020*.

A Delegation is **not**:

- the performance of an administrative task;
- an action of an authorised officer under section 224 of the *Local Government Act 1989*; or
- decision making under a statutory appointment.

Council currently have the following delegations:**Instrument of Delegation from Council to the CEO (S5)**

This delegates all of Council's powers, duties and functions which are capable of delegation, subject to some exceptions and limitations, to the CEO.

Instrument of Delegation from Council to members of Council Staff (S6)

This delegates certain powers directly from Council to Council staff due to the legislation referred to containing specific powers of delegation.

Instrument of Sub Delegation from CEO to members of Council Staff (S7)

This sub-delegates Council powers, duties or functions contained in Acts or Regulations which do not include a specific power of delegation.

Instrument of Delegation S7 also contains a miscellaneous section which covers powers, duties and functions of Council that are not specifically provided for in legislation, but which are part of the general powers of Councils that are delegated to the Chief Executive Officer, and which, if it is appropriate, the Chief Executive Officer will sub delegate. These include finance issues (noting the specific procurement/expenditure delegations are incorporated in the Procurement Policy) and miscellaneous matters.

Instrument of Delegation from CEO to members of Council Staff (S13)

This allows the CEO to delegate his or her powers, duties and functions existing under all Victorian legislation. This differs to the S7 Instrument in that it does not relate to *Council* powers, duties and functions, but those vested in the CEO personally.

Instrument of Delegation from CEO to members of Council Staff (S14) (VicSmart Applications)

This delegates certain powers directly from Council to Council staff due to the legislation referred to containing specific powers of delegation under the *Planning and Environment Act 1987* in relation to VicSmart planning applications.

Instrument of Delegation by Chief Executive Officer for Bushfire Reconstruction (S16)

This is used by a council's CEO to delegate the powers under the *Planning and Environment Act 1987* in respect of bushfire reconstruction applications.

Instrument of Sub-Delegation under the Environment Protection Act 2017 (S18)

This instrument gives Council the power to exercise the Environment Protection Agency's powers and functions under the *Environment Protection Act 2017* only for the purpose of regulating onsite wastewater management systems with a design or actual flow rate of sewage not exceeding 5000 litres on any day and noise from the construction, demolition or removal of residential premises.

S19A Instrument of Delegation of the Municipal Fire Prevention Office under the Country Fire Authority Act 1958 (S19A)

This instrument is used by Council under s 96A(2) of the *Country Fire Authority Act 1958*. The municipal fire prevention officer has power to delegate to an assistant fire prevention officer any power or duty of the fire prevention officer under this Act or the regulations (except the power of delegation).

Appointments and Authorisations (S11)

Council may appoint any person, other than a Councillor, to be an Authorised Officer for purposes of administration and enforcement of any Act, regulation or local law which relates to the functions and powers of Council.

All appointments and authorisation are to be made by the Chief Executive Officer, with the exception of the S11A Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*) as this particular instrument is made under Council resolution.

Council must maintain a register that shows the names of all staff appointed as Authorised Officers.

Individual identity cards are to be issued to each authorised officer and must contain:

- a photograph of the authorised officer; and
- the signature of the authorised officer.

An authorised officer must produce his or her identity card upon being requested to do so.

Authorised Officer identity cards will be provided upon commencement of duties and are to be returned to the Coordinator Governance and Council Business on either cessation of their role or change of role.

POLICY COMPLIANCE

- All persons acting under delegated authority are expected to read this Policy carefully so as to ensure that they understand and are familiar with the requirements with which they are to comply;
- All persons temporarily acting in a delegated position are expected to understand all delegations associated with the position whilst performing those duties;
- Delegations and sub delegations must be made available for public inspection upon request;
- Pursuant to section 11(7) of the *Local Government Act 2020*, this Policy and its incorporated Instruments of Delegation to Officers will be reviewed within 12 months of a general election;
- A breach of this policy or a delegation may be regarded as misconduct and can be dealt with by Council's Code of Conduct;
- A delegation must be exercised within its conditions and limitations and in accordance with all Council policies and procedures and any relevant legislation;
- All Officers to whom authority has been delegated shall exercise the delegation in accordance with any budget allocated; and
- A delegation cannot be exercised by a person who has a conflict of interest. If any conflict of interest occurs, it must be declared immediately and dealt with in accordance with Council's Code of Conduct and Conflict of Interest Policy.

HUMAN RIGHTS

Wellington Shire Council is committed to upholding the Human Rights principles as outlined in the *Charter of Human Rights and Responsibilities Act 2006 (Vic)* and referred to in Council's Human Rights Policy. The Human Rights Checklist has been completed and this policy accords with Council's policy commitment to uphold human rights principles.

REVISION HISTORY

VERSION	MAJOR / MINOR UPDATE	SUMMARY OF CHANGES
1.0	Minor update	Updated Responsible Officer title and inclusion of new instruments of delegation used by Council (S16, S18 and S19A)

ACCEPTANCE AND DECLARATION OF GIFTS, BENEFITS AND HOSPITALITY POLICY

Policy Number:	2.4.8
Approved by:	Council
Date Approved:	December 2022
Date of Next Review:	December 2023
Applicable to Unit(s):	Organisation and Councillors
Responsible Officer:	Manager Organisational Performance and Governance
Related Policies:	Conflict of Interest Policy Council Expense and Administration Policy Public Transparency Policy
Related Documents:	Gifts, Benefits and Hospitality Declaration Form Gifts, Benefits and Hospitality Declaration Register Councillor Code of Conduct Employee Code of Conduct Municipal Association of Victoria - New Councillor Resource Guide 2016
Statutory Reference:	<i>Charter of Human Rights and Responsibilities Act 2006</i> <i>Local Government Act 2020</i>

OVERVIEW

To provide Councillors and staff with requirements and guidance relating to the acceptance of gifts, benefits and hospitality.

THE POLICY

Wellington Shire Council is committed to following sound and transparent business practices in accordance with the *Local Government Act 2020* and Councillor and Employee Codes of Conduct. It recognises the importance of operating in a manner that models transparency, integrity and the highest ethical standards.

This policy is intended to support Councillors and staff in avoiding conflicts of interest, maintaining high levels of integrity and public trust and ensure that any gifts accepted are properly managed and disclosed.

COUNCILLORS AND COUNCIL STAFF

A gift, benefit or hospitality must not be accepted by Councillors or staff if it is given as a bribe for favourable service or outcomes, or could be perceived as intended to, or likely to, influence the individual in the fair, impartial and efficient discharge of their duties as a Councillor or member of Council staff.

The performance of Council functions including, but not limited to, tenders, planning decisions, recruitment processes and regulatory activity will not be influenced by the offer or inducement of a gift, benefit or hospitality.

Receipt of a gift from a person or organisation can result in a general or material conflict of interest in a matter.

Councillors and staff must not solicit, demand or request gifts or any personal benefit for themselves or another person by virtue of their position.

All gifts, benefits and hospitality of **any** value, whether declined or accepted, must be declared using the appropriate Gifts, Benefits and Hospitality Declaration form and details will be included on Council's Gifts, Benefits and Hospitality Declaration Register. Under **NO** circumstances is cash to be accepted as an applicable gift.

Token Offers

A token offer is an offer of a gift, benefit or hospitality that is of inconsequential or trivial value to both the person making the offer and the individual. It may include promotional items such as pens and note pads, and modest hospitality which would be considered a basic courtesy, such as light refreshments offered during a meeting or the provision of lunch during the course of a daylong seminar.

The minimum accountabilities state that token offers cannot be worth more than \$50.

Individuals may generally accept token offers as long as the offer does not create a conflict of interest or bring the individual or the organisation into disrepute.

Non-token Offers

Individuals can accept non-token offers if they have a considered business benefit. All accepted non-token offers must be declared and approved in writing by the General Manager / CEO / Mayor, recorded in the Gifts, Benefits and Hospitality Declaration Register and be consistent with the following requirements:

- it does not raise an actual, potential or perceived conflict of interest or have the potential to bring the individual or Council into disrepute; and
- there is a considered business reason for acceptance i.e. it is offered in the course of the individual's official duties, relates to the individual's responsibilities, recognises work undertaken or benefits achieved for the Council.

Individuals may be offered a gift, benefit or hospitality where there is no opportunity to seek written approval prior to accepting. For example, they may be offered a wrapped gift that they later identify as being a non-token gift. In these cases, the individual must seek approval within five (5) business days.

Where the gift would likely bring the individual or the organisation into disrepute, the gift should be returned. If it represents a conflict of interest for the individual or Council, the gift should be returned or transferred to Council to mitigate the risk.

Repeat Offers

Receiving multiple offers (token or non-token) from the same individual or organisation can generate a stronger perception that the individual or organisation could influence you. Individuals should refuse repeat offers from the same source if they create a conflict of interest or may lead to reputational damage. Any repeat offers must also be noted with the Manager.

The Gift Test

When deciding whether to accept an offer, individuals should first consider if the offer could be perceived as influencing them in the performance of their duties or lead to reputational damage. The more valuable the offer, the more likely that a conflict of interest or reputational risk could arise.

The GIFT test (developed by the Victorian Public Sector Commission) is a good example of what to think about when deciding whether to accept or decline a gift, benefit or hospitality.

G	Giver	Who is providing the gift, benefit or hospitality and what is their relationship to me? Does my role require me to select contractors, award grants, regulate industries or determine government policies? Could the person or organisation benefit from a decision I make?
I	Influence	Are they seeking to gain an advantage or influence my decisions or actions? Has the gift, benefit or hospitality been offered to me publicly or privately? Is it a courtesy, a token of appreciation or highly valuable? Does its timing coincide with a decision I am about to make?
F	Favour	Are they seeking a favour in return for the gift, benefit or hospitality? Has the gift, benefit or hospitality been offered honestly? Has the person or organisation made several offers over the last 12 months? Would accepting it create an obligation to return a favour?
T	Trust	Would accepting the gift, benefit or hospitality diminish public trust? How would I feel if the gift, benefit or hospitality became public knowledge? What would my colleagues, family friends or associates think?

GIFTS

In general, **gifts** are acceptable when:

- the gift is a token offer and estimated to be less than \$50;
- it is customary of the culture to bestow or exchange gifts as thanks for hospitality; or
- gifts are presented by a visiting official and duly authorised by the governing body.

Gifts are sometimes given as a sign of gratitude to recognise outcomes collectively achieved by the Council and/or group of staff. Therefore, as far as is reasonable and practical, such gifts are “pooled” then shared among the Council and/or the working group.

All gifts of **any** value must be declared using the appropriate Gifts, Benefits and Hospitality Declaration form, even if the gift has been declined. Under **NO** circumstances is cash to be accepted as an applicable gift.

Disclosable Gift

A **disclosable gift** is a gift that puts the recipient into a material conflict of interest because the donor of the gift has an interest in a matter.

Section 128(4) of the *Local Government Act 2020* defines a disclosable gift as:

- (1) One or more gifts with a total value of, or more than, \$500 or if an amount is prescribed for the purposes of this subsection, the prescribed amount, received from a person in the 5 years preceding the decision on the matter—
 - (a) if the relevant person held the office of Councillor, was a member of Council staff or was a member of a delegated committee at the time the gift was received; or
 - (b) if the gift was, or gifts were, or will be, required to be disclosed as an election campaign donation—

but does not include the value of any reasonable hospitality received by the relevant person at an event or function that the relevant person attended in an official capacity as a Councillor, member of Council staff or member of a delegated committee.

Significant Occasion Gift

A **significant occasion gift** is a gift which is presented to the Mayor or a Councillor from Wellington Shire as a gesture of goodwill for official or ceremonial purposes.

- A significant occasion gift to the Mayor must not exceed \$200;
- A significant occasion gift to a Councillor must not exceed \$150.

All significant occasion gifts **must be declared** using the Gifts, Benefits and Hospitality Declaration form and details included on Council's Gifts, Benefits and Hospitality Declaration Register. Individuals must transfer to Council any official gifts or gifts of cultural significance or significant value.

Ownership of Gifts Offered to Individuals

Non-token gifts with a considered business benefit that have been accepted by an individual for their work or contribution may be retained by the individual where the gift is not likely to bring the individual or Council into disrepute, and where the General Manager or CEO has provided written approval.

BENEFITS

In general, **benefits** are acceptable when a Councillor or staff member may need to accept the benefit in the carrying out of Council duties such as attendance as a Council representative at promotional or other events.

Benefits can be received by an individual or organisation in the form of preferential treatment, privileged access, favours or other advantage. This can also include invitations to sporting, cultural or social events, access to discounts or loyalty programs and, in particular for individuals, promises of a new job.

The value of benefits may be difficult to define in dollars, but as they are valued by the individual, they may be used to influence the individual's behaviour and decision making. As this is the case, any benefit of **any** value, whether declined or accepted, must be declared using the appropriate Gifts, Benefits and Hospitality Declaration form.

HOSPITALITY

In general, **hospitality** is acceptable when it is not considered excessive and does not create a conflict of interest or bring the individual or the organisation into disrepute.

A Councillor or staff member may accept hospitality such as attendance as a Council representative at promotional or other events.

All hospitality of **any** value, other than that which could be considered a basic courtesy (light refreshments at a meeting) or is provided during attendance at a paid event (morning/afternoon tea and lunch during a seminar paid for by Council), must be declared using the appropriate Gifts, Benefits and Hospitality Declaration form.

Exempt hospitality is hospitality that is reasonably received in the carrying out of Council duties and can be considered a basic courtesy, including the acceptance of light refreshments during a

meeting or lunch during the course of a daylong event. Exempt hospitality does not require the completion of a declaration form.

If the estimated value of the hospitality is over \$50 (non-token offer), a declaration form must be completed, regardless of whether the hospitality is accepted or declined. An example of this is a three course lunch at the conclusion of a meeting. It could be perceived that the lunch could be a means to gain favour or influence a decision or consideration. In this case, a consideration must also be made for the completion of conflict of interest declaration form.

COUNCILLORS SPECIFIC REQUIREMENTS

Disclosable Gift to Councillors

Where a Councillor has declared a material conflict of interest from the acceptance of a **disclosable gift**, details of the interest will be documented in the meeting minutes which are available for public inspection.

Anonymous Gifts Not To Be Accepted

A Councillor must not accept, directly or indirectly, a gift for the benefit of the Councillor for the amount or value of which is equal to or exceeds the gift disclosure threshold unless:

- a) the name and address of the person making the gift are known to the Councillor; or
- b) at the time when the gift is made
 - i) the Councillor is given the name and address of the person making the gift; and
 - ii) the Councillor reasonably believes that the name and address so given are the true name and address of the person making the gift.

Election Campaign Donation Return Gift

A **donation period** gift is a gift given to an electoral candidate to be used in connection with an election campaign. In accordance with Section 306 of the *Local Government Act 2020*, each candidate, whether successfully elected to Council or not, must give an Election Campaign Donation Return to the Chief Executive Officer within 40 days of election day.

Per Section 308 (2) and (3) of the *Local Government Act 2020*, copies of all election campaign donation returns received are available for inspection at the Desailly Street Service Centre and a summary of all Election Campaign Donation Returns is available on Council's website and will remain available to view until the close of roll for the next general election.

DECLARATIONS AND RECORDS MANAGEMENT

Declarations

Declarations are required to be completed for all gifts, benefits or hospitality received, whether accepted or declined. The Business Unit Manager must review and sign all declarations before providing a copy to Governance for registration.

Where multiple gifts, benefits and hospitality are offered by one person on the same day, only one declaration form should be completed for all the items from that one person. The items must not be split across multiple declarations.

Records Management

Council maintains a register of all gifts, benefits and hospitality received by Council Officers and Councillors. This register details:

- Date of receipt
- Recipient
- Donor
- Estimated Value
- Allocation (declined, donated, pooled, retained, returned, shared)
- Description Of/Reason For Gift.

The register is available for public inspection on request, in line with Council's Public Transparency Policy.

All declarations, whether accepted or declined, will be recorded in Council's Gifts, Benefits and Hospitality Declaration Register.

A summary of the Gifts, Benefits and Hospitality Declaration Register will also be provided to the Audit & Risk Committee twice yearly for review.

BREACHES OF THIS POLICY

Failure to comply with this policy will constitute a breach of the relevant Codes of Conduct and may result in disciplinary action or other serious sanctions as per the *Local Government Act 2020*.

HUMAN RIGHTS

Wellington Shire Council is committed to upholding the Human Rights principles as outlined in the *Charter of Human Rights and Responsibilities Act 2006 (Vic)* and referred to in Council's Human Rights Policy. The Human Rights Checklist has been completed and this policy accords with Council's policy commitment to uphold human rights principles.

REVISION HISTORY

VERSION	MAJOR / MINOR UPDATE	SUMMARY OF CHANGES
1.0	Minor update	Update of Responsible Officer title No changes applicable at this review

PUBLIC TRANSPARENCY POLICY

Policy Number:	2.4.9
Approved by:	Council
Date Approved:	December 2022
Date of Next Review:	December 2023
Applicable to Unit(s):	Organisation
Responsible Officer:	Manager Organisational Performance and Governance
Related Policies:	Privacy and Data Protection Policy Freedom of Information Policy Records Management Policy Community Engagement Policy
Related Documents:	Governance Rules Part II Statement – <i>Freedom of Information Act 1982</i>
Statutory Reference:	<i>Freedom of Information Act 1982</i> <i>Local Government Act 1989</i> <i>Local Government Act 2020</i> <i>Privacy and Data Protection Act 2014</i>

OVERVIEW

The Public Transparency Policy is a requirement of section 57 of the *Local Government Act 2020* ('the Act') and has been developed to ensure Wellington Shire Council gives effect to the public transparency principles in the Act. This policy describes what, and how, Council information is publicly and freely available to the community.

THE POLICY

1. POLICY STATEMENT

- 1.1. Council is committed to the principles of public transparency and commits to making all Council information publicly available, except where the information is:
- 'Confidential Information' as defined under section 3(1) of the Act, unless Council has determined by resolution that the information should be made publicly available;
 - Confidential by virtue of any other Act; or
 - Such that making it publicly available, would be contrary to the public interest.

A definition of 'Confidential Information' under the Act and examples of where the public availability of information would be contrary to the public interest are provided in Appendix 1.

2. POLICY INITIATIVES

- 2.1. Council will make available all Council information that is publicly available on its website and ensure all such information is regularly reviewed, updated, understandable and accessible.
- 2.2. Council will use social and/or digital media to publish or stream appropriate Council content, such as Council Meetings, and other online tools to publish Council information and encourage community engagement and consultation on project and community related matters.

- 2.3. Council will ensure all information and statements as required under Section 7 of the *Freedom of Information Act 1982* are included in its Part II Statement and published on its website.
- 2.4. Council will facilitate the awareness of access to Council information through its website and through community engagement opportunities.
- 2.5. Council will apply a presumption of openness to information and adopt a proactive publication position within the parameters outlined in this policy.
- 2.6. Council will strive, where possible, to provide the community with access to Council's publicly available information free of charge.
- 2.7. Council will assist the community in accessing its publicly available information and will inform the community of their right to make an application under the *Freedom of Information Act 1982* for information which is not considered publicly available information.

3. PUBLICLY AVAILABLE INFORMATION

- 3.1. Under the Act (and, in some cases, the *Local Government Act 1989*), there are specific provisions for certain information to be made publicly available, namely:
 - 3.1.1. Council and Delegated Committee Meeting Agendas and Minutes
 - 3.1.2. Local Laws and any documents incorporated
 - 3.1.3. Council Plan
 - 3.1.4. Strategic Resource Plan
 - 3.1.5. Budget
 - 3.1.6. Annual Report
 - 3.1.7. Councillor Code of Conduct
 - 3.1.8. Procurement Policy
 - 3.1.9. Register of Interests
 - 3.1.10. Council Policies
 - 3.1.11. Summary of Election Campaign Donation Returns
- 3.2. Council will also make the following Council information available on request to ensure the community are informed and can benefit from access to information regarding Council's functions and operations:
 - 3.2.1. Authorised Officers
 - 3.2.2. Council Meeting Agendas and Minutes
 - 3.2.3. Councillor Code of Conduct
 - 3.2.4. Delegations
 - 3.2.5. Election Campaign Donation Returns Register
 - 3.2.6. List of all Leases
 - 3.2.7. List of Donations and Grants
 - 3.2.8. Record of Assembly of Councillors
 - 3.2.9. Travel Register
 - 3.2.10. Details of Chief Executive Officer reappointment and total remuneration.
- 3.3. Under various other Acts administered by Council, the following information will be made publicly available:

- 3.3.1. Subject to the specified requirements of the *Planning and Environment Act 1987*, the following may be inspected (note that charges may apply):
- Approved Planning Scheme Amendments
 - Panel Reports
 - Planning Permits/Applications
 - Submissions/objections
 - Planning Register
 - Planning Scheme
- 3.3.2. Register of Building Permits and Occupancy Permits
- 3.3.3. Copies of Building Permits, plans and documentation (by application from the property owner or persons authorised by the property owner only, charges will apply)
- 3.3.4. Register of Animal Registrations
- 3.3.5. Register of Public Roads
- 3.3.6. FOI Part II Statement

4. PROCEDURAL GUIDELINES

- 4.1. Community requests for Council information not available on Council's website are to be directed to the relevant business unit or Council's Freedom of Information Officer.
- 4.2. The Freedom of Information Officer will process all applications for documents as per the requirements of the *Freedom of Information Act* and will provide all documents which are publicly available or available for a fee, outside of the Act.
- 4.3. Community requests for information that include exempt information under the *Freedom of Information Act 1982* will be processed by application under that Act.

5. REVIEW

- 5.1. The policy will be reviewed annually unless Council determines that an earlier review is required or where legislative changes occur.
- 5.2. The policy will be reviewed in accordance with Council's Community Engagement Policy.

6. APPENDIX 1 - DEFINITIONS

Confidential Information	<p>Confidential information is defined in the Act as meaning the following:</p> <ul style="list-style-type: none"> (a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released; (b) security information, being information that if released is likely to endanger the security of Council property or the safety of any person; (c) land use planning information, being information that if prematurely released is likely to encourage speculation in land values; (d) law enforcement information, being information which if released would be reasonably likely to prejudice the
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	<p>investigation into an alleged breach of the law or the fair trial or hearing of any person;</p> <p>(e) legal privileged information, being information to which legal professional privilege or client legal privilege applies;</p> <p>(f) personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs;</p> <p>(g) private commercial information, being information provided by a business, commercial or financial undertaking that—</p> <p>(i) relates to trade secrets; or</p> <p>(ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage;</p> <p>(h) confidential meeting information, being the records of meetings closed to the public under section 66(2)(a) of the Act;</p> <p>(i) internal arbitration information, being information specified in section 145 of the Act;</p> <p>(j) Councillor Conduct Panel confidential information, being information specified in section 169 of the Act;</p> <p>(k) information prescribed by the regulations to be confidential information for the purposes of this definition;</p> <p>(l) information that was confidential information for the purposes of section 77 of the <i>Local Government Act 1989</i>.</p>
Contrary to the Public Interest	<p>There is no definition in the Act as to when the public availability of information would be contrary to the public interest. Council will determine this on a case by case basis. Some examples of where the public availability of information would be contrary to the public interest are as follows:</p> <p>(a) where disclosure of the information would divulge any information or matter communicated in confidence by or on behalf of a person or a government and be reasonably likely to impair the ability of Council to obtain similar information in the future; or</p> <p>(b) where its disclosure would be reasonably likely to have a substantial adverse effect on the economy of the municipal district, including but not limited to, revealing consideration of a contemplated movement in rates, fees, charges, interest charges or other levies, the sale or acquisition of land or property by the council, urban re-zoning, the formulation of land use and planning controls and the formation of imposts; or</p> <p>(c) where it would disclose instructions issued to, or provided for the use of guidance of, Council officers on the procedures to be followed or the criteria to be applied in negotiation, including financial, commercial and labour negotiation, in the execution of contracts, in the defence,</p>

	<p>prosecution and settlement of cases, and in similar activities relating to the financial property or personnel management and assessment interests of Council; or</p> <p>(d) where the information is subject to a secrecy provision in another Act; or</p> <p>(e) where its disclosure would impede the administration of justice generally, including procedural fairness; or</p> <p>(f) where its disclosure would prejudice intergovernmental relations or otherwise affect relations with other governments or agencies; or</p> <p>(g) where its disclosure would prejudice or otherwise affect the conduct of investigations, audits or reviews by Council or integrity bodies; or</p> <p>(h) where its disclosure would prejudice the deliberative process of government; or</p> <p>(i) where its disclosure would prejudice the effectiveness of testing or auditing procedures.</p> <p>These are examples only and not exhaustive of the circumstances in which the public availability of information would be contrary to the public interest.</p>
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HUMAN RIGHTS

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REVISION HISTORY

VERSION	MAJOR / MINOR UPDATE	SUMMARY OF CHANGES
1.0	Minor update	Updated Responsible Officer title Removal of a number of items under 'information available on request' as these are available to the public on Council's website

ELECTION PERIOD POLICY

Policy Number:	2.4.10
Approved by:	Council
Date Approved:	December 2022
Date of Next Review:	December 2023
Applicable to Unit(s):	Councillors and Organisation
Responsible Officer:	Manager Organisational Performance and Governance
Related Policies:	Provision of Motor Vehicles for Councillors Policy
Related Documents:	Election Campaign Donation Returns Register Employee Code of Conduct Councillor Code of Conduct
Statutory Reference:	<i>Local Government Act 2020</i>

OVERVIEW

The purpose of this policy is to outline the conduct of Council during the Election Period for municipal General Elections. The policy aims to ensure that general elections are conducted in a manner that is ethical, fair and equitable, are publicly perceived as such and support the conduct of good governance for Council and the organisation during the Election Period for municipal General Elections. The policy will also facilitate the continuation of the ordinary business of local government throughout the election period in a responsible and transparent manner, in accordance with statutory requirements and established "Election Period" conventions.

This policy also commits Council during the Election Period to:

- avoid making significant new policies or decisions that could unreasonably bind a future Council; and
- ensure that public resources, including staff resources, are not used in election campaigning or in a way that may improperly influence the result of an election, or improperly advantage existing Councillors as candidates in the election.

THE POLICY

1. Background

- 1.1 In the lead up to an election the local government sector adopts an Election Period Policy to avoid actions and decisions that may be interpreted as influencing voters or binding an incoming Council. Specific provisions have been incorporated in the *Local Government Act 2020* (the Act), that prohibit Council from making major policy decisions or publishing or distributing electoral matter in an Election Period.
- 1.2 Section 69 of the Act prescribes the conduct of a Council during the Election Period. This policy is seen as a way to ensure that Council complies with the Act and the municipal elections for Wellington Shire Council are conducted in a manner that is fair, equitable, upholds the highest standards of democratic governance and is publicly perceived as such.

2. Definitions

- 2.1 It should be noted that where terms used in this policy are defined in the Act, their use in this policy is consistent with the definitions in the Act. Definitions used in this policy are detailed in Appendix 2.

3. Election Period

- 3.1 Starts at midnight on the last day on which nominations for the election can be received; and
- 3.2 Ends at 6:00pm on election day.
- This translates to a commencement date of 32 days prior to the General Election and it starts at midnight on the last day on which nominations for that election can be received.
- The Chief Executive Officer will ensure that all employees are informed of the requirements of this policy in advance of the Election Period commencing.

4. Decision Making

- 4.1 Careful consideration will be given to what decisions at council or special committee meetings should be made in the 32 days leading up to the general election, so that the incoming Councillors are not unreasonably compromised.
- 4.2 It is an established democratic principle that elected bodies should not unnecessarily bind government during an election period. The Council therefore commits to the principle that it will make every endeavour to avoid making decisions that bind the incoming Council.
- 4.3 This includes a commitment to not only comply with the requirements of Section 69 of the Act, pertaining to major policy decisions, but as well relating to significant decisions as specified within this policy.
- 4.4 Examples of the types of actions that should be avoided are:
- allocation of community grants or other direct funding to community organisations;
 - major planning scheme amendments;
 - awarding of contracts both civil and service;
 - changes to strategic objective;
 - changes to strategies in the Council Plan;
 - asking Questions on Notice;
 - submitting Notices of Motion;
 - introduction of Late Items;
 - decisions relating to the employment or remuneration of a Chief Executive Officer, other than a decision to appoint an acting Chief Executive Officer (section 69(2)(a) of the Act); or
 - to terminate the appointment of a Chief Executive Officer.
- 4.5 Ordinary Council and Delegated Committee Meeting agendas and Unscheduled Council Meeting agendas and/or minutes are to be carefully vetted by the Chief Executive Officer and/or Corporate Management Team to ensure that no agenda item is included in any council agenda during the election period that could potentially influence voters' intentions or encourage candidates to use as part of electioneering under section 69(2) of the Act.
- 4.6 During the Election Period, the Chief Executive Officer will ensure that a "Election Period Statement" is included in every report submitted to an Ordinary Council Meeting and/or Unscheduled Meeting for a decision.
- 4.7 The "Election Period Statement" will specify one of the following:
- a) The recommended decision is not a Major Policy Decision or a Significant Decision as defined by Council's Election Period Policy.

- b) The recommended decision is not a Major Policy Decision but **is** a Significant Decision as defined by Council's Election Period Policy however an exception should be made for the following reason/s: *[insert reasons for making an exemption]*.
- c) The recommended decision is to seek an exemption from the Minister because the matter requires a Major Policy Decision as defined by Council's Election Period Policy.
- d) The recommended decision is a Major Policy Decision, as defined by Council's Election Period Policy, however an extraordinary circumstances exemption was granted by the Minister for Local Government on *[insert date]*.

5. Major Policy Decisions

- 5.1 Section 69 of the Act prohibits a Council, Committee or a person acting under a delegation given by the Council from making a major policy decision during the Election Period for a General Election. If Council considers that there are extraordinary circumstances which require the making of a major policy decision during the election period, the Council may apply in writing to the Minister for an exemption. Rates and charges levied continue to apply under the relevant sections of the *Local Government Act 1989*.

6. Significant Decisions

- 6.1 Council will avoid making other decisions during the Election period that are of a significant nature and would unreasonably bind the incoming Council. Significant decisions include:
 - a) irrevocable decisions that commit the Council to substantial expenditure or major actions; and
 - b) irrevocable decisions that will have a major impact on the municipality or the community.

7. Public Consultation

7.1 Definition

Public consultation means a process which involves an invitation or invitations to individuals, groups, organisations or the community generally to comment on an issue or proposed action, proposed policy, and includes discussion of that matter with the public.

7.2 Right to Postpone

Public consultation may be undertaken during the Election Period to facilitate the day to day business of Council, to ensure matters continue to be proactively managed. Consultation will avoid express or implicit links to the election. In view of the potential for a matter or issue to become contentious or politically sensitive in the course of an Election period, Council reserves the right to postpone a matter if the issue is likely to affect voting.

7.3 Statutory Requirements

The requirements of 7.2 do not apply to public consultation required under the *Planning and Environment Act 1987*.

8. Council Resources

- 8.1 It is an established democratic principle that public resources must not be used in a manner that would influence the way people vote in elections. Council therefore commits to this principle in that it will ensure Council resources are not used inappropriately during a Council election. This includes a commitment to comply with the following procedures.

- 8.2 Council will ensure that due propriety is observed in the use of all Council resources, and Council staff are required to exercise appropriate discretion in that regard. In any circumstances where the use of Council resources might be construed as being related to a candidate's election campaign, the matter must be referred to the Chief Executive Officer or his or her delegate.
- 8.3 Council resources, including offices, support staff, hospitality services, equipment such as mobile phones, laptops, tablets and printers, and stationery will be used exclusively for normal Council business during the Election Period, and shall not be used in connection with any electioneering activity.
- 8.4 Reimbursements of Councillor's out-of-pocket expenses during the Election Period will only apply to costs that have been incurred in the performance of normal Council duties, and not for expenses that could be perceived as supporting or being connected with a candidate's election campaign.
- 8.5 No Council logos, letterheads or other corporate branding will be used for, or linked in any way to, a candidate's election campaign.
- 8.6 Photos or images taken or provided by Council are not to be used by Councillors for the purposes of electioneering or in support of their election campaign. This applies equally to images on Council's website that may be copied.
- 8.7 No election material or active campaigning is to be conducted at Council sponsored events or be displayed in any Council building.
- 8.8 In applying these principles, the Council understands that the following will be normal practice during the Election Period:
 - 8.8.1 Public events will only be organised and run if it is totally unavoidable to conduct such events during the Election period and then only with the express permission of the Chief Executive Officer;
 - 8.8.2 Speeches for Councillors will only be prepared by the Communications and Media business unit in relation to events that are part of normal services or operation of the Council and such speeches will not be circulated or available for publication;
 - 8.8.3 Media services, including media releases, will not be provided to Councillors during the Election Period;
 - 8.8.4 Media releases will not mention or quote any Councillor(s) during the Election Period;
 - 8.8.5 All Council newsletters will not be printed during the Election Period; and
 - 8.8.6 Neither the Council logo nor Council stationery will be used by Councillors in any way that relates to the election.

9. Equipment and facilities provided to Councillors for the purpose of conducting normal Council business will not be used for campaigning purposes

- 9.1 Where Councillors have Council funded services, such as mobile phones, land lines and internet connections, and where it is impractical for Councillors to discontinue their use of these during the Election Period, Councillors will reimburse the Council for usage of those services during the Election Period that exceeds normal usage levels. Councillors may wish to consider the specific ways to administer this procedure. For instance, Councillors may decide to use a private phone for all election enquiries and publicise such number on election material.
- 9.2 Councillors standing for re-election must not use Council equipment as a resource to assist with election campaigns. This includes photos or images provided by Council for past Council specific activities

10. Information

10.1 Candidates' Access to Information

All election candidates have equal rights to information relevant to their election campaigns from the Council administration. Whilst it is important that sitting Councillors continue to receive information that is necessary to fulfill their existing elected roles, neither Councillors nor candidates will receive information or advice from Council officers that may improperly advantage candidates in the elections.

There will be complete transparency in the provision of all information and advice during the Election Period.

10.2 Information Request Register

An Information Request Register will be maintained by the Corporate Services division during the Election Period. This register will be a public document that records all requests relating to electoral matters and non-routine requests for information by Councillors and candidates, and the responses given to those requests.

Responses to Councillors and candidate requests, as per clause 10.1, will be provided by the Chief Executive Officer or General Managers. Managers will be required to discuss the request and the proposed response with their General Manager prior to the response being provided.

Only Information that can reasonably be accessed will be released.

11. Misuse and Improper Direction of Position

- 11.1 Section 123 of the Act prescribes serious penalties for any Councillor who inappropriately makes use of their position or information obtained in the role of a Councillor, to gain or attempt to gain, directly or indirectly, an advantage for themselves or for any other person or to cause, or attempt to cause, detriment to the Council or another person.

12. Assistance to Candidates

- 12.1 The Council affirms that all candidates for the Council election will be treated equally.
- 12.2 All election related enquiries from candidates, whether sitting Councillors or not, will be directed to the Election Manager or, where the matter is outside the responsibility of the Election Manager (such as the CEO list), to the Chief Executive Officer or a designated member of Council staff.
- 12.3 Candidates will be informed of their obligation to complete a Nomination Form which will be available from the Election Manager and electronically via the Victorian Electoral Commission's website, accompanied by the nomination fee.
- 12.4 Candidates will also be informed of the requirements to complete and submit an "Election Campaign Donation Return Form" to the Chief Executive Officer within 40 days after the Election Day.

An election campaign donation form must:

- (a) Be in the prescribed form; and
- (b) Contain the prescribed detail in respect of any gifts received during the donation period, by the candidate or on behalf of the candidate, to be used for or in connection with the election campaign.

Donation period means the period—

- (a) commencing on whichever is the later of—
 - (i) 30 days after the last general election for the Council; or

- (ii) 30 days after the last election for the Council at which the person required to give the election campaign donation return was a candidate; and
- (b) ending 30 days after election day in the current election for the Council.

13. Communication

- 13.1 Council communication will not be used in any way that might influence the outcome of a Council election.
- 13.2 During the Election Period, no employee will initiate any public statement that relates to an election issue. Public statements are not only formal press releases but also verbal comments at meetings, functions and events where attending as part of their Council role.
- 13.3 Any requests from Councillors for media advice or assistance during the Election Period will be channelled through the Chief Executive Officer.
- 13.4 In response to media enquiries, the Chief Executive Officer, General Managers or the Communications and Media business unit will only provide a response and such information should relate to current services and operations.
- 13.5 In the Election Period, no media releases will be issued quoting or featuring any Councillor.
- 13.6 During the Election Period, Council initiated communications shall be restricted to communication of normal Council activities.
- 13.7 No media advice or assistance will be provided to Councillors in relation to election campaign matters.
- 13.8 No publicity will be provided that involves specific Councillors.
- 13.9 Councillors should not use their position as an elected representative or their access to Council staff and other Council resources or information in support of an election campaign. This includes photos or images provided by Council for past Council activities.
- 13.10 Contact with the local media will be restricted to the communication of normal Council activities and responding to questions not involving the election or possible election outcomes.
- 13.11 Publicity of Council events (if any during the Election Period) will be restricted to the communication of factual material and will not mention or quote any Councillor.
- 13.12 Councillor participation at Council sponsored events (if any during the Election Period) should not be used to gain attention in support of an election campaign. Council sponsored events includes launches, events, and any other public forum outside of the normal Council meeting cycle – the easiest way to deal with these is to simply not have them during the Election Period.

14. Council Publications

- 14.1 Council must refrain from printing, publishing or distributing or cause, permit or authorise to be printed, published or distributed, any advertisement, handbill, pamphlet or notice during the election period unless the advertisement, handbill, pamphlet or notice has been certified, in writing, by the Chief Executive Officer.

This is to ensure that Council does not utilise public funds that may influence or be seen to influence people's voting intentions.
- 14.2 The Chief Executive Officer must not intentionally or recklessly certify an electoral advertisement, handbill, pamphlet or notice during the election period unless it only contains information about the election process. – it is an offence for the Chief Executive Officer to contravene this requirement.

- 14.3 Electoral matter is any matter that is intended or likely to affect voting in an election.
- 14.4 Certification by the Chief Executive Officer must be in writing and cannot be delegated. Certification wording – over the Chief Executive Officers signature – should be as follows:

“Certified by the Chief Executive Officer that this document does not contain electioneering material in accordance with the Local Government Act 2020.”

- 14.5 A Councillor or member of Council staff must not intentionally or recklessly print, publish or distribute or cause, permit or authorise to be printed, published or distributed an electoral advertisement, handbill, pamphlet or notice during the election period on behalf of, or in the name of, the Council or on behalf of, or in the name of, a Councillor using Council resources if the electoral advertisement, handbill, pamphlet or notice has not been certified by the Chief Executive Officer.
- 14.6 Electoral material has been interpreted to refer to documents produced for the purpose of communicating with the community, including:
- Council newsletters;
 - Advertisements and notices, for example job advertisements and public notices of contracts;
 - Media releases;
 - Leaflets and brochures;
 - Mailouts to multiple addresses.

All the above publications will require certification by the Chief Executive Officer.

Material is definitely electoral matter if it consists of any of the following:

- publicises the strength or weakness of a candidate;
 - advocates the policies of the Council or of a candidate;
 - responds to claims made by a candidate;
 - publicises the achievements of the elected Council;
 - publicises matters that have already been the subject of public debate;
 - about matters that are known to be contentious in the community and likely to be the subject of election debate;
 - dealing with Election Candidates' statements;
 - referring to Councillors or candidates by name or by implicit reference.
- 14.7 The publication of material specified above applies to all of Council's websites under the auspice of Council. ***Any new pages on the website or new material will require certification by the Chief Executive Officer during the Election Period.***
- 14.8 The recommended practice, in line with State and Federal Governments, is where possible; avoid all publication activity during the Election Period except where it is essential for the conduct of Council operations.
- 14.9 A number of Council publications with reference to either current Councillors or candidates, both on the website and public display will be withdrawn from display during the Election Period.
- 14.10 During the Election Period, Council's website will not contain material which is precluded by this policy or the statutory requirements relating to publications. Any references to the election will only relate to the election process.
- 14.11 Profiles of the current Mayor and Councillors will be removed from Council's website during the Election Period but retain their contact details for their day-to-day role as a

Councillor i.e. names, photos and mobile phone numbers.

- 14.12 Any new material published on Council's website during the Election Period that may be considered to be an advertisement, handbill, pamphlet or notice must also be subject to the certification process via the Chief Executive Officer.
- 14.13 Council is required by the Act to produce an annual report, and the annual report may be published during the Election Period. The annual report will not contain any material that could be regarded as overt electioneering or that inappropriately promotes individual Councillors but will fulfill its statutory obligations on reporting matters. In accordance with the requirements of section 100 of the Act, Council may be required to consider the annual report at a meeting of Council held during the Election Period.
- 14.14 Social media – any publication on social media sites such as Facebook, Twitter or Council blogs that are under the auspice of Council will also require certification by the Chief Executive Officer.

APPENDIX 1 RELEVANT ACT REFERENCE***Local Government Act 2020******69 Governance Rules to include election period policy***

- (1) A Council must include an election period policy in its Governance Rules.*
- (2) An election period policy must prohibit any Council decision during the election period for a general election that—*
 - (a) relates to the appointment or remuneration of the Chief Executive Officer but not to the appointment or remuneration of an Acting Chief Executive Officer; or*
 - (b) commits the Council to expenditure exceeding one per cent of the Council's income from general rates, municipal charges and service rates and charges in the preceding financial year; or*
 - (c) the Council considers could be reasonably deferred until the next Council is in place; or*
 - (d) the Council considers should not be made during an election period.*
- (3) An election period policy must prohibit any Council decision during the election period for a general election or a by-election that would enable the use of Council's resources in a way that is intended to influence, or is likely to influence, voting at the election.*
- (4) A Council decision made in contravention of subsection (2)(a) or (b) is invalid.*
- (5) Any person who suffers any loss or damage as a result of acting in good faith on a Council decision that is invalid by virtue of subsection (4) is entitled to compensation from the Council for that loss or damage.*

APPENDIX 2 DEFINITIONS

It should be noted that some of the terms used in this policy are defined in the *Local Government Act 2020* (the Act) and their use in this policy is consistent with the Act.

Community engagement principles means the principles specified in section 56 of the Act as follows:

56 The community engagement principles

The following are the community engagement principles—

- (a) *a community engagement process must have a clearly defined objective and scope;*
- (b) *participants in community engagement must have access to objective, relevant and timely information to inform their participation;*
- (c) *participants in community engagement must be representative of the persons and groups affected by the matter that is the subject of the community engagement;*
- (d) *participants in community engagement are entitled to reasonable support to enable meaningful and informed engagement;*
- (e) *participants in community engagement are informed of the ways in which the community engagement process will influence Council decision making.*

Donation period means the period—

- (a) commencing on whichever is the later of—
 - (i) 30 days after the last general election for the Council; or
 - (ii) 30 days after the last election for the Council at which the person required to give the election campaign donation return was a candidate; and
- (b) ending 30 days after election day in the current election for the Council;

Election period means the period that—

- (a) starts at the time that nominations close on nomination day; and
- (b) ends at 6 p.m. on election day;

Electoral material means an advertisement, handbill, pamphlet or notice that contains electoral matter, but does not include an advertisement in a newspaper that is only announcing the holding of a meeting.

Electoral matter is not defined in the Act but has the same meaning as matter which is intended or likely to affect voting in an election but does not include any electoral material produced by or on behalf of the Election Manager for the purposes of conducting an election.

Major Policy Decision is not defined under the Act but has the same meaning as any decision:

- (a) the remuneration, appointment or dismissal of a Chief Executive Officer;
- (b) entering into any contracts worth more than 1% of the Council's revenue from rates and charges levied under section 158 of the *Local Government Act 1989* (the 1989 Act) in the previous financial year; and

- (c) the exercise of any entrepreneurial power under section 193 of the 1989 Act if the amount assessed under section 193(5A) of the 1989 Act in respect of the proposal exceeds whichever is greater of \$100,000 or 1% of the Council's revenue from rates and charges levied under section 158 of the 1989 Act in the previous financial year.

Public Consultation is not defined in the Act but means a process which involves an invitation or invitations to individuals, groups, organisations or the community generally to comment on an issue or proposed action, proposed policy, and includes discussion of that matter with the public.

Publish means publish by any means including by publication on the Internet;

Significant Decision is not defined in the Act, but in this context means an irrevocable decision that significantly affects the municipality.

HUMAN RIGHTS

Wellington Shire Council is committed to upholding the Human Rights principles as outlined in the *Charter of Human Rights and Responsibilities Act 2006 (Vic)* and referred to in Council's Human Rights Policy. The Human Rights Checklist has been completed and this policy accords with Council's policy commitment to uphold human rights principles.

REVISION HISTORY

VERSION	MAJOR / MINOR UPDATE	SUMMARY OF CHANGES
1.0	Minor update	Updated Responsible Officer Minor formatting and grammar

CEO EMPLOYMENT AND REMUNERATION POLICY

Policy Number:	2.4.11 (Wellington Shire Council Employee Policy 4.1)
Approved by:	Council
Date Approved:	December 2021
Date Effective:	Immediately
Date of Next Review:	December 2025
Applicable to:	Organisation
Responsible Officer:	General Manager Corporate Services
Statutory Reference:	<i>Local Government Act 2020 - Section 45</i> <i>The Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019 - section 21</i> <i>Victorian Charter of Human Rights and Responsibilities Act 2006.</i> <i>Fair Work Act 2009</i> <i>Charter of Human Rights Act 2008</i> <i>Human Rights and Equal Opportunity Commission Act 1986 (Commonwealth)</i>

AUTHORISATION

This Policy was endorsed by resolution of Council at a Council Meeting on 7 December 2021.

1. OVERVIEW

The Wellington Shire Council (Council) Chief Executive Officer (CEO) Employment and Remuneration Policy sets out the framework for CEO recruitment, contract terms, remuneration and performance reviews.

This policy is written in accordance with section 45 of the Local Government Act 2020 and section 21 of the *Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019* and is to be read in conjunction with the CEO's Contract of Employment.

2. CEO EMPLOYMENT AND REMUNERATION FRAMEWORK

2.1 Principles

Council will ensure that the following best practice principles apply:

- Decision-making principles that are fair, transparent, and applied consistently.
- Decisions and actions that are conducive to ongoing good governance.
- Documentation that is clear and comprehensive to render decisions capable of effective review.
- Employment decisions that are based on the proper assessment of an individual's work-related qualities, abilities, and potential against the genuine requirements of the role; and
- Decisions to appoint a new employee that are based on merit.

2.2 CEO Recruitment Overview

On behalf of Council, the CEO Performance Review Committee will appoint an independent recruitment consultant to manage the end-to-end CEO recruitment process which should include:

- Taking a detailed brief from the Council on the role and the ideal candidate
- Preparing a detailed schedule outlining the end-to-end process
- Developing a strategy to attract suitable candidates
- Assisting Council to conduct first and second round interviews (if required) to determine a shortlist of candidates
- Conducting relevant psychometrics (if required) to determine best fit
- Conducting reference checks on the preferred candidate
- Performing probity checks on the preferred candidate
- Working with Council's General Manager Corporate Services and the Human Resources team to prepare and issue the CEO's Contract of Employment

The CEO Performance Review Committee will also:

- prepare communications for Council to announce the appointment of the new CEO
- lead the induction of the new CEO in conjunction with the General Manager Corporate Services.
- Work with the new CEO to mutually agree the Performance Objectives and Key Result Areas (KRAs).

2.3 Key Contract Terms

Key contractual terms and conditions for the CEO as per section 44 of the *Local Government Act 2020* are:

- A contract of employment is to be offered for a period of up to five years (*section 45 of the LGA 2020*).
- A CEO is eligible to be reappointed under a new contract of employment (*section 45 of the LGA 2020*).
- If there is a vacancy in the office of the CEO or the CEO is unable to perform the duties of the office of the CEO, the Council must appoint a person to be the Acting CEO (*section 45 of the LGA 2020*)
- Other conditions to be detailed in the CEO's Contract of Employment

2.4 Corporate Credit Card

The CEO may be provided with a Corporate Card to use in transactions related to their role. Corporate Card expenditure will be reviewed by the Mayor and authorised by the Manager Corporate Finance. The independent Audit & Risk Committee will receive quarterly reports on all CEO corporate card transactions.

The Council will meet expenses incurred by the CEO including:

- Membership and subscription fees payable to professional associations which are reasonably necessary or desirable in performance of duties and / or what is also agreed in the CEO's Contract of Employment
- Reasonable costs incurred where attending conferences, seminars or undertaking study
- Reasonable costs incurred in performance of duties.

2.5 CEO Remuneration Principals

CEO total remuneration arrangements and decisions should be robust, transparent, based on rigorous analysis and guided by the following principles:

- remuneration should be compared and aligned to appropriate industry benchmarks
- remuneration may be guided by the outcomes of section 21 of the Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019
- remuneration should be a fair and reasonable recompense for performing the inherent requirements of the role.
- remuneration decisions should have regard to Council's fiscal and economic conditions
- remuneration should be set at a competitive level for the relevant market and sector to attract and retain talent.
- remuneration should reflect the non-financial benefits of local government employment.

2.6 CEO Performance Review

The CEO's performance review process will be undertaken by Council's CEO Performance Review Committee. This review may include, at Council's cost, the assistance of a mutually agreed (CEO and Committee) independent consultant, to assist with:

- developing the CEO's relevant, achievable, measurable, and timed KRAs, linked to an approved Council Plan and including, as required, other relevant infrastructure, economic development, operational, financial and governance matters.
- assessing the performance of the CEO against the KRAs,
- developing new KRA's for the following performance year.

The performance review will also include the opportunity for Council to provide the CEO with performance related feedback and input into the CEO's development plan.

The CEO will also provide feedback on the performance of the Council as part of a 360-degree feedback process, which will be facilitated by the independent consultant.

The performance review will be completed annually to coincide, if possible, with the anniversary of the CEO's commencement date.

Details of the performance review will be provided to the CEO by no later than one month prior to the commencement of such review.

A performance review will be conducted within 6 months of the formal annual review each year thereafter. This review will provide the CEO with feedback and the opportunity to adjust any of the objectives set in the formal performance review if required.

Following the CEO's annual formal performance review, Council will work with the independent consultant to review the remuneration of the CEO. Any decision to increase the remuneration of the CEO must be in accordance with the CEO Remuneration Principles outlined herein.

3. BREACH OF POLICY

Failure to maintain and comply with this policy may be a breach of Section 45 of the *Local Government Act 2020* and accordingly be subject to review by the Local Government Inspectorate.

REVISION HISTORY

VERSION	MAJOR / MINOR UPDATE	SUMMARY OF CHANGES
1.0	Not applicable	No review required as this policy is still valid

HERITAGE POLICY

Policy Number:	3.1.1
Approved by:	Council
Date Approved:	December 2022
Date of Next Review:	December 2023
Applicable to Unit(s):	Land Use Planning
Responsible Officer:	Manager Land Use Planning
Related Policies:	Nil
Related Documents:	Nil
Statutory Reference:	Wellington Planning Scheme

OVERVIEW

To establish policy to manage heritage identification and protection.

This Heritage Policy seeks to establish processes to identify and protect the best examples of Wellington's heritage and increase community appreciation of that heritage.

Through this policy the Council seeks to give recognition to the heritage assets of the Wellington Shire for the benefit of both present and future residents and visitors.

THE POLICY

- To encourage a community climate of respect for, and appreciation of Wellington Shire's heritage of buildings, gardens, trees and other features of importance.
- To identify and protect the most important aspects of the Wellington Shire's heritage.
- To develop local knowledge and skills in all aspects of researching and conserving Wellington Shire's heritage places.
- To provide persons involved in the conservation of heritage places with expert advice in respect to the most appropriate manner to undertake associated works.

The Wellington Shire Council shall engage a Heritage Advisor to undertake the following as required:

- (a) Under the direction and guidance of Council's Manager Land Use Planning, provide advice to:
 - Council on Town Planning matters;
 - Council and Committees of Management on proposed works in respect of Council owned buildings/places;
 - Private building owners and occupiers on a range of issues, such as paint colour schemes, building alterations and additions, researching techniques, funding availability, at no cost to the property owners/occupier.
- (b) Compile nominations on behalf of the Council for registration on the Victorian Heritage Register and/or Register of the National Estate as required.
- (c) Develop specific guidelines and/or action plans for identified areas of high heritage value, to promote restoration/reinstatement works and ensure building alterations and infill development is compatible with the area's existing scale and character.

- (d) Advise Council on the availability of funding and heritage works/studies and prepare any resultant submissions.
- (e) Prepare a register of council-owned buildings/properties of high heritage value, which identifies the level of significance of those places and gives a brief action plan of any works which should be undertaken.
- (f) Conduct a heritage seminar/workshop for local tradespersons and building owners to help improve heritage skills, knowledge, and awareness in the community.

Council will support the development of heritage brochures which increase community awareness of the heritage of the Wellington Shire.

Where a Planning Permit is required for buildings and works, due only to applicable heritage overlay controls, Council will waive the applicable application fee which may otherwise discourage the undertaking of restoration/reinstatement works, and/or place additional costs on property owners due to the community benefit of imposing heritage controls.

Council will continue to support the operation of museums and Historical Societies within Wellington Shire.

HUMAN RIGHTS

Wellington Shire Council is committed to upholding the Human Rights principles as outlined in the *Charter of Human Rights and Responsibilities Act 2006 (Vic)* and referred to in Council's Human Rights Policy. The Human Rights Checklist has been completed and this policy accords with Council's policy commitment to uphold human rights principles.

REVISION HISTORY

VERSION	MAJOR / MINOR UPDATE	SUMMARY OF CHANGES
1.0	Not applicable	No changes applicable at this review

ASSESSMENT OF DEVELOPMENT IN RELATION TO POTENTIAL SEA LEVEL RISE POLICY

Policy Number:	3.1.2
Approved by:	Council
Date Approved:	December 2022
Date of Next Review:	December 2023
Applicable to Unit(s):	Land Use Planning
Responsible Officer:	Manager Land Use Planning
Related Policies:	Nil
Related Documents:	Wellington Planning Scheme
Statutory Reference:	<i>Planning and Environment Act 1987</i>

OVERVIEW

The purpose of this policy is to establish appropriate sea level rise allowances to be applied in future planning permit decision making.

This policy responds to the Planning Policy Framework in the Wellington Planning Scheme, which identifies the need 'to plan for and manage coastal hazard risk and climate change impacts'.

Based on this policy, the West Gippsland Catchment Management Authority (as the relevant statutory flood authority) can provide consistent technical advice to Council on appropriate flood levels in areas affected by potential sea level rise.

THE POLICY

Application of policy

This policy applies to land affected by potential sea level rise when a planning permit is 'triggered' by:

- the Land Subject to Inundation Overlay or Floodway Overlay; or
- another planning scheme provision and Council has resolved to include the land in the Land Subject to Inundation Overlay or Floodway Overlay.

This policy applies to 'urban infill areas' and 'greenfield development', which for the purpose of this policy are defined as:

Urban infill areas

'land within defined settlement boundaries identified in Clause 21.12 of the Wellington Planning Scheme or where no defined settlement boundary exists, to all established township areas zoned for urban purposes'.

Greenfield development

'All land other than urban infill areas'.

This policy does **not** apply to urban infill areas in Port Albert which have been excluded from flood overlay controls through the Minister for Planning's approval of Amendment C33 to the Wellington Planning Scheme. Consistent with Council's 18 March 2014 resolution, identified urban infill areas of Port Albert have instead been designated as subject to flooding under the Building Regulations where required finished floor levels will be 2.25m AHD (comprising 1.75m AHD 1 in 100 year flood

level plus 0.3m freeboard plus 0.2m potential sea level rise).

Information and advice

Council will seek technical advice from the West Gippsland Catchment Management Authority in applying this policy.

The West Gippsland Catchment Management Authority will assess development in relation to sea level rise in accordance with Guidelines for Coastal Management Authorities, June 2012 (or any subsequent version) and this Council policy.

While the West Gippsland Catchment Management Authority is a 'recommending' referral authority, Council will continue to rely on the best available technical knowledge and information provided by the West Gippsland Catchment Management Authority at the time of making any planning decision.

Benchmark flood levels

- *In all urban infill areas, the current 1 in 100 year benchmark flood level will be applied, with an extra potential sea level rise allowance of 0.2 metres being applied to finished floor levels.*

This does not apply:

- to development accommodating emergency and community facilities (as identified in Clause 13.03-1S of the Planning Policy Framework) where an allowance of 0.8 metre sea level rise will be used if the West Gippsland Catchment Management Authority support the proposal**.
- to minor development proposals such as non-habitable outbuildings, decking and the like where a reduced floor level is supported by the West Gippsland Catchment Management Authority.
- when a development proponent elects to establish a higher floor level.

*** It is noted that the Guidelines for Coastal Management Authorities, June 2012 state a clear policy preference for emergency and community facilities to be located outside flood prone areas.*

- *In all greenfield areas, the 2100 benchmark flood level (incorporating at least 0.8 metre potential sea level rise) will be applied.*

This does not apply:

- to single dwellings where the urban infill benchmark flood level above will be utilised.
- to minor development proposals such as non-habitable outbuildings, decking and the like where a reduced floor level is supported by the West Gippsland Catchment Management Authority.

HUMAN RIGHTS

Wellington Shire Council is committed to upholding the Human Rights principles as outlined in the *Charter of Human Rights and Responsibilities Act 2006 (Vic)* and referred to in Council's Human Rights Policy. The Human Rights Checklist has been completed and this policy accords with Council's policy commitment to uphold human rights principles.

REVISION HISTORY

VERSION	MAJOR / MINOR UPDATE	SUMMARY OF CHANGES
1.0	Not applicable	No changes applicable at this review

FUNDING AND PROCUREMENT OF PUBLIC INFRASTRUCTURE WORKS POLICY

Policy Number:	3.1.3
Approved by:	Council
Date Approved:	3 May 2022
Date of Next Review:	3 May 2023
Applicable to Unit(s):	Land Use Planning Built Environment
Responsible Officer:	Manager Land Use Planning Manager Built Environment
Related Policies:	Procurement Policy
Related Documents:	Any Council adopted strategic document (including the Residential Stocktake and Facilitation Strategy) Infrastructure Funding (Developer Contribution) document Wellington Planning Scheme Any relevant planning permit/section 173 agreement
Statutory Reference:	<i>Local Government Act 2020</i> <i>Planning and Environment Act 1987</i> <i>Subdivision Act 1988</i>

OVERVIEW

This Policy provides for a consistent, orderly and equitable approach to the funding and procurement of Public Infrastructure Works required to facilitate desired urban growth outcomes.

Via this Policy, Council will consider forward funding of key Public Infrastructure Works to be assessed on a 'case by case' basis with funds to be recovered from developers as development progresses.

This Policy aims to better facilitate a diversity of residential and employment land release across the municipality to achieve the strategic growth directions identified in the 2021-2025 Council Plan.

THE POLICY

Overall Policy Objective

To facilitate a diversity of residential and employment land release across the main urban centres of the municipality by supporting the forward funding and orderly procurement of Public Infrastructure Works.

Background

The need for housing and employment land release is a key strategic objective of the 2021-2025 Council Plan.

At the 1 February 2022 Council meeting, Council adopted the Residential Stocktake and Facilitation Strategy Report ('Report'). This Report identified the challenges in bringing residential and employment land to market in a Wellington Shire context, particularly where costly infrastructure items of shared benefit (e.g., drainage retention basins and road intersection upgrades) are required at initial stages of development. The Report recommended that Council

take a forward funding approach to key infrastructure items of shared benefit, with funds to be equitably recovered from developers as stages of development progress.

This Policy provides assessment criteria for future decisions to be made in relation to Council's forward funding of infrastructure of shared benefit (Public Infrastructure Works) and also provides for a consistent and orderly approach to the procurement and implementation of required infrastructure.

Scope

This Policy applies to residential and employment land across the main urban areas (or future urban areas) of the municipality which require significant new infrastructure investment of shared benefit to activate development and bring land to market.

The Policy applies in circumstances where Public Infrastructure Works are required by Council as a result of, or in association with, a new use and/or development approved or required by Council under an approved development plan, planning permit, section 173 agreement or other adopted Council document such as an Infrastructure Funding Arrangement (Developer Contribution) Report.

Definitions

Under this Policy, Public Infrastructure Works means key public infrastructure items (and any associated land requirement) of shared benefit such as drainage retention basins and road intersection upgrades. Public Infrastructure Works do not include usual subdivision permit works (e.g., internal subdivision roads and service connections) required to be provided directly by the developer.

Policy Criteria for Forward Funding of Public Infrastructure Works

Council (or an Officer delegated under this Policy) may elect to forward fund Public Infrastructure Works subject to a documented evaluation against the criteria below.

- Are the Public Infrastructure Works located in a clearly identified (or Council adopted) growth area?
- Are the Public Infrastructure Works identified in a Council adopted Infrastructure Funding Mechanism (Developer Contribution) document and has the developer agreed to contribute their share of required costs (or via works in kind)?
- Are the Public Infrastructure Works considered to be essential infrastructure of shared benefit, providing for the orderly and logical development of the growth area?
- Will delivery of the Public Infrastructure Works support Council's policy objectives and adopted strategic documents?
- Does the developer have a track record in successful delivery of subdivisional/infrastructure development and an appropriate business case/financial credentials?
- Will delivery of the Public Infrastructure Works assist in the creation of an appropriate lot yield (delivered in stages); a diversity of lot sizes to meet changing demographic needs; any social or affordable housing outcomes; and/or job creation?
- Are there broader community benefits (outside of the immediate development catchment) which may result?
- Will delivery of the Public Infrastructure Works enable delivery of related infrastructure to achieve cost and timing efficiencies?
- Are the Public Infrastructure Works appropriately costed and budgeted?

Procurement Policy

In procuring Public Infrastructure Works, the principles and requirements of Council's Procurement Policy 2.2.4 must be considered, in addition to the matters contained in this Policy.

Record keeping

It is policy that an Officer's report (or Council report) for funding and procurement supported via this Policy be kept which includes:

- the basic facts of the procurement
- the Council Officers responsible
- the amount of Council funding provided and details of required developer contributions (or infrastructure works to be provided in kind)
- the process followed, including preparing and costing the final design of Public Infrastructure Works and a review/independent probity audit of the business case submitted.
- any conflicts of interest declared
- any other relevant matters.

Implementation

The delivery of Public Infrastructure Works approved via this Policy should be managed via a legal agreement with the developer to manage relevant facts and circumstances including:

- the tender process for the provision of Public Infrastructure Works
- the purchase or acquisition of any land required for Public Infrastructure Works
- details of all infrastructure works, responsibilities, timings and costs
- details of financial contributions required by the developer, Council or any other party
- any other matters relating to implementation.

Delegations

Under this Policy, the following delegations are provided:

- Chief Executive Officer - \$400,000
- General Manager Development/General Manager Built and Natural Environment - \$250,000 for payments/services and \$300,000 for contracts

All monetary amounts specified in this Policy are inclusive of GST.

Compliance

In any circumstance where the relevant Council Officer responsible for funding, procurement or implementation of Public Infrastructure Works is concerned regarding compliance with any legislation, this Policy or any other matter, legal advice should be obtained or the matter be referred to Council's Audit and Risk Committee.

HUMAN RIGHTS

Wellington Shire Council is committed to upholding the Human Rights principles as outlined in the *Charter of Human Rights and Responsibilities Act 2006 (Vic)* and referred to in Council's Human Rights Policy. The Human Rights Checklist has been completed and this policy accords with Council's policy commitment to uphold human rights principles.

REVISION HISTORY

VERSION	MAJOR / MINOR UPDATE	SUMMARY OF CHANGES
1.0	Not applicable	Policy remains current

CAR PARKING - OFF STREET CAR PARKS

Policy Number:	3.2.1
Approved by:	Council
Date Approved:	December 2022
Date of Next Review:	December 2023
Applicable to Unit(s):	Municipal Services
Responsible Officer:	Manager Regulatory Services
Related Policies:	Nil
Related Documents:	Wellington Shire Council Community Local Law
Statutory Reference:	<i>Infringement Act 2006</i> <i>Local Government Act 2020</i> <i>Road Safety Act 1986, Section 90D</i> <i>Road Safety Road Rules 2017</i>

OVERVIEW

To establish policy for the management of vehicle parking in off-street car parks and the enforcement of parking restrictions in privately owned car parks.

THE POLICY

Council may agree to enter into a written agreement with the proprietor of privately owned car parks that are available for public parking of vehicles.

Council may agree to enforce parking regulations as resources allow or by provision of fee for service.

Property owners are required to meet all maintenance costs of car parks including line marking signage and surface condition and ensure compliance with specified requirements in relation to:

- (i) restricting access to the land by motor vehicles;
- (ii) signs to be placed, or markings to be made, on the land;
- (iii) the siting, installation and maintenance of signs and markings;

Agreements with owners must place no obligation on Council to meet targeted patrols.

Council is to advise property owners of any instances of non-compliant parking restriction signage and will cease enforcement activities until the signage complies with the specified requirements.

Parking offences must be in accordance with the *Road Safety Road Rules 2017*, Community Local Law or the *Local Government Act 2020*.

The property owner remains responsible for the payment of rates and all outgoings.

Property owners agree to rights of access to the land by persons authorised by the municipal council in connection with the provision of parking services and the duties and obligations to be complied with by those persons while exercising those rights.

HUMAN RIGHTS

Wellington Shire Council is committed to upholding the Human Rights principles as outlined in the *Charter of Human Rights and Responsibilities Act 2006 (Vic)* and referred to in Council's Human Rights Policy. The Human Rights Checklist has been completed and this policy accords with Council's policy commitment to uphold human rights principles.

REVISION HISTORY

VERSION	MAJOR / MINOR UPDATE	SUMMARY OF CHANGES
1.0	Minor update	Updated Responsible Officer title and references to the revised Community Local Law and <i>Local Government Act 2020</i>

STREET RAFFLES POLICY

Policy Number:	3.2.2
Approved by:	Council
Date Approved:	December 2022
Date of Next Review:	December 2023
Applicable to Unit(s):	Municipal Services
Responsible Officer:	Manager Regulatory Services
Related Policies:	Nil
Related Documents:	Wellington Shire Council Community Local Law 2021 Wellington Shire Council Roadside Trading Guidelines 2018
Statutory Reference:	Nil

OVERVIEW

To establish policy for the management of street raffles.

Many organisations, local, statewide and national, rely on fund raising efforts, including raffles to assist in the provision of their services to their club, organisation or public. To achieve this end, they request permission from Council to conduct raffles from Council controlled footpaths.

Council has designated areas in different townships throughout the Shire where groups are permitted to conduct such raffles.

THE POLICY

Raffles

Council may consent to community and charitable organisations selling raffle tickets in the commercial area of approved townships in line with the Street Raffle Policy, Wellington Shire Council Roadside Trading Guidelines 2018 and Wellington Shire Council Community Local Law 2021.

More information can be found on Council's website: www.wellington.vic.gov.au/community/local-laws-permits

HUMAN RIGHTS

Wellington Shire Council is committed to upholding the Human Rights principles as outlined in the *Charter of Human Rights and Responsibilities Act 2006 (Vic)* and referred to in Council's Human Rights Policy. The Human Rights Checklist has been completed and this policy accords with Council's policy commitment to uphold human rights principles.

REVISION HISTORY

VERSION	MAJOR / MINOR UPDATE	SUMMARY OF CHANGES
1.0	Minor update	Updated Responsible Officer title and inclusion of Related Documents and updated link to local laws permits

BUILDING POLICY

Policy Number:	3.2.3
Approved by:	Council
Date Approved:	December 2022
Date of Next Review:	December 2023
Applicable to Unit(s):	Municipal Services, Built Environment
Responsible Officer:	Municipal Building Surveyor
Related Policies:	Nil
Related Documents:	Building Control Intervention Filter Criteria Guideline
Statutory Reference:	<i>Building Act 1993</i> <i>Building Regulations 2020</i>

OVERVIEW

To establish building policy to manage:

- building over easements;
- sheds on vacant land;
- the construction of fences on street alignments; and
- the procedure for building complaints where a private building surveyor has been appointed.

THE POLICY

1. Building over easements

Overview

The building of over easements policy is designed to ensure the protection of Council's existing and future assets situated within easements. In special circumstances, Wellington Shire Council may conditionally approve an application to build over such easements under the Building Regulations 2018, regulation 130, however the application requires the following:

- (1) *The consent and report of a council, drainage authority, electricity supply authority, sewerage authority or gas supply authority must be obtained to an application for a building permit to construct a building over an easement vested in the council or authority.*
- (2) *This regulation does not apply to implied easements under the Subdivision Act 1988.*

The Policy

The Municipal Building Surveyor is authorised to approve applications for building work over an easement, in accordance with regulation 130 of the *Building Interim Regulations 2018*, where:

- Consent to the proposed development has been received from Council's Built Environment Business Unit; and
- The owner indemnifies Council by agreeing to standard conditions:

A section 173 agreement may be requested by the Municipal Building Surveyor for the construction of a building over the easement.

2. Fences on street alignments Overview

The Fences on Street Alignments policy is to ensure the appropriate construction of fences on corner allotments and to ensure appropriate vehicular and pedestrian safety is maintained.

Building Regulations 2018, regulation 92 requires that:

(1) The consent and report of the relevant council must be obtained to an application for a building permit to construct a fence within 9m of a point of intersection of street alignments and exceeding a height of 1m above the footpath.

The Policy

The Municipal Building Surveyor be authorised to approve applications to construct fences within 9m of the point of intersection of street alignments and exceeding a height of 1m above the footpath where:

- The proposed fence height and location has been approved by, or has complied with, any requirement of Council's Built Environment Unit with respect to ensuring the fence does not interfere with or have a detrimental effect on vehicular traffic or pedestrian movement; and
- The fence will be more appropriate taking into account the prevailing heights, setbacks and design of existing front fences on nearby allotments; and
- The fence height will not result in a disruption of the streetscape; and
- The fence design respects the existing character of the street.

3. The procedure for building complaints where a private building surveyor has been appointed

Overview

The procedure for building complaints where a private building surveyor has been appointed to establish a policy to administer and implement Council's responsibilities under the *Building Act 1993* ("the Act") in circumstances where a private building surveyor has been appointed by the owner of a property to issue a building permit or carry out other functions in respect of building work being carried out or proposed to be carried out at the property.

The Policy

That the *Building Control Intervention Filter Criteria* ('the Filter Criteria') which is a risk assessment matrix, is used to identify standardised responses to complaints from the public where a private building surveyor has been appointed. The Filter Criteria recognises that Council has obligations to the public with regard to dangerous situations which it can remedy or cause to be remedied.

HUMAN RIGHTS

Wellington Shire Council is committed to upholding the Human Rights principles as outlined in the *Charter of Human Rights and Responsibilities Act 2006 (Vic)* and referred to in Council's Human Rights Policy. The Human Rights Checklist has been completed and this policy accords with Council's policy commitment to uphold human rights principles.

REVISION HISTORY

VERSION	MAJOR / MINOR UPDATE	SUMMARY OF CHANGES
1.0	Major update	<i>“Non habitable buildings on Vacant Land”</i> section has been removed due to legislative update

INFRINGEMENT REVIEW POLICY

Policy Number:	3.2.4
Approved by:	Chief Executive Officer
Date Approved:	December 2022
Date of Next Review:	December 2023
Applicable to Unit(s):	Development Communities, Facilities and Emergencies
Responsible Officer:	Manager Regulatory Services
Related Policies:	Nil
Related Documents:	Infringement Formal Review Committee Terms of Reference <i>Wellington Shire Council Community Local Law 2021</i> <i>Wellington Shire Council Enforcement Guidelines 2020</i> <i>Victoria Government Gazette S 315: Infringements Act 2006 Internal Review Guidelines</i>
Statutory Reference:	<i>Charter of Human Rights and Responsibilities Act 2006</i> <i>Local Government Act 2020</i> <i>Privacy and Data Protection Act 2014</i> <i>Infringements Act 2006</i> <i>Road Management Act 2004</i> <i>Road Safety Road Rules 2017</i> <i>Road Safety Act 1986</i> <i>Road Safety (General) Regulations 2021</i> <i>Domestic Animals Act 1994</i> <i>Environmental Protection Act 2017</i> <i>Planning and Environment Act 1987</i> <i>Tobacco Act 1987</i> <i>Country Fire Authority Act 1958</i> <i>Transport (Compliance and Miscellaneous) Act 1983</i> <i>Impounding of Livestock Act 1994</i> <i>Infringements (Reporting and Prescribed Details and Forms) Regulations 2006</i> <i>Children, Youth and Families Act 2005</i>

OVERVIEW

Wellington Shire Council's infringement review system is an administrative framework that aims to deliver a clear, prompt and effective process for dealing with penalties for violations of State and Local Laws. The system is not restricted to the enforcement of infringement notices but extends to the procedures for:

- internal review;
- infringement withdrawal; and
- requests to proceed to Court.

It is the primary objective of the infringement review system to embed the fair and equitable treatment of all customers into its procedures and to ensure flexibility in its decision making.

The rights of residents and the obligations of agencies are prescribed in the *Infringements Act 2006* (the Act). The Act provides a set of guidelines that stipulate the way to manage enforcement

THE POLICY

A person may apply for a review of the decision to serve the infringement notice before the matter has been lodged with the Court if the person believes the decision is:

- was contrary to law; or
- involved a mistake of identity; or
- that 'special circumstances' apply to the person; or
- the conduct for which the infringement notice was served should be excused having regard to any exceptional circumstances relating to the offence; or
- that the person was unaware of the notice having been served and that service of the infringement notice was not by personal service.

When an application for review is received, council staff will forward it to the Wellington Shire Infringement Formal Review Committee (the Committee). This will ensure a thorough and transparent review is undertaken.

The Committee comprises of the following authorised officers:

- General Manager Corporate Services
- Manager Corporate Finance
- Manager Land Use Planning
- Manager Regulatory Services

Note: the Municipal Fire Prevention Officer may be a member of the committee during the declared fire danger period

Once an infringement notice has been issued the recipient has 28 days to pay the infringement penalty. Within that time they may:

- Pay the infringement penalty
- Request and internal review
- Elect to go to Court
- Apply for an extension of time

A request for an internal review must be received before the infringement notice has been lodged with the courts. The Review Committee must complete the review within 90 days of the receipt of the review request. The Review committee will inform the applicant of the decision in writing within 21 days of the decision being made

The Application of Internal Review of Infringement Form can be downloaded from Council's website www.wellington.vic.gov.au/community/infringements-and-fines

HUMAN RIGHTS

Wellington Shire Council is committed to upholding the Human Rights principles as outlined in the *Charter of Human Rights and Responsibilities Act 2006 (Vic)* and referred to in Council's Human Rights Policy. The Human Rights Checklist has been completed and this policy accords with Council's policy commitment to uphold human rights principles.

REVISION HISTORY

VERSION	MAJOR / MINOR UPDATE	SUMMARY OF CHANGES
1.0	Minor update	Updated Responsible Officer title Updated Related Documents Revised note relating to the Emergency Management Officer including title change Updated link to infringement review form

SWIMMING POOL AND/OR SPA SAFETY BARRIER POLICY

Policy Number:	3.2.5
Approved by:	Council
Date Approved:	December 2022
Date of Next Review:	December 2023
Applicable to Unit(s):	Municipal Services
Responsible Officer:	Manager Regulatory Services
Related Policies:	Nil
Related Documents:	Nil
Statutory Reference:	<i>Building Act 1993</i> <i>Building Regulations 2018</i>

OVERVIEW

To provide clarity and consistency around the provision of safety barriers around swimming pools and/or spas.

THE POLICY

To establish policy for the management and consistent approach the provision and maintenance of safety barriers around swimming pool and/or spas. Council recognises and accepts that a swimming pool and/or spa that does not have suitable safety barriers represents a danger to young children. Council also recognises and accepts that action is required pursuant to the *Building Act 1993* to remove the danger.

Council has safety information and self-assessment sheets relating to the requirements of the provision and maintenance of safety barriers around swimming pools and/or spas. A series of articles on safety barriers around swimming pools and/or spas must be routinely prepared for release to the media.

Amendments to the Building Regulations 2018 requires swimming pools and/or spas that were installed or approved to be installed, must be registered with council and the owners are responsible to have their pools/spa inspected every four years and provide council with a certificate of compliance by the due date. Installed safety barriers must be maintained and effectively operational at all times.

Council will ensure:

1. When Council are made aware of a swimming pool and/or spa, the property will be identified, and details recorded for future audits.
2. The landowner will be advised in writing of forthcoming inspection regime of the swimming pool and/or spa safety barriers.
3. Following the inspection, the landowner will be notified in writing and follow up actions may be required.
4. A second and third inspection may be necessary to ensure compliance is met
5. Enforcement
 - a. Should the third inspection fail, a minor works order will be issued, and infringement notice may also be issued.
 - b. Should further audits fail to comply then legal proceedings will commence.

HUMAN RIGHTS

Wellington Shire Council is committed to upholding the Human Rights principles as outlined in the *Charter of Human Rights and Responsibilities Act 2006 (Vic)* and referred to in Council's Human Rights Policy. The Human Rights Checklist has been completed and this policy accords with Council's policy commitment to uphold human rights principles.

REVISION HISTORY

VERSION	MAJOR / MINOR UPDATE	SUMMARY OF CHANGES
1.0	Minor update	Updated Responsible Officer title

CUSTOMER SERVICE POLICY

Policy Number:	3.2.6
Approved by:	Chief Executive Officer
Date Approved:	December 2022
Date of Next Review:	December 2023
Applicable to Unit(s):	Organisation
Responsible Officer:	Manager Regulatory Services
Related Policies:	Nil
Related Documents:	Access and Inclusion Plan Community Engagement Strategy Complaint Handling Framework Council Plan 2021-2025 Customer Service Commitment Customer Service Strategy Wellington 2030 Strategic Vision
Statutory Reference:	<i>Local Government Act 2020</i> <i>Privacy and Data Protection Act 2014</i>

OVERVIEW

This policy is intended to provide a framework for the continued development of a strong customer service ethos within the Wellington Shire Council. It believes that excellent customer service involves sharing knowledge and information in an appropriate and timely manner.

Wellington Shire Council acknowledges that customer service is a key priority and a core value of the organisation, recognising that it impacts on every element of the organisation and that it is the responsibility of all staff.

This policy applies to all Council staff, Councillors, volunteers, and contactors.

PURPOSE

This policy has been created to ensure a consistent approach to customer service throughout Wellington Shire Council. This policy will be used as a training tool and a standard by which staff will deliver internal and external customer service.

Council's commitment to customer service includes an effective request and complaint handling system. It is recognised that this is one method of measuring customer and client satisfaction to provide a useful source of information and feedback for continual improvement of our services.

OBJECTIVES

The objectives of this policy are to:

- Formally recognise the importance of our customers and community members and the possible impacts that Council staff can have on their perception of the effectiveness and value of Council at any point of contact.
- Provide Council staff with information and guidance regarding our approach to customer contact including focus on a 'customer centric' culture across all areas of the organisation,

equitable access and inclusion for people with special needs and the establishment of reportable service levels for consistent customer contact across all channels.

- Improve customer and community access to routine, publicly available information and services through continuous improvement of our processes and systems.
- Support the implementation of new information systems and processes that permit consistent and relevant data capturing which will enable access to information to facilitate best practice customer service.

CUSTOMER SERVICE STRATEGY

In support of this policy, the Wellington Shire Council has developed a four-year organisation wide Customer Service Strategy. The strategy consists of three main themes, strategic objectives and an action plan which align with the Wellington Shire Council Plan and Wellington Excellence Principles.

The objectives of the strategy are:

- Outline our commitment to customer service and excellence
- Provide a consistent and coordinated approach in responding to customer enquiries and complaints
- Develop a set of customer focused principles and action plans
- Develop and assist all staff with customer focused procedures, resources and support tools
- Improve our accountability through regular reporting and monitoring of our services

CUSTOMER SERVICE COMMITMENT

To support Wellington Shire's commitment to service excellence, the following response times have been developed and promoted on Council's web site and in brochures available at all service centres.

- Returning a telephone call – within one business day
- Responding to general written communication including emails and Customer Action Requests – initial response within ten business days
- Emergency or urgent matters - any contact that is urgent or an emergency would be responded to immediately
- Missed visits – officers will leave a business card acknowledging the visit
- Service Centre visits – our staff will endeavour to acknowledge all customers within one minute of their arrival.

Exclusions or exemptions – where separate statutory timeframes are set for certain correspondence or application, an alternative timeframe may exist - i.e. Planning Permit Applications

COMPLAINTS

The right of citizens to lodge a complaint about our service is fundamental to Wellington Shire Council's overall strategy to promote the rights of citizens who use the services we provide. The Complaint Management Framework can be located www.wellington.vic.gov.au.

HUMAN RIGHTS

Wellington Shire Council is committed to upholding the Human Rights principles as outlined in the *Charter of Human Rights and Responsibilities Act 2006 (Vic)* and referred to in Council's Human Rights Policy. The Human Rights Checklist has been completed and this policy accords with Council's policy commitment to uphold human rights principles.

REVISION HISTORY

VERSION	MAJOR / MINOR UPDATE	SUMMARY OF CHANGES
1.0	Minor update	Updated Responsible Officer title Removed legislative reference – <i>State Government Record Act</i> Minor formatting and grammar

COMPLAINTS HANDLING POLICY

Policy Number:	3.2.7
Approved by:	Council
Date Approved:	December 2022
Date of Next Review:	December 2023
Applicable to Unit(s):	Organisation and Councillors
Responsible Officer:	Manager Regulatory Services
Related Policies:	Complaints Handling Framework.
Related Documents:	Building Control Intervention Filter Criteria Customer Service Commitment
Statutory Reference:	<i>Local Government Act 2020</i> <i>Public Disclosures Act 2012</i>

OVERVIEW

The *Local Government Act 2020* (the Act) advises that all Council staff, in the course of their employment, are required to provide a responsive service when responding to complaints. The 'Victorian Ombudsman Councils and Complaints – A good practice guide' together with the Australian Standard 'AS/NZS 100-2:2014 Guidelines for complaints management have been used to develop this policy and the associated procedure.

PURPOSE

The complaints handling policy is designed to ensure that any concerns are treated seriously and are addressed promptly, fairly and equitably. This policy is implemented using the Complaint Handling Framework.

THE POLICY

Any person has a right to complain to Council, as a result of a decision, action or inaction that has impacted them. The provisions of this policy apply to the decision, actions and inaction of all Councillors, Council employees, volunteers and contactors of Council.

Complaints must relate to matters, products or services for which Council has authority or responsibility.

This policy does not apply to the following matters or complaints, which are managed through other statutory processes.

- complaints alleging fraud or corrupt conduct;
- complaints about alleged privacy breaches;
- complaints about Councillors;
- complaints about matters for which there is process, review, appeal or objection prescribed by legislation; and
- complaints that are claims against Council for personal injury or property damage or other loss or damage.

Definitions:

A complaint is an expression of dissatisfaction with:

- the quality of an action, decision or service provided by council staff or a Council contractor;
- a delay by Council staff or a Council Contractor in taking an action, making a decision or delivering a service; or
- a policy of decision made by the Council, Council staff or a Council contractor.

A complaint is not:

- a request for service;
- reports concerning neighbors or neighboring property, e.g. noise or unauthorised building works;
- anything that relates to the appointment or dismissal of any staff member or an industrial issue or an internal staff disciplinary issue’;
- the lodging of an appeal or a submission in accordance with council procedure or policy;
- reports of hazards, e.g. fallen tree branch or road pot hole’;
- reports of damaged or faulty infrastructure;
- matters where statutory submission, hearing, review or appeal processes exist; or
- a matter that is, has been or is scheduled to be before a court, panel, coroner or tribunal.

The guiding principles of complaint handling will be based on the following principles:

Commitment

Wellington Shire Council is committed to resolving complaints. We respect people’s right to complain and consider complaints handling to be an important part of improving service delivery.

Accessibility

We will seek to have a greater focus on human rights and accessibility for people with different communication needs, particularly in the context of dealing with challenging behavior when people complain.

Transparency

In conjunction with the State Government’s performance reporting framework for local councils, we will continue to report publicly on our performance via the Know your Council website.

Independent review

The staff member completing the investigation, or the review of the complaint must not be the person who took the action, made the decision, or provided the service that is being complained about.

Objectivity and Fairness

Wellington Shire Council will continue to act impartially and neutrality in all aspects of complaint handling to ensure the best outcomes for our customers.

Confidentiality

All information will be used in compliance with all relevant privacy laws and ethical obligations when managing a complaint.

Accountability

We will strive to inform customers of the reasons we have made decisions and ensure that our decisions are subject to appropriate review processes.

Continuous improvement

We will regularly analyse complaint data to find ways to improve how we operate and how we continue to deliver high level services.

Complaints Handling Approach

Council will take a four-level approach to complaints handling which are defined as follows:

1. Frontline Complaint resolution – The Customer Service team can resolve the complaint without it being referred to a staff member
2. Investigation if required – The Customer Service team cannot resolve the issue and the complaint is forwarded onto the relevant division for further investigation
3. Internal Review (peer review) – if the complainant is still not satisfied a peer review can occur where a manager from another area can complete a review of the matter.
4. Access to an external review – Complaint cannot be resolved at a Council level, and it needs to be referred onto an external agency e.g. VCAT

Complaint level as defined above	The information that will be required for these complaints.
Levels 1, 2 and Level 3	<p>Complaints must be recorded and classified as a 'Complaint' in Council's Record Management System and must include the following:</p> <ul style="list-style-type: none"> • Complainant details • How the complaint was received • A description of the complaint • The complainant's desired outcome (if stipulated) • The Council Staff member responsible for handling the complaint • Any action taken, including contact with the complainant, response times and the outcome • Any recommendations for improvement, and who is responsible for implementing them • Internal Records Management System ID set for any documentation correspondence relating to this complaint.
Level 4	Complaints classified at Level 4 are those that cannot be resolved at Council level and/or received via other avenues such as the Victorian Ombudsman.

Unreasonable conduct

We are committed to being accessible and responsive to people who lodge a complaint. On occasion, the timeliness of our response depends on our ability to perform our functions in the most effective and efficient way possible to allocate our resources fairly across all the requests for service and complaints we receive.

We will act to manage any conduct that negatively and unreasonably affects us, in a fair, ethical and reasonable way, and will support our staff to do the same. We have no tolerance towards any harm, abuse of threat directed towards our staff, Councillors or other customers.

Unreasonable conduct will generally be managed by limiting or adapting the ways that we interact with and/or deliver services to an individual by restricting who they have contact with, what they raise with Council, when they can have contact, where they can make contact or how they can make contact. In extreme cases, and as a last resort when all other strategies have been considered and/or attempted, we may decide that it is necessary for our organisation to completely terminate all contact with an individual.

In applying restrictions to customers, we recognise that discretion will need to be used to adapt them to suit a person's personal circumstances and also recognise that more than one strategy may need to be used.

Complaints that will not be investigated

An internal review may determine that a complaint will not be investigated where the complaint:

- Relates to a decision of Council
- Relates to a matter awaiting determination by the Council
- Relates to matters under investigation by the Minister for Local Government, the Victorian Ombudsman Officer, a Minister of the Crown or government department or the Victorian Police
- Involves a matter where a remedy or right of appeal already exists, whether or not the complainant used the remedy or right of appeal
- Involves a matter before a court, coroner or tribunal
- Relates to a decision, recommendation, act or omission which is more than one year old.

Resolution

Council will endeavor to resolve all complaints within 28 days of receipt.

Procedure on how to make a complaint

A person can make a complaint in several ways.

Mail: Wellington Shire Council
PO Box 506
SALE VIC 3850

Telephone: 1300 366 244

Email: enquiries@wellington.vic.gov.au

Website: www.wellington.vic.gov.au

In person: Wellington Shire Council
 Sale Service Centre – Council Headquarters
 18 Desailly Street, Sale VIC 3850
 Operating Hours: Monday to Friday 8.30am – 5.00pm

Yarram Service Centre
 156 Grant Street, Yarram VIC 3971
 Operating Hours: Monday, Tuesday, Thursday, Friday 10.00am to 2.00pm

After Hours: In an emergency call: 1300 366 244

HUMAN RIGHTS

Wellington Shire Council is committed to upholding the Human Rights principles as outlined in the *Charter of Human Rights and Responsibilities Act 2006 (Vic)* and referred to in Council's Human Rights Policy. The Human Rights Checklist has been completed and this policy accords with Council's policy commitment to uphold human rights principles.

REVISION HISTORY

VERSION	MAJOR / MINOR UPDATE	SUMMARY OF CHANGES
1.0	Minor update	Updated Responsible Officer title Updated reference to 'Customer Service Charter' to 'Customer Service Commitment'

MAJOR EVENTS POLICY

Policy Number:	3.3.1
Approved by:	Council
Date Approved:	December 2022
Date of Next Review:	December 2023
Applicable to Unit(s):	Whole Organisation
Responsible Officer:	Manager Economic Development
Related Policies:	Nil
Related Documents:	Community Assistance Grants Scheme Community Assistance Grants Guidelines and Assessment Criteria
Statutory Reference:	Nil

OVERVIEW

The Wellington Shire Council actively supports and encourages the hosting of major events within the municipality. The Council recognises events can contribute positively to the economy of Wellington Shire.

THE POLICY

Event Objectives

The Wellington Shire Council has identified the following objectives in relation to events:

1. Support the development of major events that contribute to the economy of communities within Wellington Shire.
2. Ensure events are conducted with high safety standards and in accordance with relevant legislation and best practice.
3. Position Wellington Shire as an attractive destination for new and existing events that will result in economic, marketing and community benefits.

Event Support

Major events are defined as those that attract participants/spectators and visitors from outside the municipality, usually over a number of days, thereby providing an economic benefit. Such events are supported by Council with a 'Project Team' approach and require a significant lead time to enable funding to support the event to be sought through Council's budget process.

Council sponsorship of major events is subject to the estimated economic benefit and must align with Council's Event Funding Guidelines. These events are normally separate to those approved under Council Community Grant funding process.

The Wellington Shire Council will provide a range of support measures to major events. This support may include:

- Advice, guidance and information to event organisers on venues, risk management, health and building legislation and requirements
- Provision of information on Council requirements and the issuing of permits and permissions
- Loan of events equipment (subject to availability and Covid restrictions)

- Assistance with networking and engagement of local businesses to maximize economic benefit
- Inclusion and distribution (on Council's website) of the Wellington Calendar of Events
- Council sponsorship of the event subject to application assessment and Council budgetary approval
- Advice and support in seeking State Government funding (subject to eligibility).

Best Practice

The Council encourages events to have regard for and implement where required or possible Event Management best practice in the areas of: Access and Inclusion, Environment Management and Sustainability, Environmental Health, Risk and Safety Management, Event Planning, Traffic Management.

HUMAN RIGHTS

Wellington Shire Council is committed to upholding the Human Rights principles as outlined in the *Charter of Human Rights and Responsibilities Act 2006 (Vic)* and referred to in Council's Human Rights Policy. The Human Rights Checklist has been completed and this policy accords with Council's policy commitment to uphold human rights principles.

REVISION HISTORY

VERSION	MAJOR / MINOR UPDATE	SUMMARY OF CHANGES
1.0	Not applicable	No changes applicable at this review.

ROADSIDE TOURISM DIRECTIONAL SIGNS POLICY

Policy Number:	3.3.2
Approved by:	Council
Date Approved:	December 2022
Date of Next Review:	December 2023
Applicable to Unit(s):	Economic Development
Responsible Officer:	Manager Economic Development
Related Policies:	Nil
Related Documents:	Vic Roads Tourist Signage Guideline Application for Tourism Signage Form
Statutory Reference:	<i>Road Management Act 2004</i>

OVERVIEW

To establish policy for the management of tourism directional signage.

THE POLICY

To assist travellers and visitors to the Wellington Shire by enabling the strategic placement of tourism and visitor related signage at locations providing appropriate direction to these services.

This assistance to travellers and visitors to the municipality will be achieved through the provision of a consistent and uniform approach to the placement and type of permanent advertising and directional signage within the municipality.

Application of the Policy

- This policy shall only apply to permanent signage on Council owned and controlled lands situated within the Wellington Shire. This shall include road reserves, public recreational reserves and similar lands.
- This policy will not apply to road traffic, safety and street name signs and portable advertising signs defined under Council local laws.
- Council must give proper consideration to the Vic Roads Tourist Signage Guidelines.

Fees and Charges

Financial responsibility for all tourism attractions and services signing rests with the applicant.

Ownership of the Signs

The applicant who has paid for the provision of a tourist sign remains responsible for the maintenance and up keep of the sign. It is the applicant's responsibility to immediately notify Wellington Shire Council to arrange the removal of all road signing to the property in the event of the business closing or if it is no longer an eligible tourism business. Cost for undertaking work will be charged to the business owner.

HUMAN RIGHTS

Wellington Shire Council is committed to upholding the Human Rights principles as outlined in the *Charter of Human Rights and Responsibilities Act 2006 (Vic)* and referred to in Council's Human Rights Policy. The Human Rights Checklist has been completed and this policy accords with Council's policy commitment to uphold human rights principles.

REVISION HISTORY

VERSION	MAJOR / MINOR UPDATE	SUMMARY OF CHANGES
1.0	Not applicable	No changes applicable at this review

WOOD ENCOURAGEMENT POLICY

Policy Number:	3.3.3
Approved by:	Council
Date Approved:	December 2022
Date of Next Review:	December 2023
Applicable to Unit(s):	Organisation
Responsible Officer:	Manager Economic Development
Related Policies:	Nil
Related Documents:	Nil
Statutory Reference:	Nil

OVERVIEW

Wellington Shire Council recognises the importance of the forest and wood products industry to both Wellington and the broader Gippsland region. Central to Council's commitment to job retention and creation is supporting significant local industry in order to secure jobs and leverage

THE POLICY

Policy Goals:

- To stimulate sustainable economic development within the Gippsland timber and wood products industry and encourage value adding products within the timber industry.
- To encourage the use of wood in the construction and fit out of Council buildings and infrastructure.
- To recognise all of the benefits that make wood a smart choice for Council buildings and infrastructure.
- To share information and encourage education regarding the benefits of using wood in construction and fit out of buildings and infrastructure.
- To demonstrate local and national leadership by enacting the Wood Encouragement Policy on Council buildings and infrastructure.
- To align with opportunities for state and federal funding.
- To reinforce Council's preference for quality wood buildings in the development of briefs for projects.
- To promote the industry as a renewable resource, capturing the environmental benefits of the resource.

Council will encourage the increased utilisation of wood in Council assets by:

1. Ensuring that all briefs for new Council projects incorporate the requirement to use wood as the preferred material for both construction and fit out purposes, where wood is deemed a suitable material for the proposed application;
2. Seeking those who can find practical, efficient, versatile and cost-effective building and design solutions using wood when sourcing design and architectural expertise;
3. Ensuring that all comparison to the cost of building with other materials will take into account all long-term and life cycle benefits of using wood;
4. Where possible, sourcing locally produced wood products for construction and fit out

purposes;

5. Being a champion of the forest and wood products industry, by establishing this policy and demonstrating commitment to the further development of the local forest and wood products industry;
6. Actively working to attract new, innovative wood products manufacturers to Wellington Shire.

In using wood as a preferred construction material for Council infrastructure, Council will have regard to:

1. The utilisation of regional wood products that meet the Australian Forest Standard, Program for the Endorsement of Forest Certification and/or Forest Stewardship Council certifications.
2. Maintenance required throughout the life of the project;
3. Pest and fungus protection; and
4. Using wood only when it is the right material for the selected application.

HUMAN RIGHTS

Wellington Shire Council is committed to upholding the Human Rights principles as outlined in the *Charter of Human Rights and Responsibilities Act 2006 (Vic)* and referred to in Council's Human Rights Policy. The Human Rights Checklist has been completed and this policy accords with Council's policy commitment to uphold human rights principles.

REVISION HISTORY

VERSION	MAJOR / MINOR UPDATE	SUMMARY OF CHANGES
1.0	Not applicable	No changes applicable at this review

RENTAL AND LEASING OF COUNCIL OWNED PROPERTIES POLICY

Policy Number:	3.3.4
Approved by:	Council
Date Approved:	December 2022
Date of Next Review:	December 2023
Applicable to Unit(s):	Economic Development Communities, Facilities and Emergencies
Responsible Officer:	Manager Economic Development Manager Communities, Facilities and Emergencies
Related Policies:	Nil
Related Documents:	Current West Sale Airport Lease Management Framework Register of Property Agreements New Agreement Development Procedure Agreement Renewal Procedure Licence Fees Procedure
Statutory Reference:	<i>Crown Land (Reserves) Act 1978</i> <i>Land Act 1958</i> <i>Local Government Act 2020</i> <i>Retail Leases Act 2003</i>

OVERVIEW

To establish policy for the:

- rental and leasing of Council owned and /or controlled property.
- to establish policy for the management of property agreements, leases, licences and user agreements for Council owned and/or controlled property.

THE POLICY

It is desirable that Council has a consistent approach to how it manages its property asset responsibilities. Processes will be developed or reviewed so that this can be achieved.

This policy will:

- Apply principles of transparency, equity and impartiality;
- Ensure that all agreements comply with legislative provisions and other obligations;
- Facilitate appropriate utilisation and development consistent with Council policies, strategies and plans;
- Outline the elements for operational guidelines, procedures and any property agreement management framework.
- Provide further details regarding recent initiatives or significant changes as adopted in operational guidelines or procedures.

The duration and form of tenancy (lease/licence agreement) will be determined with due consideration to the following:

- intended and future use of the site as identified within any strategic documents;
- other interested parties;

- capital investment;
- economic and employment benefits; and
- a supporting business case.

The following definitions will be used to distinguish between properties leased to local organisations for community/non-commercial purposes and those of a commercial nature.

Community Agreements

The Community Facilities Framework (2016) recognises that community facilities make a fundamental contribution to our communities, enabling a wide range of social connection opportunities. They provide suitable spaces to deliver services, programs and activities to meet the social needs of the community and build community capacity.

For this reason, Council will provide support to community facilities whereby:

- Council owns or controls the land;
- Council owns or controls other assets on the land;
- Council has specific legal agreements;
- Facilities are under control of a Committee of Management appointed pursuant to the provisions of the *Crown Land Reserves Act 1978*.

Where Council leases vacant land or land and improvements to non-profit organisations for predominantly community, educational or sporting purposes, rental shall be based on cost recovery only and terms shall be generally of a length to justify investment in facilities required for the purpose. Nominal rental may also be set at rates other than to recover costs, in line with past practice for non-commercial activities.

It is acknowledged that some community agreements may permit commercial activities. Any commercial use will:

- be limited and not identified as the primary activity on the site;
- not conflict or diminish any community service undertaken on the site;
- enhance and contribute to the economically sustainable community use of the site through reinvestment of all income;
- manage the site in an ecologically sustainable manner.

Commercial Agreements

The objectives of this policy specific to commercial property agreements include:

- Delivering market referenced returns;
- Effectively administering of property agreements in line with industry standards;
- Reviewing procedures and the management frameworks to ensure they fulfil identified Council objectives.

Where Council leases land or land and improvements for commercial purposes, it shall be at a fair market price and may be determined by Council or based on the opinion of an independent valuer. Terms should include regular rental reviews and may vary for periods of length of up to 50 years in accordance with the *Local Government Act 2020*. Leases should be in the best interests of the community and provide the best result (both financial and non-financial) for Council and the community.

Other Considerations

This policy does not affect the necessity to obtain planning, development, environmental or any other consents as required by relevant legislation. Where such requirements need to be satisfied or other condition precedents met, an agreement conditional on these requirements being satisfied should be established between Council and the other party. This would be typically in the form of:

- an Agreement for Lease for leases requiring compliance with Council's Community Engagement Policy; or
- a Heads of Agreement for other leases, licences or agreements.

Council is not considered to be obliged to establish an agreement with any party. Any final agreement would be on such terms and conditions as Council considers appropriate.

Council is bound by legislation including section 115 of the *Local Government Act 2020* – specifying Council's power to lease land is subject to s115 except where s116 applies.

Property agreements due to expire shall be identified by reference to the Property Agreement Register and be actioned by the relevant Council Officer. Incumbents who have a consistent history of compliance with their agreement, licence or lease obligations can request a renewal.

Assessment of this request will be made in accordance with this policy, any applicable Lease Management Framework and will also consider an arrangement where Council receives the highest and best use.

New agreements or agreements not renewed will generally be subject to a public advertisement, expression of interest or tender process.

Other terms will be outlined in standardised documentation which has been approved by a solicitor engaged by Council.

Council direction in relation to leases at West Sale Airport (WSA) has been incorporated into this policy and detailed within the WSA Lease Management Framework (LMF) which allows:

- lease terms of five years for lots fronting the eastern apron.
- lease terms of up to 50 years can be established within the Eastern (Recreational Aviation) Precinct (ERAP); and
- new or renewed leases within the Western (Commercial/Industrial) Aviation Precinct will be assessed on an individual basis and be presented to Council for their consideration as required.

Incorporated Committee – A Committee must be incorporated prior to any tenancy or management arrangement being implemented (e.g. lease, licence, service or funding agreement). Where there is an existing community committee, which is not incorporated, managing a Council owned or controlled community facility, Council will provide administrative assistance where required, in the preparation and lodgment of necessary documentation (e.g. Constitution, Statement of Purpose, etc) to ensure incorporation is attained under the *Associations Incorporation Reform Act 2012*.

Membership to an incorporated Committee is detailed within Committee's individual Rules, as approved by Consumer Affairs (Victoria).

HUMAN RIGHTS

Wellington Shire Council is committed to upholding the Human Rights principles as outlined in the Charter of Human Rights and Responsibilities Act 2006 (Vic) and referred to in Council's Human Rights Policy. The Human Rights Checklist has been completed and this policy accords with Council's policy commitment to uphold human rights principles.

REVISION HISTORY

VERSION	MAJOR / MINOR UPDATE	SUMMARY OF CHANGES
1.0	Not applicable	No changes applicable at this review

SALE, EXCHANGE AND ACQUISITION OF LAND POLICY

Policy Number:	3.3.5
Approved by:	Council
Date Approved:	December 2022
Date of Next Review:	December 2023
Applicable to Unit(s):	Whole Organisation
Responsible Officer:	Manager Economic Development
Related Policies:	Nil
Related Documents:	Land Transactions Current West Sale Airport Land Sales Framework Built Environment Strategy
Statutory Reference:	<i>Land Act 1958</i> <i>Land Acquisition and Compensation Act 1986</i> <i>Local Government Act 2020</i> <i>Planning and Environment Act 1987</i> <i>Property Law Act 1958</i> <i>Road Management Act 2004</i> <i>Sale of Land Act 1962</i> <i>Subdivision Act 1988</i> <i>Transfer of Land Act 1958</i> <i>Valuation of Land Act 1960</i>

OVERVIEW

To establish policy in relation to how Council deals with land transactions.

THE POLICY

This policy will outline principles to:

- Ensure compliance with legislative provisions and other obligations;
- Facilitate appropriate utilisation and development consistent with other Council policies, strategies and plans;
- Outline the elements to be included in operational guidelines and procedures;
- Reduce risk/liability for Council.

DEFINITIONS

Types of land transaction dealings concerned with this policy include:

- Sale;
- Exchange;
- Transfer;
- Purchase (by tender or private treaty);
- Compulsory acquisition.

RISK MANAGEMENT

This policy will facilitate the development of appropriate guidelines and procedures and therefore reduce Council's exposure to risk, including in the areas of:

- Public liability;
- Legal liability;
- Planning;
- Reputation.

Risk will also be reduced by identifying legislative requirements and adopting best practice methods related to land transactions.

LOCAL GOVERNMENT BEST PRACTICE GUIDELINES

The general principles provided for in the *Local Government Best Practice Guideline for the Sale, Exchange & Transfer of Land*, Department of Planning and Community Development, June 2009 should be adopted.

A summary of these guidelines is as follows:

- All transactions must comply with the provisions of the *Local Government Act 2020*. Sales must be conducted through a public process, unless circumstances exist that justify an alternate method of sale.
- Transactions should be in the best interests of the community and provide the best result (financial and non-financial) for Council and the community.
- All sales/transfers/exchanges should be at not less than market as, assessed by a valuer. In the circumstances that the transaction is at less than market value, an explanation of the circumstances, reasons or factors which led to the decision should be clearly documented.
- Land should be appropriately zoned (highest and best use / price).

EVALUATIONS OF LAND ASSET REQUIREMENTS

A regular land evaluation exercise should occur to identify unutilised Council land that is no longer required, or land that may be required in the future. The evaluation exercise should consider items such as:

- Current use, status and condition;
- Planning schemes, strategic plans, or other material that identifies land asset requirements;
- Whether land is required for community use (current or future);
- Environmental, cultural, social or other attributes;
- The level of public consultation to be undertaken (outside that required to comply with legislative provisions) appropriate when considering dealing with the land.

Remediation action plans should be progressively developed to deal with Council owned or controlled land that has been identified as contaminated. Various options are available to Council and these would need to be assessed having consideration of a variety of issues. Work to rehabilitate identified sites should be completed having regard to risk and the sites future potential for disposal. This would be done acknowledging other priorities which require Council to prioritise resources.

LAND BASED ECONOMIC DEVELOPMENT INITIATIVES

Provides for the prospect for Council to either acquire or sell land extends to reasons such as stimulating economic activity, attracting new development and generating new employment.

A business case would be developed which assessed the overall benefit in this approach.

The freehold land developments at West Sale Airport or the sale of existing land fits within this policy

REPORTING TO COUNCIL

Land evaluation reports as referred to above should be completed with the recommended actions presented to Council on an annual basis or as required.

Land transactions will require a number of briefings or workshops and formal resolutions of Council. All guidelines and procedures related to land transactions will specify the frequency and timing of Council briefings/workshops and Council Reports. Transactions will only be progressed following an authorisation of Council in the form of a Council resolution.

LEGISLATIVE REQUIREMENTS

Acquisition and compensation

Section 112 of the *Local Government Act 2020* - Council may purchase or compulsorily acquire any land. Any purchase or compulsory acquisition of land by a Council under this section must be undertaken in accordance with the Council's community engagement policy.

Restriction on power to sell or exchange land

Section 114 of the *Local Government Act 2020* - Council must comply with s114 *except* where s116 applies. Provides for public notice period at least four weeks prior to selling or exchanging the land and undertake a community engagement process in accordance with its community engagement policy. A valuation must be obtained in accordance with section 13DA(2) of the *Valuation of Land Act 1960*.

Section 20 *Subdivision Act 1988* – prescribes how Council must treat the proceeds from the sale of Public Open Space.

Other legislative provisions may apply, and these should be identified by including specific instruction to Council's solicitor to this effect.

PROCEEDS FROM THE SALE OF LAND

Where land is sold, and it is not defined as Public Open Space, funds will be placed into an asset improvement reserve for use on any other initiative of Council. Funds from Public Open Space would be dealt with in accordance with the s20 of the *Subdivision Act 1988* which in summary requires:

- Land to be purchased for a similar purpose;
- Existing Public Open Space to be improved.

PURCHASE AND ACQUISITION OF LAND

In order for Council to meet its various objectives and responsibilities, land may need to be acquired. Examples may include:

- Recreational activity;
- Community services;
- Operational purposes;
- Infrastructure requirements (drainage, roads, etc)

The legislative requirements for the purchase of land are prescribed in s116 of the *Local Government Act 2020* and the *Land Acquisition and Compensation Act 1986*. Section 116 of the *Local Government Act 2020* prescribes Council's powers to transfer, exchange or lease any land include the power to do so with or without consideration.

Funds needed to facilitate the acquisition should be identified and allocated through the annual budget process. As part of the land evaluation process a current valuation should be obtained to ensure that budgets for the land acquisition are reliable and include provision for any cost escalation.

Acquisitions should generally occur at not more than market value, unless there is an explanation providing the reasons or factors to support offering such a purchase price.

The method of acquisition should also be considered in the early stages of a project requiring land to be acquired. As a general principle, Council should enter into discussions to explore the possibility of acquiring by negotiation. Any compulsory acquisition process should be initiated following a determination that circumstances justify acquisition by this method.

HUMAN RIGHTS

Wellington Shire Council is committed to upholding the Human Rights principles as outlined in the *Charter of Human Rights and Responsibilities Act 2006 (Vic)* and referred to in Council's Human Rights Policy. The Human Rights Checklist has been completed and this policy accords with Council's policy commitment to uphold human rights principles.

REVISION HISTORY

VERSION	MAJOR / MINOR UPDATE	SUMMARY OF CHANGES
1.0	Not applicable	No changes applicable at this review

WASTE COLLECTION POLICY

Policy Number:	4.1.1
Approved by	Council
Date Approved/Effective	December 2022
Date of Next Review:	December 2023
Applicable to Unit(s):	Natural Environment and Parks
Responsible Officer:	Manager Natural Environment and Parks Coordinator Waste and Sustainability
Related Policies:	Nil
Related Documents:	Waste Collection Maps
Statutory Reference:	<i>Local Government Act 2020</i> <i>Public Health and Wellbeing Act 2008</i>

OVERVIEW

Under the provisions of the *Local Government Act 2020* and the *Public Health and Wellbeing Act 2008*, Council has the authority/obligation to implement a municipal garbage collection service.

The purpose of this policy is to describe the properties to which a garbage service is provided as per the Council declared areas defined in the Waste Collection Maps.

THE POLICY

The kerbside waste collection service is applicable to all properties within the declared areas as follows:

- Residential properties.
- Commercial properties: except where a prima facie evidence exists that the commercial property in question has a garbage collection from a commercial waste collection operator.
- Temporary dwellings: are exempt from the service but can request a regular collection. Standard Council garbage charges apply.
- Vacant lots: as per Temporary Dwellings above.
- Non rateable properties are exempt from the service but can elect to receive a regular garbage collection. Standard Council garbage charges apply.
- Not for Profit organisations, administered by community based voluntary boards, whose primary purpose is to provide accommodation for elderly citizens are exempt from the service but can elect to receive a regular garbage collection (partial or full). Standard Council garbage charges apply.
- Charitable organisations: no exemptions apply.

Additional Services

Residents can apply for additional sets of bins (120ltr Garbage and 240ltr Recycling) - standard Council garbage charges apply.

Special medical circumstances

Subject to meeting the definition (as described below) residents can apply for an additional rubbish

and/or recycling bin - no additional fees apply.

Definitions

Garbage collection: weekly kerbside garbage collection, fortnightly kerbside recycling collection and annual hard waste collection.

Non rateable land: as per the definition contained in Section 154 of the *Local Government Act 1989*.

Not for Profit: as per the definition of the Australian Tax Office.

Special medical circumstances: households with special medical requirements confirmed in writing by a specialist medical professional (each case will be individually assessed as to how it meets the criteria).

HUMAN RIGHTS

Wellington Shire Council is committed to upholding the Human Rights principles as outlined in the *Charter of Human Rights and Responsibilities Act 2006 (Vic)* and referred to in Council's Human Rights Policy. The Human Rights Checklist has been completed and this policy accords with Council's policy commitment to uphold human rights principles.

REVISION HISTORY

VERSION	MAJOR / MINOR UPDATE	SUMMARY OF CHANGES
1.0	Not applicable	No changes applicable at this review

NATURE STRIP MAINTENANCE POLICY

Policy Number:	4.1.2
Approved by:	Council
Date Approved:	December 2022
Date of Next Review:	December 2023
Applicable to Unit(s):	Whole Organisation
Responsible Officer:	Manager Natural Environment and Parks
Related Policies:	Nil
Related Documents:	Open Space Plan 2014 – 2024 Naturestrip Landscape Guidelines
Statutory Reference:	<i>Local Government Act 1989</i>

OVERVIEW

To establish policy for the amenity maintenance of urban nature strips.

THE POLICY

In urban areas, abutting property owners are responsible for the amenity maintenance of the nature strips outside their property. Generally, this refers to the regular mowing of the nature strips but may extend to the management of other vegetation types (excluding trees) as needed. Council recognise the value nature-strips can add to the biodiversity and amenity of the urban landscape. Residents, through this policy, are supported to develop landscapes in accordance with Council's Naturestrip Landscaping Guidelines.

Council, or other Service Authorities, are under no obligation to reinstate landscaped areas following works.

HUMAN RIGHTS

Wellington Shire Council is committed to upholding the Human Rights principles as outlined in the *Charter of Human Rights and Responsibilities Act 2006 (Vic)* and referred to in Council's Human Rights Policy. The Human Rights Checklist has been completed and this policy accords with Council's policy commitment to uphold human rights principles.

REVISION HISTORY

VERSION	MAJOR / MINOR UPDATE	SUMMARY OF CHANGES
1.0	Not applicable	No changes applicable at this review

OPEN SPACE POLICY

Policy Number:	4.1.3
Approved by:	Council
Date Approved:	December 2022
Date of Next Review:	December 2023
Applicable to Unit(s):	Whole Organisation
Responsible Officer:	Manager Natural Environment and Parks Open Space Planning Officer Coordinator Parks Services
Related Policies:	Heritage Policy Playgrounds Policy Public Toilets Policy
Related Documents:	Open Space Plan 2014-2024 Sustainability Strategy 2020-2024
Statutory Reference:	Nil

OVERVIEW

To establish policy for the management of open space under Council jurisdiction.

THE POLICY

Council will develop and maintain Public Open Space under Council jurisdiction according to the following Guiding Principles.

Guiding Principles

Diversity, quality and design

- Open space should be designed to build on local character and provide a diverse range of
- attractive settings and opportunities for recreation and leisure.
- Site plans (Concept or Masterplans) should be prepared before undertaking major development works.
- Design, layout, and facilities should be of high quality and provide for safe and enjoyable use.
- Design standards should be in line with those stated in the Wellington Open Space Plan 2014-2024 and in accordance with objectives stated in the Sustainability Strategy 2020 - 2024.
- Urban Forest management including tree planting for shade, amenity and biodiversity enhancement should have a high priority in all council and private sector developments.

Access and equity

- All developed open space should provide good access to facilities, settings and activities for the whole community including people with limited mobility and other disabilities, and parking where compatible with established site values and uses as per the Open Space Plan assessment.
- The location and opportunities available at major sites and the benefits of open space use

should be widely promoted.

Management and maintenance

- Maintenance should meet community and conservation objectives, within budget constraints and in accordance with agreed priorities.
- The community should be involved in the planning, development and care of open space.

Sustainability/Conservation

- Significant natural and cultural sites should be identified and actively managed including protection from damage by inappropriate management or recreation activities.
- Local indigenous species should be prioritised in planting projects, except where exotic tree and plant species are an important element in urban or cultural landscapes.
- As part of a broader approach to climate adaptation the enhancement of urban biodiversity through the addition of green infrastructure is considered a high value activity.
- New landscapes should be designed with sustainability principles at the core of decision making.
- Enhancement of biodiversity values (especially in urban areas) is critical to achieving stated objectives of the Council Plan.
- Integrated Water Management (IWM) principles should be incorporated into all new developments if at all possible.

Council has developed guidelines (e.g. Open Space Plan 2014-2024) to give effect to its policy position on open space. These guidelines are available to staff via the Intranet. The responsibility to ensure that the implementation and maintenance of the guidelines accords with Council's policy position is vested in the Manager Natural Environment and Parks. Any matter specifically requiring a Council determination shall be reported by the General Manager Built & Natural Environment.

HUMAN RIGHTS

Wellington Shire Council is committed to upholding the Human Rights principles as outlined in the *Charter of Human Rights and Responsibilities Act 2006 (Vic)* and referred to in Council's Human Rights Policy. The Human Rights Checklist has been completed and this policy accords with Council's policy commitment to uphold human rights principles.

REVISION HISTORY

VERSION	MAJOR / MINOR UPDATE	SUMMARY OF CHANGES
1.0	Not applicable	No changes applicable at this review

LITTER BINS POLICY

Policy Number:	4.1.4
Approved by:	Council
Date Approved:	December 2022
Date of Next Review:	December 2023
Applicable to Unit(s):	Whole Organisation
Responsible Officer:	Manager Natural Environment and Parks
Related Policies:	Playgrounds Policy
Related Documents:	Open Space Plan 2014 - 2024
Statutory Reference:	Nil

OVERVIEW

To establish policy for the management of litter bins.

THE POLICY

Litter bins shall be allocated where the Council provides a range of attractors, some in combination, that by their nature generate a large degree of litter.

The combination of attractors used to determine bin allocation will be:

1. Shopping areas within CBD's or Town Centres (not commercial/industrial sites).
2. Individual shops such as milk bars, takeaways and general stores.
3. The presence of barbeques, toilets and playgrounds (in combination) in open space areas.
The lack of any one of these individual attractors will remove the requirement for bin allocation.
4. Boat ramps of Regional or District significance.

Variations on this rationale shall be considered where a cost benefit analysis determines that the cost of provision of a litter bin at a particular location outweighs the overall community benefit i.e. the cost is too great.

HUMAN RIGHTS

Wellington Shire Council is committed to upholding the Human Rights principles as outlined in the *Charter of Human Rights and Responsibilities Act 2006 (Vic)* and referred to in Council's Human Rights Policy. The Human Rights Checklist has been completed and this policy accords with Council's policy commitment to uphold human rights principles.

REVISION HISTORY

VERSION	MAJOR / MINOR UPDATE	SUMMARY OF CHANGES
1.0	Not applicable	No changes applicable at this review

PLAYGROUNDS POLICY

Policy Number:	4.1.5
Approved by:	Council
Date Approved:	December 2022
Date of Next Review:	December 2023
Applicable to Unit(s):	Organisation
Responsible Officer:	Manager Natural Environment and Parks Coordinator Parks Services
Related Policies:	Heritage Policy Litter Bins Policy Public Toilets Policy
Related Documents:	Open Space Plan 2014-2024 Playground Guidelines Youth Play Plan 2019-2029
Statutory Reference:	Nil

OVERVIEW

To establish policy for the management of playgrounds.

THE POLICY

Council maintains a number of playgrounds, which generally fall within the hierarchical structure embraced in this Policy and identified as Regional, District, Neighbourhood and youth-oriented play. This structure is further developed through the Open Space Plan 2014-2024 and Youth Play Plan 2019 - 2029.

Playgrounds are continually developed and improved in line with current trends, community needs and safety standards. A rolling capital program exists for this purpose.

Council will provide, manage and maintain playgrounds within its jurisdiction according to the following Guiding Principles.

Aim

- To provide a system of diverse play settings equitably distributed throughout the Shire and within reasonable access of every child's home. (as described in the Open Space Plan)
- To complement the play opportunities that are available to local residents in private open space and in the neighbourhood generally, so as to maximise the range of play experiences available.
- To provide specific play settings and conditions within designated areas which help encourage personal growth, enjoyment and make social benefits available to the community, through play.
- To ensure that the physical environment, activities, equipment and social conditions within each play area are designed specifically to meet the needs and wants of children of specified age groups, and that opportunities catering specifically to those age groups are equitably distributed across the Shire.
- To ensure that playground provision caters to children and adults with disabilities, and that a wide range of play activities within each playground are accessible.

- To maintain all play equipment and designated play areas in a good condition in accordance with current Australian Standards for play equipment and adjacent areas.
- To regularly monitor the use of play areas, the condition and maintenance of play equipment and the provision and quality of play opportunities in the Shire generally.
- To consider the value of natural play in all playground re-fits and new designs through the use of planting and natural materials.

Council's policy on the management of playgrounds is supported by guidelines that may be accessed by staff via the Intranet. The responsibility to ensure that the maintenance and implementation of the guidelines accords with Council's policy position is vested in the Manager Natural Environment and Parks. Any matter specifically requiring a Council determination shall be reported by the General Manager Built and Natural Environment.

HUMAN RIGHTS

Wellington Shire Council is committed to upholding the Human Rights principles as outlined in the *Charter of Human Rights and Responsibilities Act 2006 (Vic)* and referred to in Council's Human Rights Policy. The Human Rights Checklist has been completed and this policy accords with Council's policy commitment to uphold human rights principles.

REVISION HISTORY

VERSION	MAJOR / MINOR UPDATE	SUMMARY OF CHANGES
1.0	Not applicable	No changes applicable at this review

PUBLIC OPEN SPACE CONTRIBUTION – SUBDIVISIONS POLICY

Policy Number:	4.1.6
Approved by:	Council
Date Approved:	December 2023
Date of Next Review:	December 2023
Applicable to Unit(s):	Whole Organisation
Responsible Officer:	Manager Natural Environment and Parks
Related Policies:	Heritage Policy Open Space Policy Playgrounds Policy
Related Documents:	Open Space Plan 2014-2024 Open Space Selection Criteria - Developer Contributions Wellington Planning Scheme
Statutory Reference:	<i>Subdivision Act 1988</i>

OVERVIEW

To establish policy for the management of public open space developer contributions.

THE POLICY

The provision of quality open space across the Shire is important for continued community health and well-being as well as making a significant contribution to town livability.

Developers are required under the *Wellington Planning Scheme* to provide a 5% contribution towards the provision of open space from planned sub-divisions. This contribution, at Council's discretion is in the form of land or money.

Aim of the Policy

This policy details guidelines for the receipt of any land or cash contributions as part of any proposed land development.

Any request for land or cash in lieu contributions from subdivisions will be consistent with the requirements of the *Wellington Planning Scheme* and shall be based on the directions and priorities of the Wellington Open Space Plan 2014-2024 and/or relevant Development Plans.

Priority consideration will be given to the following:

- Addressing gaps in current open space provision
- Contributing to the upgrade of, and improved access to, nearby existing open space
- Ensuring that open space is of a high quality and useable from a leisure and/or conservation perspective
- Establishing linear parks and linkages between areas of open space
- Retaining/enhancing significant conservation areas (including stands of remnant trees)

This policy is supported by the Open Space Selection Criteria – Developer Contributions guidelines. The responsibility to ensure that the maintenance and implementation of the guidelines accords with Council's policy position is vested in the Manager Natural Environment and Parks.

Any matter specifically requiring a Council determination shall be reported by the General Manager Built and Natural Environment.

HUMAN RIGHTS

Wellington Shire Council is committed to upholding the Human Rights principles as outlined in the *Charter of Human Rights and Responsibilities Act 2006 (Vic)* and referred to in Council's Human Rights Policy. The Human Rights Checklist has been completed and this policy accords with Council's policy commitment to uphold human rights principles.

REVISION HISTORY

VERSION	MAJOR / MINOR UPDATE	SUMMARY OF CHANGES
1.0	Not applicable	No changes applicable at this review

PUBLIC TOILETS POLICY

Policy Number:	4.1.7
Approved by:	Council
Date Approved:	December 2021
Date of Next Review:	December 2022
Applicable to Unit(s):	Whole Organisation
Responsible Officer:	Manager Natural Environment and Parks
Related Policies:	Heritage Policy
Related Documents:	Toilet Development and Management Plan
Statutory Reference:	Nil

OVERVIEW

To establish policy to guide the management of public toilets.

Access to toilet facilities is an important consideration in terms of the attractiveness and functionality of public areas generally and urban public areas particularly. Not all such areas are subject to Council jurisdiction, however Council is often perceived by the general public to be the agency universally responsible for the provision, operation and maintenance of public toilet facilities. In this regard, Council at times receives requests to either provide new (additional) public toilet facilities or to upgrade existing facilities to meet contemporary standards.

Council is currently involved, either directly or indirectly in the maintenance and operation a number of Public toilets throughout the Shire, which are intended to serve public areas catering for relatively large numbers of people on a regular basis. Council currently directly manages 36 public toilet facilities throughout the Shire.

THE POLICY

Council will ensure that adequate and appropriate public toilet facilities are available to residents and visitors throughout the Shire within its jurisdiction according to the following guiding principles.

- To ensure the provision of public toilet facilities is equitably distributed throughout the Shire and appropriate to need.
- To make appropriate provision for accessibility and functionality for people with disabilities and special needs.
- To ensure that the environment, both natural and built, is not adversely impacted by the construction and operation of public toilet facilities.
- To maintain toilet facilities and associated services and equipment in accordance with relevant Australian Standards and community expectation.
- To regularly monitor the use of public toilet facilities and the condition and maintenance of same, throughout the Shire.
- To encourage provision of toilet facilities on a collaborative basis with committees of management, public agencies and the private sector.

Application

This policy will apply to and establish the mechanisms for, the establishment, management and operation of public toilets, including but not limited to proposed new facilities, upgrades of existing

facilities, retirements of existing facilities and establish a standard for such facilities having regard for, but not limited to:

- location;
- siting including proximity to other facilities;
- accessibility and amenity;
- architectural values, including heritage values;
- environmental design considerations;
- capital and operating (life cycle) costs;
- community consultation.

Provision Objectives

Council will ensure that adequate and appropriate public toilet facilities are available to residents and visitors throughout the Shire.

Council has a Toilet Development and Management Plan which may be accessed by staff via the Intranet. The responsibility to ensure that the maintenance and implementation of the guidelines accords with Council's policy position is vested in the Manager Natural Environment and Parks. Any matter specifically requiring a Council determination shall be reported by the General Manager Built and Natural Environment.

HUMAN RIGHTS

Wellington Shire Council is committed to upholding the Human Rights principles as outlined in the *Charter of Human Rights and Responsibilities Act 2006 (Vic)* and referred to in Council's Human Rights Policy. The Human Rights Checklist has been completed and this policy accords with Council's policy commitment to uphold human rights principles.

REVISION HISTORY

VERSION	MAJOR / MINOR UPDATE	SUMMARY OF CHANGES
1.0	Minor update	Number of public toilets managed increased

SIGNIFICANT TREE PROTECTION POLICY

Policy Number:	4.1.8
Approved by:	Council
Date Approved:	December 2022
Date of Next Review:	December 2023
Applicable to Unit(s):	Whole Organisation
Responsible Officer:	Manager Natural Environment and Parks Open Space Planning Officer Coordinator Parks Services
Related Policies:	Urban Forest Policy Open Space Policy
Related Documents:	Open Space Plan 2014-2024 Wellington Planning Scheme
Statutory Reference:	

OVERVIEW

To protect significant trees and remnant vegetation located in urban areas from the negative impacts of land development (sub-divisions).

THE POLICY

This policy aims to provide guidance to applicants in the design of development proposals to ensure that significant trees/remnant vegetation is assessed and incorporated into development design.

The policy refers to lots of less than 0.4 hectare. Lots larger than 0.4 ha will generally be protected by the native vegetation controls afforded by the Wellington Planning Scheme Clause 52.17.

Definitions

A significant tree is:

- Any tree of outstanding aesthetic quality.
- Any tree outstanding for its large height, trunk diameter or canopy spread.
- Any tree that is particularly old or venerable.
- Any tree which occurs in a unique location or provides a significant contribution to the landscape, streetscape or townscape, including remnant vegetation and important landmark trees.
- Any tree associated with a well-known public figure or ethnic group.
- Any tree commemorating or having association with an important historic event.
- Any tree that is rare to an area (e.g. beyond its normal range of distribution or common cultivation) or is of a rare species or variety generally, including endangered species.
- Any tree which exhibits a curious growth form or physical feature including unusually pruned forms.
- Any tree which is of horticultural or genetic value and could be an important source of propagating stock.

- Any tree which forms part of a recognised historic garden, park or town.

Remnant vegetation is:

- Any patch of indigenous vegetation, around which most or all of the land has been cleared. The patches of vegetation can provide a repository for seed banks, habitat and corridors for animals, aesthetic and scientific values, soil stability, and a reduction in salinity.

Council's policy on the management of significant trees is supported by procedures/guidelines which may be accessed by staff via the Intranet. The responsibility to ensure that the maintenance and implementation of the guidelines accords with Council's policy position is vested in the Manager Natural Environment and Parks. Any matter specifically requiring a Council determination shall be reported by the General Manager Built and Natural Environment.

HUMAN RIGHTS

Wellington Shire Council is committed to upholding the Human Rights principles as outlined in the *Charter of Human Rights and Responsibilities Act 2006 (Vic)* and referred to in Council's Human Rights Policy. The Human Rights Checklist has been completed and this policy accords with Council's policy commitment to uphold human rights principles.

REVISION HISTORY

VERSION	MAJOR / MINOR UPDATE	SUMMARY OF CHANGES
1.0	Minor update	Change of placement of 'Wellington Planning Scheme' from Statutory Reference to Related Documents

URBAN FOREST POLICY

Policy Number:	4.1.9
Approved by:	Council
Date Approved:	December 2022
Date of Next Review:	December 2023
Applicable to Unit(s):	Whole Organisation
Responsible Officer:	Manager Natural Environment and Parks Open Space Planning Officer Coordinator Parks Services
Related Policies:	Significant Tree Protection Policy
Related Documents:	Open Space Plan 2014-2024
Statutory Reference:	Nil

OVERVIEW

To establish policy for the management of the urban forest.

THE POLICY

This policy provides a framework of reference in relation to the management of trees in urban areas throughout the Shire generally, with particular reference to the following matters:

- planting of new trees;
- maintenance of existing trees;
- removal of existing trees;
- conflict with other infrastructure;
- heritage trees;
- risk management;
- remnant native trees.

Principles

1. An acceptable level of risk to persons or damage to infrastructure, including buildings, streets, kerbs, footpaths, road users/vehicles and aerial and underground utilities.
2. To guard against the damage or unnecessary removal of trees in public areas.
3. Increasing biodiversity within the urban forest is imperative for the long-term health of the forest.
4. Targeting a 30% canopy cover in urban areas.

Where a public tree has been approved for removal by council, the value for the purpose of development, construction, or other works, associated with the tree in accordance with Council's Tree Valuation Formula is to be paid by the property owner or representative prior to its removal and works commencing. This is applicable to all developers, builders, service providers, residents, civil contractors, event organisers, State Government Departments or Federal Government Departments undertaking activities in proximity to public trees.

Council has a strategic plan in place to support its policy position on urban trees (e.g. Open Space Plan 2014-2024). This plan is available to staff via the Intranet. The responsibility to ensure that the maintenance and implementation of the guidelines accords with Council's policy position is vested in the Manager Natural Environment and Parks. Any matter specifically requiring a Council determination shall be reported by the General Manager Built and Natural Environment.

HUMAN RIGHTS

Wellington Shire Council is committed to upholding the Human Rights principles as outlined in the *Charter of Human Rights and Responsibilities Act 2006 (Vic)* and referred to in Council's Human Rights Policy. The Human Rights Checklist has been completed and this policy accords with Council's policy commitment to uphold human rights principles.

REVISION HISTORY

VERSION	MAJOR / MINOR UPDATE	SUMMARY OF CHANGES
1.0	Minor update	Strengthened the tree removal and amenity valuation

CLIMATE CHANGE AND SUSTAINABILITY POLICY

Policy Number:	4.1.10
Approved by:	Council
Date Approved:	December 2022
Date of Next Review:	December 2023
Applicable to Unit(s):	Organisation
Responsible Officer:	Manager Natural Environment and Parks
Related Policies:	Asset Management Policy Community Assistance Grants Program Policy Council Provision of Recreation/Community Facilities Policy Open Space Policy Rates rebate on Land for Conservation Purposes Policy Risk Management Policy Significant Tree Protection Policy Investment Policy Procurement Policy Waste Collection Policy
Related Documents:	Environmental Sustainability Strategy Fleet Guidelines Greening Wellington Municipal Health & Wellbeing Plan Public Open Space Provisions Significant Tree Register Environmental Sustainability Checklist Urban Biodiversity Plan Wellington Planning Scheme
Statutory Reference:	<i>Catchment and Land Protection Act 1994</i> <i>Climate Change Act 2017</i> <i>Environment Protection Amendment Act 2018</i> <i>Environment Protection and Biodiversity Act 1999</i> <i>Flora and Fauna Guarantee Act 1988</i> <i>Local Government Act 2020</i> <i>Planning and Environment Act 1987</i> <i>State Environment Protection Policy</i> <i>Water Act 1989</i>

OVERVIEW

Sustainability is defined as meeting our own needs without compromising the ability of future generations to meet their own needs. Sustainability requires balancing environmental, economic and community needs and must consider climate change mitigation and adaptation as a key feature, due to its broad implications across council business and service delivery.

Australia is committed to the 2030 Agenda including the 17 United Nations Sustainable Development Goals as a universal, global undertaking to protect human wellbeing. Local government plays a key role in delivering outcomes for the goals, and in particular SDG 11 – Sustainable Cities and Communities and SDG 13 – Climate Action.

The *Local Government Act 2020* mandates a requirement for Council decisions to consider sound financial management, promote the social, economic and environmental viability and sustainability

of its region, and improve the overall quality of life of people in the local community. Accordingly, the scope of this policy pertains to all persons conducting or undertaking business on behalf of Council and effectively must be considered by other policy owners across Council.

The *Climate Change Act 2017* also outlines local government responsibility in having regard for climate change for specific decisions and actions and in the preparation of a Municipal Public Health & Wellbeing Plan. These legislative instruments are a key driver of climate change related duty of care and risk management obligations of decision makers within council.

THE POLICY

The objective of this Policy is to provide the framework for expressing and delivering Council's commitment to the integration of sustainability and climate change principles and practices in its service delivery, operations and community support and advocacy, in line with legislative directions, Wellington 2020 and the Council Plan.

Guiding Principles

The policy sets the guiding principles which will inform any sustainability strategy or governance framework. The principles are:

- promote integration;
- be inclusive, get involved and participate:
- be Innovative and show leadership;
- adopt Precautionary behaviour;
- embed intergenerational equity;
- informed decision-making;
- limit our impact on natural systems.

Application of the policy

Council will:

- prepare a consecutive four-yearly environmental sustainability strategy and action plan that incorporates internal operational and community objectives in line with the key guiding principles and the relevant United Nations Sustainable Development Goals, and must include:
 - short and long-term greenhouse gas emission reduction targets in line with science-based evidence or legislation; and
 - a climate-change mitigation and adaptation response or plan.
- provide publicly available annual sustainability reports including bi-annual carbon account data; and
- ensure all Council policies, strategies and decision-making processes meet the intent of this policy on environmental sustainability and climate change.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE CHANGE

Wellington Shire Council is committed to upholding environmental and climate change principles as outlined in the *Local Government Act 2020*, *Climate Change Act 2017* and referred to in the Council's *Environmental Sustainability Policy*. The Environmental Sustainability Checklist has been

completed and this policy accords with Council's policy commitment to uphold sustainability principles.

HUMAN RIGHTS

Wellington Shire Council is committed to upholding the Human Rights principles as outlined in the *Charter of Human Rights and Responsibilities Act 2006 (Vic)* and referred to in Council's Human Rights Policy. The Human Rights Checklist has been completed and this policy accords with Council's policy commitment to uphold human rights principles.

REVISION HISTORY

VERSION	MAJOR / MINOR UPDATE	SUMMARY OF CHANGES
1.0	Not applicable	No changes applicable at this review

RATES REBATE ON LAND FOR CONSERVATION PURPOSES POLICY

Policy Number:	4.1.11
Approved by:	Council
Date Approved:	September 2021
Date of Next Review:	December 2023
Applicable to Unit(s):	Natural Environment and Parks Finance
Responsible Officer:	Manager Natural Environment and Parks
Related Policies:	Climate Change and Sustainability Policy
Related Documents:	Nil
Statutory Reference:	<i>Victorian Conservation Trust Act 1972</i>

OVERVIEW

This policy aims to incentivise and support responsible land holders who manage a portion or the whole of their land in a manner that preserves, restores, or protects the natural environment through the entering into of a formal conservation agreement.

THE POLICY

Council has committed to providing assistance for the conservation of environmentally significant land in private landholdings.

Requirements for eligibility for the concession are as follows:

- a) That the rebate applies only to the land that is affected by a covenant as described in the covenant document.
- b) The rebate will apply once notification from Trust for Nature is received by Council and will be pro-rata from the date the deed was signed from the commencement of the current rating year.
- c) All rebates will be given in the form of a credit against the general rates. If the rates have been paid in full, the credit balance will be carried forward to the next rating year.
- d) Concession will continue until the provisions of the covenant are extinguished, breached or expired.

Rate concession will apply as follows:

The rebate of \$15 per hectare, with a minimum rebate of \$100 and a maximum equal to the annual general rate on the property.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE CHANGE

Wellington Shire Council is committed to upholding environmental and climate change principles as outlined in the *Local Government Act 2020*, *Climate Change Act 2017* and referred to in the Council's *Environmental Sustainability Policy*. The Environmental Sustainability Checklist has been completed and this policy accords with Council's policy commitment to uphold sustainability principles.

HUMAN RIGHTS

Wellington Shire Council is committed to upholding the Human Rights principles as outlined in the *Charter of Human Rights and Responsibilities Act 2006 (Vic)* and referred to in Council's Human Rights Policy. The Human Rights Checklist has been completed and this policy accords with Council's policy commitment to uphold human rights principles.

REVISION HISTORY

VERSION	MAJOR / MINOR UPDATE	SUMMARY OF CHANGES
1.0	Not applicable	No changes applicable at this review

PUBLIC MEMORIALS IN OPEN SPACES

Policy Number:	4.1.12
Approved by:	Council
Date Approved:	December 2022
Date of Next Review:	December 2023
Applicable to Unit(s):	Whole Organization
Responsible Officer:	Manager Natural Environment and Parks Coordinator Parks Services
Related Policies:	Nil
Related Documents:	Nil
Statutory Reference:	<i>Marine and Coastal Act 2018</i>

OVERVIEW

Council recognises that some members of the community, or community groups, may wish to use public open spaces to commemorate a person or group of people who have lived in and/or contributed to the local community through the installation of a memorial.

THE POLICY

This policy provides guidance for the community in the appropriate design, approval, placement, maintenance and removal of memorial items on Council owned or managed public open space.

This policy applies to seats, picnic tables, shelters, trees, garden beds, plaques on rocks, paths, and other associated infrastructure.

Council aims to be consistent in its approach when responding to requests and will use the following as guidelines in deciding whether a memorial item is appropriate.

Council will consider accepting memorials when:

- The applicant can demonstrate a substantial and far-reaching connection of person/s, group or event to be commemorated to the nominated place; and
- Council agrees that the requested memorial item is appropriate for the space

If a memorial item is approved:

- Council will determine the appropriate item and style for the location and arrange for the supply and install of any memorial items.
- Applicants agree to cover all costs associated with the design, fabrication and installation of the Council approved memorial item.
- Council has no obligation to cover any costs relating to the supply and installation of the memorial item.
- Council will provide an invoice for payment prior to any works proceeding and works will not commence until payment is received.
- The location and memorial item must be to the satisfaction of the Manager Natural Environment and Parks with due regard to any management, maintenance and renewal of spaces including (but not limited to):

- site specific plans such as masterplans, heritage and conservation plans,
- values of the park and existing user groups,
- capital works and renewal programs,
- maintenance schedules,
- alignment with current levels of service.
- For trees and garden beds:
 - the species must be to the satisfaction of the Manager Natural Environment and Parks,
 - detailed landscape plans are to be provided to the Manager Natural Environment and Parks for approval prior to any approvals,
 - location of any tree or garden bed is determined by the Manager Natural Environment and Parks.
- Any application for a memorial must include (where required)
 - Planning Permits as required by Wellington Shire Council,
 - Appropriate level of cultural heritage assessment,
 - Approval under the *Marine and Coastal Act 2018*.

Note:

- Council is under no obligation to contact descendants of a person/s, or representatives of a group once the memorial item has reached the end of its useful life or has been damaged beyond repair and requires removal.
- Council is under no obligation to replace memorial items that have been damaged beyond repair or have reached the end of the useful life.
- Any memorial items installed by members of the public or unauthorised persons without the permission of Council will be removed and not replaced.

HUMAN RIGHTS

Wellington Shire Council is committed to upholding the Human Rights principles as outlined in the *Charter of Human Rights and Responsibilities Act 2006 (Vic)* and referred to in Council's Human Rights Policy. The Human Rights Checklist has been completed and this policy accords with Council's policy commitment to uphold human rights principles.

REVISION HISTORY

VERSION	MAJOR / MINOR UPDATE	SUMMARY OF CHANGES
1.0	Major update	New policy

ASSET MANAGEMENT POLICY

Policy Number:	4.2.1
Approved by:	Council
Date Approved:	December 2022
Date of Next Review:	December 2023
Applicable to Unit(s):	Organisation
Responsible Officer:	Manager Assets and Projects
Related Policies:	Climate Change and Sustainability Policy Procurement Policy
Related Documents:	Nil
Statutory Reference:	<i>Local Government Act 2020</i>

OVERVIEW

This policy is provided to give direction for the effective management of Wellington Shire Council infrastructure assets. The policy shall ensure that delivery of infrastructure services is in a structured and sustainable manner that recognises community expectations of time, quality, and value of money. Stewardship of infrastructure is a core Council function.

VISION

The asset management vision of Wellington Shire Council to optimise the whole of life costs of its assets, whilst meeting the present and future service delivery needs of the community and minimising exposure to risk.

This will be achieved through the full implementation of the asset management principles as articulated in the Wellington Shire Council Asset Plan.

POLICY STATEMENT

Scope

This policy covers the processes, systems and asset information required to manage all of Wellington Shire Council's existing and future physical assets efficiently and effectively. The policy is applicable across the organisation, including areas that do not have specific responsibilities for managing the assets but make use of council-owned assets in the delivery of services.

Goals

Wellington Shire Council has the following goals for asset management:

- Establish and maintain a framework to enable the development and application of sound asset management practice throughout the organisation;
- Understand and take into account community expectations in all significant decisions affecting infrastructure;
- Take a forward-looking, long-term view to the provision and management of infrastructure assets;
- Endeavour to provide council facilities, landscapes and infrastructure that are low carbon, water sensitive and resource efficient both in construction and operation and are resilient to a changing climate;
- Have confidence in asset management outputs through the application of quality processes

and procedures; and

- Have ready access to all relevant information on individual assets, including physical parameters and data on valuation, condition, maintenance history, performance and risk.

Roles and responsibilities

As asset management requires input from and interaction between all facets of the organisation, the importance of well-defined roles and responsibilities for staff and councillors is crucial.

Training and tools

To achieve and maintain the required level of capability, skills and expertise to deliver best practice in asset management decision making, Wellington Shire Council shall adopt the following principles:

- Invest in appropriate asset management training and development programs for relevant staff and councillors;
- Establish and maintain networks with asset management personnel to assist with sharing of knowledge.

THE POLICY

Understanding Community Expectations: Wellington Shire Council will understand the expectations of the community.

Asset Planning and Budgeting: Wellington Shire Council will plan for and review the provision of assets to the community.

Asset Operations and Maintenance: Wellington Shire Council will manage and maintain its assets in a fit for purpose state and within budgetary constraints.

Environmental Sustainable Design: (ESD) Wellington Shire Council will incorporate and document ESD initiatives in the construction and operation of Council facilities and infrastructure.

Risk Management: Wellington Shire Council will apply appropriate risk management principles in managing its assets.

Asset Accounting and Costing: Wellington Shire Council will provide asset management and costing systems to inform our decision making processes. In doing so, we will comply with all relevant standards.

Asset Management Plans: Wellington Shire Council will develop and maintain asset management plans to guide asset development and management practices.

Partnerships with the Community: Wellington Shire Council will foster community input and support for the ongoing development and management of community assets where appropriate.

HUMAN RIGHTS

Wellington Shire Council is committed to upholding the Human Rights principles as outlined in the *Charter of Human Rights and Responsibilities Act 2006 (Vic)* and referred to in Council's Human Rights Policy. The Human Rights Checklist has been completed and this policy accords with Council's policy commitment to uphold human rights principles.

REVISION HISTORY

VERSION	MAJOR / MINOR UPDATE	SUMMARY OF CHANGES
1.1	Minor update	Minor grammatical corrections

PLACE AND FEATURE NAMING POLICY

Policy Number:	4.2.2
Approved by:	Council
Date Approved:	December 2022
Date of Next Review:	December 2023
Applicable to Unit(s):	Assets and Projects Built Environment
Responsible Officer:	Manager Assets and Projects
Related Policies:	Roadside Memorials Policy
Related Documents:	<i>Naming Rules for Places in Victoria</i> <i>Statutory requirements for naming roads, features and localities - 2022</i> AS/NZS 4819:2011 Rural and urban addressing
Statutory Reference:	<i>Local Government Act 1989</i> <i>Geographic Place Names Act 1998</i>

OVERVIEW

Wellington Shire Council is the naming authority for roads and features that it controls and/or maintains within its municipality. It does this in accordance with the *Geographic Place Names Act* which is administered by Geographic Names Victoria who oversee the formal process of naming/renaming roads and features.

This policy sets out the approach taken when dealing with requests to name roads, localities and other features.

PURPOSE

The purpose of this policy is to:

- (a) Provide Council with a consistent and standardised approach for the naming of localities, roads and other features that are controlled or managed by Wellington Shire Council, or where Wellington Shire Council has been asked to become involved in naming a feature.
- (b) Ensure that naming is consistent with community expectations, Council strategies and policies, relevant legislation and the *Naming rules for places in Victoria*, where applicable.
- (c) Provide a framework for managing requests for plaques and memorials that are to be located within Wellington Shire public space whilst protecting the intended purpose, environmental values and aesthetic appearance of Council public space.

DEFINITIONS

(a) Road

A road is considered to be any public or private land-based thoroughfare or course navigable by vehicle or foot. It can be used for assigning addresses or allowing access between points or to a feature. Examples of roads include streets, lanes, fire tracks, bike paths and walking tracks.

(b) Locality

A geographical area that has identifiable community and/or landscape characteristics.

(c) Feature

A unique geographical place or attribute that is easily distinguished within the landscape. May be natural or man-made. For example, a feature can be a mountain, watercourse, building, prominent structure or park.

(i) Reserves and Parks

Open space, entire reserves or parks (including recreation reserves) dedicated primarily for the use of active or passive recreation

(ii) Buildings

Entire buildings dedicated primarily as community and/or multi-use facilities or for sporting and recreational activities e.g. neighbourhood houses, community centres, scout and guide halls, senior citizens centres, stadiums, sports pavilions, etc.

(iii) Parts of Buildings

Parts of buildings e.g. a social room in a sports pavilion, a meeting room in a community centre

(iv) Sporting Complexes/Venues, Sportsgrounds and Active Playing Surfaces

Entire sporting complexes/venues, outdoor sportsgrounds and ovals dedicated for sport and active recreation e.g. ovals and pitches, athletics venue, velodrome, tennis complex, bowling greens etc.

(v) Sporting Infrastructure

Sporting infrastructure relates to the structures and infrastructure required to support the delivery of organised sport in active spaces such as scoreboards, spectator shelters, cricket practice wickets, coaches' boxes, player dug outs, goal posts, sports fencing etc.

(d) Public Space

All Council owned or managed land that is open or accessible to people. This includes:

- Council owned public open space including reserves and sports fields
- Land managed by Council but owned by another body
- Activity centre locations, including footpaths, median strips, public squares, malls and laneways
- Road reservations
- Council infrastructure within Public Space, such as:
 - the exterior or interior of Council buildings;
 - reserve furniture (such as reserve benches, picnic tables etc.);
 - any other infrastructure (such as picnic shelters, barbeques, playgrounds etc.).

(e) Memorial

An object or a landscaped feature (such as a tree or garden) in a Public Space designed to preserve the memory of a person, group or event.

(f) Plaque

Flat tablet of metal, stone or other material which may include text and/or images that commemorate a person, event or historical information relevant to a particular location. The tablet may be fixed to an object or building located within Public Space.

SCOPE OF POLICY

The policy **applies to**:

- (a) Localities (entirely or partially) located within the Wellington Shire local government area.
- (b) Public Spaces, including roads and other features, that are owned or maintained by Wellington Shire Council.
- (c) Private roads and features for which Wellington Shire Council has been asked to become involved.

The policy **does not apply to**:

- (a) Roads managed by State Government authorities such as Regional Roads Victoria (VicRoads), Parks Victoria and Department of Environment Land Water and Planning which are excluded from this policy.
- (b) Features that are not located in Public Spaces owned or managed by Wellington Shire Council, including places of regional, state or national significance (unless Wellington Shire Council is consulted for input).

LEGISLATION

The *Local Government Act 1989* Schedule 10, Clause 5 states:

1. A Council may:

- a) approve, assign or change the name of a road; and
- b) erect signs on a road; and
- c) approve, assign and change the number of a road and any premises next to a road; and
- d) require people to number their premises and to renew those numbers.

The Council, in exercising a power under paragraph (a) of sub-clause (1) must act in accordance with the guidelines under the *Geographic Place Names Act 1998* and must advise the Registrar under that Act of the action it has taken.

Council is required to abide by the *Naming rules for places in Victoria – Statutory requirements for naming roads, features and localities – 2022* which is the statutory guideline provided for under section 5 of the *Geographic Place Names Act 1998*.

POLICY IMPLEMENTATION

All requests for new names or name changes must be made in writing to the Wellington Shire Council Place Names Committee. Names should be linked to the place, either based on unofficial names used by the local community, if named after a person, then someone held in strong regard by the community or relating to Aboriginal culture or occupation of the land, local flora or fauna, Australian war contributions or European exploration and settlement, local geography and geology etc.

All recommendations made by the Place Names Committee will be presented to Council for approval.

Formal naming requests

Formal naming requests will be assessed against the naming principles under the *Naming rules for places in Victoria* and submitted to Geographic Names Victoria for approval and gazettal. Formal

names are registered for inclusion on the Register of Geographic Names (VICNAMES), the State's authoritative place names register.

Only places of significant prominence and permanence will be formally named:

- (a) Roads
- (b) Localities
- (c) Natural features
- (d) Entire Reserves or Parks, including Recreation Reserves
- (e) Entire Buildings
- (f) Sporting Complexes or Venues
- (g) Sporting Complexes/Venues, Sportsgrounds and Active Playing Surfaces.

Minor features within a park or reserve will not be formally named and registered e.g. playgrounds, sporting infrastructure within a park or reserve are usually identifiable by the name of the park/reserve.

The names of existing places will only be changed in exceptional circumstances, for example, where public safety is an issue, where duplicate names cause confusion in locating a place, illogical or non-standard street addressing etc.

Formal naming proposals approved by Council will be subject to the public consultation process outlined in the *Naming rules for places in Victoria*. Community views are encouraged, particularly those of the local historical societies, Traditional Owners, RSLs and other community groups.

Council Approved Names Register

Council has adopted a *Council Approved Names Register* which is available on Council's website. The *Council Approved Names Register* lists names that have been approved by Council for future use either within a particular locality or anywhere in the Shire, subject to duplicate name criteria set out in the *Naming rules for places in Victoria*.

Roads in new subdivisions

Developers are welcome to submit road names to the Wellington Shire Council Place Names Committee for consideration. Developers are encouraged to name roads within a subdivision according to a theme.

A developer may also select road names from the *Council Approved Names Register* for their subdivision for the purposes of certification, without having to seek approval from the Place Names Committee and Council, provided that the selected road name is to be used within the locality specified in the Register. When a road name is selected the developer must notify the Place Names Committee prior to certification to enable the name to be reserved.

Locality-centric names should be given priority over names applicable to the broader Wellington Shire. When a road name selected from the Register is either applicable to the whole of Wellington Shire or intended to be used outside of the locality specified, the selected name is to be referred to the Place Names Committee and then presented to Council for consideration.

A commercial subdivision or development does not in itself entitle the developer to naming rights unless land is donated for community benefit and not just a requirement of the subdivision. Other criteria under the *Naming rules for places in Victoria* must also be met.

Informal naming requests

Informal naming recognises individuals or groups who have shown a significant commitment to the Wellington Shire community in any field of endeavour e.g. education, arts, culture, recreation, community development, community service, community leadership.

Informal naming proposals will be endorsed by Council and not submitted to Geographic Names Victoria for approval and gazettal. Informal names are not registered for inclusion on the Register of Geographic Names (VICNAMES).

Minor features and structures on Council owned or managed land may be informally named:

- (a) Features within a park or reserve e.g. playground within a park
- (b) Parts of Buildings e.g. internal rooms, social room in a sports pavilion, meeting room in an office
- (c) Individual playing surfaces e.g. single basketball court, single tennis court, a bowling green
- (d) Sporting Infrastructure e.g. scoreboards, spectator shelters, cricket practice wickets, coaches' boxes, player dug outs, goal posts, sports fencing etc.

Informal naming of minor features and structures will be considered on a case-by-case basis by the Place Names Committee in consultation with the asset owner. Informal naming proposals endorsed by the Place Names Committee and asset owner will be presented to Council for approval. Costs associated with signage will be the responsibility of the applicant.

Informal naming proposals will not be subject to wider public consultation.

An informal naming request will be assessed against the following criteria:

- (a) The nominee is/was of good repute and not likely to be the subject of controversy;
- (b) The nominee has/had made an outstanding contribution to the field of endeavour relevant to the place being named; *or* the nominee has/had been a volunteer at a Wellington Shire club, organisation or community group contributing over 25 years;
- (c) The nominee has/had been resident of Wellington Shire or surrounding district and is/was widely known and respected within the local community; *or* had a recognised historical link with the locality and is generally acknowledged as having made a significant contribution to the community;
- (d) The nominee has/had made a significant contribution, over and above other potentially suitable candidates;
- (e) The nominee has/had been nominated unanimously by the committee of the relevant sporting/cultural/community group which is the major user (historically and currently) of the facility;
- (f) The naming request has the support of all other tenant clubs and regular user groups of the feature to be named;
- (g) If the nominee is deceased, the naming request application should include the written consent of their immediate family and is not to be made within two years of the person passing;
- (h) The name is not considered offensive or likely to give offence.

Naming requests for members of Council staff, Councillors, appointees to Committees of the Council, a person still holding public office or those formally associated with the Council, will not be considered as long as that formal relationship continues to exist.

Names of political parties or entities will not be considered.

Plaques and Memorials

Council recognises that plaques and memorials provide recognition and are important in celebrating significant historical events and persons or organisations closely associated with the leadership, cultural and social development of the Shire.

Persons and community groups making initial enquiries regarding the installation of a plaque or memorial in Public Space should be referred to this policy for direction regarding applicable criteria.

General principles

The *Roadside Memorials Policy* must be taken into consideration when proposing to install plaques and memorials within the road reserve.

Plaques and memorials commemorating deceased persons will not generally be considered until an individual has been deceased for at least two years, to allow for appropriate development of historical perspective. The application should include the written consent from the deceased person's immediate family, next of kin or appropriate relative/s where practicable.

Applications for plaques commemorating living persons will generally not be accepted.

Plaques and memorials will only be considered where they meet the requirements of this policy and are consistent with Council's strategic and urban design vision for the proposed site and the land's public purpose. The siting or appearance of a plaque or memorial must not negatively impact the aesthetic or environmental value of public space, or the use of the space by the community. They are to be designed and sited in a way that will not damage the supporting structure or create a public risk.

Plaques and memorials are to meet all relevant planning and building requirements. Plaques and memorials are to be constructed in a manner that will require little ongoing maintenance and will be resistant to vandalism. Plaques attached to an asset like a seat, building, etc. must be durable and must have a life equivalent to the asset to which they are attached.

All costs associated with the design, construction, installation and maintenance of plaques or memorials are to be paid by the person or organisation making the request for the plaque or memorial. Once approved, installation of any plaque or memorial will be undertaken by Council and will become the property of Wellington Shire Council.

Council does not guarantee to retain plaques and memorials in perpetuity. Generally, a plaque or memorial will be retained in place for as long as practicable, with the following provisos:

- the plaque or memorial may be removed if the area in which the item is sited is to be redeveloped; or
- ongoing maintenance costs are prohibitive; or
- in the case of a plaque, the asset to which it is attached has reached the end of its useful life; or
- the condition of the plaque or memorial is poor.

If a plaque or memorial is removed due to any of the reasons above, Council will not guarantee replacement of the plaque or memorial, however replacement plaques or memorials of similar or different style or form may be considered. Reasonable efforts will be made to identify, contact and advise relevant stakeholders (including family members).

Approval procedure

1. Requests for new plaques and memorials in Public Spaces must be in writing to Council and demonstrate compliance with this policy. Applications should include all relevant details including proposed text or images as well as the preferred location for the plaque or memorial.
2. The request will be referred to the relevant Asset Manager for review of the design and layout, wording and location of any proposed plaque or memorial.
3. A Council resolution will be required to approve the installation of a plaque or memorial in a Public Space.
4. Once approved, the design, manufacture and installation will be coordinated by Wellington Shire Council and all costs will be borne by the applicant.

Assessment Criteria

The subject of a requested plaque or memorial will be assessed against the following criteria:

- (a) must have a clear association and strong significance to the location proposed for the plaque or memorial, and must not have been already commemorated elsewhere in the Wellington Shire;
- (b) is/was of good repute and not likely to be the subject of controversy;
- (c) the value of their efforts is recognised and endorsed by the general community because of their positive impact, or their efforts have created benefits that will be ongoing into the future;
- (d) an individual that has made a substantial contribution to the leadership, cultural and social aspects of Wellington Shire's development or shared community history; or has/had been a volunteer at a Wellington Shire club, organisation or community group contributing over 25 years; or
- (e) a Wellington Shire group or association that has made a substantial and outstanding contribution to the community; or
- (f) a significant historical or cultural event which has a profound resonance with the broader Wellington Shire community or is of national or state significance.

GENDER EQUALITY

Wellington Shire Council has a duty to promote gender equality under the Gender Equality Act 2020. When developing a naming proposal consideration should be given to gender equality.

HUMAN RIGHTS

Wellington Shire Council is committed to upholding the Human Rights principles as outlined in the *Charter of Human Rights and Responsibilities Act 2006 (Vic)* and referred to in Council's Human Rights Policy. The Human Rights Checklist has been completed and this policy accords with Council's policy commitment to uphold human rights principles.

REVISION HISTORY

VERSION	MAJOR / MINOR UPDATE	SUMMARY OF CHANGES
1.1	Minor	Updated references to Naming Rules latest version (2022) Added sentence on road naming themes in subdivisions Added Gender Equality statement

SUBDIVISION INFRASTRUCTURE DEVELOPMENT POLICY

Policy Number:	4.2.3
Approved by:	Council
Date Approved:	December 2022
Date of Next Review:	December 2023
Applicable to Unit(s):	Assets and Projects Built Environment Natural Environment and Parks
Responsible Officer:	Manager Built Environment
Related Policies:	Significant Tree Protection Policy Urban Forest Policy
Related Documents:	Infrastructure Design Manual
Statutory Reference:	<i>Local Government Act 1989</i>

OVERVIEW

This policy is provided to give direction for property owners, developers and contractors in the development of land for residential, commercial, industrial and other purposes. It provides an authoritative base on which to plan and develop the necessary infrastructure to service newly created properties.

THE POLICY

Developers of new subdivision infrastructure must accord with Wellington Shire Council's Subdivision Infrastructure Requirements, design standards and parameters set by other statutory authorities as well as national bodies associated with land and infrastructure development.

Council has adopted the Infrastructure Design Manual (IDM) to give effect to its policy position on subdivision infrastructure development. The IDM is a Regional Victoria approach to the standardisation of infrastructure development across Victoria. The responsibility to ensure the implementation, checking and supervision of the requirements of the IDM is vested in the Manager Assets and Projects.

When special circumstances are encountered or are proposed, it is a requirement that developers arrange to meet with Wellington Shire Council Assets and Projects Infrastructure Planning staff to discuss these proposals. Any proposed changes or deviation from the standards set out in the IDM are to be signed off by the General Manager Built and Natural Environment prior to implementation.

HUMAN RIGHTS

Wellington Shire Council is committed to upholding the Human Rights principles as outlined in the *Charter of Human Rights and Responsibilities Act 2006 (Vic)* and referred to in Council's Human Rights Policy. The Human Rights Checklist has been completed and this policy accords with Council's policy commitment to uphold human rights principles.

REVISION HISTORY

VERSION	MAJOR / MINOR UPDATE	SUMMARY OF CHANGES
1.0	Minor update	Updated Responsible Officer title

SPECIAL CHARGE SCHEMES – ROADS, STREET AND DRAINAGE DEVELOPMENT POLICY

Policy Number:	4.2.4
Approved by:	Council
Date Approved:	December 2022
Date of Next Review:	December 2023
Applicable to Unit(s):	Assets and Projects
Responsible Officer:	Manager Built Environment
Related Policies:	Nil
Related Documents:	Special Charge Schemes Procedures Infrastructure Design Manual
Statutory Reference:	<i>Local Government Act 1989</i>

OVERVIEW

To facilitate the development of road, street and drainage infrastructure, policy has been established for the management of special charge schemes as follows.

THE POLICY

To implement its vision and mission, Wellington Shire Council will optimise its capacity to raise funds for the undertaking of works and services pursuant to section 163 (Special Rate and Special Charge) of the *Local Government Act 1989*.

We shall identify those circumstances where persons will receive special benefit and should, as a consequence, be required to pay a Special Charge for the development of roads, streets and drainage infrastructure.

We shall provide a uniform administrative procedure for the carrying out of Special Charge Schemes to be undertaken by Wellington Shire Council.

We shall provide an accepted basis of fairness and equity in the apportionment of costs associated with such works.

We shall provide appropriate construction standards for roads, streets, and drains intended to be constructed and/or provided throughout the municipality under Special Charges Schemes in accordance with the Infrastructure Design Manual.

This policy will enable the construction of roads, streets and drains that would not ordinarily be capable of being provided through other funding sources and in doing so, these schemes will recognise the special benefit that accrues to property owners joined to them.

Council has procedures in place to give effect to its position on special charge schemes for roads, streets and drainage development which are available to staff via the Intranet. The responsibility to ensure that the maintenance and implementation of the procedures accords with Council's policy position is vested in the Manager Assets and Projects. Any matter specifically requiring a Council determination shall be reported by the Manager Assets and Projects.

HUMAN RIGHTS

Wellington Shire Council is committed to upholding the Human Rights principles as outlined in the *Charter of Human Rights and Responsibilities Act 2006 (Vic)* and referred to in Council's Human Rights Policy. The Human Rights Checklist has been completed and this policy accords with Council's policy commitment to uphold human rights principles.

REVISION HISTORY

VERSION	MAJOR / MINOR UPDATE	SUMMARY OF CHANGES
1.0	Minor update	Updated Responsible Officer title

DISPOSAL OF SURPLUS COUNCIL EQUIPMENT POLICY

Policy Number:	4.2.5
Approved by:	Chief Executive Officer
Date Approved:	December 2022
Date of Next Review:	December 2023
Applicable to Unit(s):	Organisation
Responsible Officer:	Manager Assets and Projects
Related Policies:	Nil
Related Documents:	Nil
Statutory Reference:	Nil

OVERVIEW

To establish policy for the management of disposal of surplus Council office and other minor equipment.

THE POLICY

Council is an advocate for the utilisation of surplus Wellington Shire Council equipment in its community; it believes that appropriately disposing of surplus Council equipment can assist this goal.

From time to time, Council is in a situation where it holds surplus office and other minor equipment.

Disposal

In order that surplus equipment may be disposed of efficiently, options may include the following:

- Provision to “seek expressions of interest” from not for profit organisations - priority of need to be determined by General Manager Built and Natural Environment.
- Disposal by public tender, following an assessment by the General Manager Built and Natural Environment of the cost effectiveness and financial benefits of this option on any particular occasion.
- Disposal to appropriate equipment recyclers if not disposed of by either “expression of interest” submissions from not for profit organisations or public tender.

HUMAN RIGHTS

Wellington Shire Council is committed to upholding the Human Rights principles as outlined in the *Charter of Human Rights and Responsibilities Act 2006 (Vic)* and referred to in Council’s Human Rights Policy. The Human Rights Checklist has been completed and this policy accords with Council’s policy commitment to uphold human rights principles.

REVISION HISTORY

VERSION	MAJOR / MINOR UPDATE	SUMMARY OF CHANGES
1.0	Not applicable	No changes applicable at this review

CATTLE UNDERPASSES POLICY

Policy Number:	4.2.6
Approved by:	Council
Date Approved:	December 2022
Date of Next Review:	December 2023
Applicable to Unit(s):	Assets and Projects
Responsible Officer:	Manager Built Environment
Related Policies:	Nil
Related Documents:	Initial Enquiry Letter Information Sheet Standard copy of Agreement pursuant to section 173 <i>Planning and Environment Act 1987</i>
Statutory Reference:	<i>Planning and Environment Act 1987</i>

OVERVIEW

This policy is provided to ensure a uniform and acceptable standard of construction of cattle underpasses that allow for the daily movement of cattle beneath Wellington Shire Council (local) roads and it establishes responsibility for the on-going maintenance of the facility. This policy applies only to those roads listed in Wellington Shire Council's Register of Public Roads.

THE POLICY

Wellington Shire Council supports the construction of cattle underpasses as a means of improving road safety and minimising damage to local roads and verges resulting from the regular movement of cattle across roadways.

Guidelines are available to the public and staff to give effect to this policy. The responsibility to ensure that the implementation and maintenance of the guidelines accords with this policy is vested in the Manager Assets and Projects in consultation with the Manager Built Environment.

The property owner(s) seeking to construct the underpass will be responsible for all costs associated with the approval process and construction of the structure including reinstatement of the road pavement, surfacing (seal), guard rail, signage and line marking. The property owner(s) will be responsible for the on-going maintenance and repair of the underpass including pumps and other infrastructure excluding for the road pavement and seal, guard rail, signage and any line marking.

The property owner(s) prior to gaining approval for the underpass will be required to enter into an agreement pursuant to section 173 of the *Planning and Environment Act 1987* setting out these responsibilities.

The location and design must comply with relevant VicRoads standards and structure widths for the particular road being crossed and approval from Wellington Shire must be obtained prior to commencement of work.

All cattle underpasses must be designed by a Professional Engineer and have a concrete floor and provision for drainage. No responsibility for inconvenience, damage and/or stock loss owing to flooding, except in the case where such damage or loss is a direct result of negligence on behalf of Council, its employees or contractors will be considered.

HUMAN RIGHTS

Wellington Shire Council is committed to upholding the Human Rights principles as outlined in the *Charter of Human Rights and Responsibilities Act 2006 (Vic)* and referred to in Council's Human Rights Policy. The Human Rights Checklist has been completed and this policy accords with Council's policy commitment to uphold human rights principles.

REVISION HISTORY

VERSION	MAJOR / MINOR UPDATE	SUMMARY OF CHANGES
1.0	Minor update	Updated Responsible Officer title

FENCING POLICY

Policy Number:	4.3.1
Approved by:	Council
Date Approved:	December 2022
Date of Next Review:	December 2023
Applicable to Unit(s):	Built Environment
Responsible Officer:	Manager Built Environment
Related Policies:	Nil
Related Documents:	Nil
Statutory Reference:	<i>Community Local Law 2021</i> <i>Fences Act 1968 (including amendments effected 22/9/2014)</i> <i>Local Government Act 1989</i>

OVERVIEW

To establish policy for the management of fencing costs on boundaries adjoining Council controlled land.

THE POLICY

This policy sets out Council's responsibilities in relation to contribution for construction and maintenance costs of fencing on boundaries adjoining Council owned and/or occupied land. The policy is subject to provisions in Council's planning scheme, local laws, current building regulations and the Victorian *Fences Act 1968*.

Responsibility

Council will contribute to the shared costs of fencing where requested by adjoining landowners, on boundaries where Council is the landowner or has vested control.

Council will not contribute to the cost of:

- fencing of roadways or right of ways;
- rural fencing;
- gates onto Council land;
- waterways or drainage reserves;
- fencing resulting from new subdivisions; or
- pedestrian access ways.

Council will fund 50% of the cost, with the landowner, of the cheapest quotation for a standard 1.8 metre hardwood timber paling fence, with concrete posts and plinths. This standard fence has been specified as it is the most resilient to damage, and most cost effective to maintain.

If a landowner requests to build a non-standard fence, Council may agree to contribute on the condition that the landowner accept full responsibility for the future maintenance of the fence.

HUMAN RIGHTS

Wellington Shire Council is committed to upholding the Human Rights principles as outlined in the *Charter of Human Rights and Responsibilities Act 2006 (Vic)* and referred to in Council's Human Rights Policy. The Human Rights Checklist has been completed and this policy accords with Council's policy commitment to uphold human rights principles.

REVISION HISTORY

VERSION	MAJOR / MINOR UPDATE	SUMMARY OF CHANGES
1.0	Not applicable	No changes applicable at this review

ROADSIDE MEMORIALS POLICY

Policy Number:	4.3.2
Approved by:	Council
Date Approved:	December 2022
Date of Next Review:	December 2023
Applicable to Unit(s):	Built Environment Natural Environment
Responsible Officer:	Manager Built Environment
Related Policies:	Nil
Related Documents:	Nil
Statutory Reference:	Nil

OVERVIEW

The purpose of this policy is to establish a framework for the installation, construction and placement of roadside fatality memorials on roads for which Wellington Shire Council is the Coordinating Authority. It follows from the VicRoads Roadside Memorial Policy 2015, which covers Roadside Memorials on roads for which VicRoads / Regional Roads Victoria is the Coordinating Authority.

THE POLICY

Council will use the following framework in relation to the installation, construction and placement of roadside fatality memorials on roads for which Wellington Shire Council is the Coordinating Authority.

A roadside memorial is any object constructed, erected or placed on the road or within the road reserve to commemorate/indicate a road fatality. Memorials can include items such as wooden crosses, coloured posts, flowers or any type of construction with or without plaques or inscriptions.

Applications for both temporary memorials (less than 12 months) and longer-term memorials should be submitted in writing to the Manager Built Environment for review and consideration.

Permanent roadside memorials are not encouraged, and a transitional approach will be considered to meet the needs of individuals and the broader community. The transition may include relocating a memorial to an appropriate permanent location with significance to the family, outside of the road reserve. All requests for permanent memorials require Council approval.

When considering requests, the following criteria will be considered.

Location

The safety of road users in addition to those who place and visit roadside memorials are both considerations for an appropriate location of a roadside memorial. The following factors are relevant the location of memorials:

- A memorial should be located in a position where it will not distract drivers' attention or interfere with the role of any traffic control item.
- A memorial should be located such that visitors can safely access the memorial and continue to be safe in the time spent there.
- The locations of the memorial should be such that appropriate maintenance within the road

reserve can be undertaken, without causing interference, risk or damage to the memorial

Design and Construction Standard

A memorial must be constructed of material or installed in a way that will not cause injury if struck by a vehicle. Where a memorial incorporates a plaque, it should ideally be placed horizontally as close to the surface level as possible. Flowers or other mementos must be secured at the memorial site to prevent potential road safety hazards.

Where requested by the Manager Built Environment, applications must be supported by a site-specific design and risk assessment completed by an appropriately qualified and experienced engineering professional in line with current industry standards and guidelines.

Other

- Objection received from nearby residents or the broader community regarding a roadside memorial, including the activity of visitors to the memorial, should be carefully considered. Any actions as a result will be made in consultation with the roadside memorial applicant.
- Applicants should be advised that the Wellington Shire is not able to accept responsibility for the maintenance of memorials, or any loss, damage, removal or relocation of roadside memorials that may occur due to road maintenance or construction activities.

HUMAN RIGHTS

Wellington Shire Council is committed to upholding the Human Rights principles as outlined in the *Charter of Human Rights and Responsibilities Act 2006 (Vic)* and referred to in Council's Human Rights Policy. The Human Rights Checklist has been completed and this policy accords with Council's policy commitment to uphold human rights principles.

REVISION HISTORY

VERSION	MAJOR / MINOR UPDATE	SUMMARY OF CHANGES
1.0	Not applicable	No changes applicable at this review

CCTV POLICY

Policy Number:	4.3.3
Approved by:	Council or Chief Executive Officer
Date Approved:	December 2022
Date of Next Review:	December 2023
Applicable to Unit(s):	Information Services Unit Built Environment
Responsible Officer:	Manager Built Environment Manager Information Services
Related Policies:	Human Rights Policy Privacy and Data Protection Policy Freedom of Information Policy Records Management Policy
Related Documents:	Wellington Shire Council CCTV Operating Procedures
Statutory Reference:	<i>Surveillance Devices Act 1999</i> <i>Privacy and Data Protection Act 2014</i> <i>Public Records Act 1973</i> <i>Charter of Human Rights and Responsibilities Act 2006</i> <i>Freedom of Information Act 1982</i> <i>Evidence Act 2008</i> <i>Local Government Act 1989</i>

OVERVIEW

Council uses Closed Circuit Television Video (CCTV) surveillance cameras as a tool to assist in the protection of assets, for the provision of security in the public realm and as a tool for investigation of offences by Victoria Police.

This policy is to provide guidance to Council and the public on the installation, use and management of electronic surveillance technology at council managed facilities and places. This policy also ensures Council meets legislative and regulative requirements surrounding all forms of electronic surveillance.

THE POLICY

This policy has been developed to ensure the effective installation, management and operation of all Council electronic surveillance devices through the following controls:

Governance

The CCTV Committee will be responsible to ensure Council meets all legislative and regulative requirements surrounding all forms of electronic surveillance. The CCTV Committee will oversee all aspects relating to use, installation, public signage, data collection, access and management.

Public Information

Appropriate communication will be provided to inform the public where they may be recorded, and how this data may be used.

Operations and Maintenance

All systems will be installed, managed and maintained in accordance with the *Wellington Shire Council CCTV Operating Procedures*.

Procedures and Attachments:

Committee Term of Reference

Operation and Maintenance Procedure shall be developed where CCTV equipment is used within the first twelve months of adoption of this policy. The CCTV Committee will approve and document all Operation and Maintenance Procedure under one of the following categories:

1. Corporate Facilities
2. Public Open Spaces
3. Public Buildings
4. Portable and non-fixed devices

HUMAN RIGHTS

Wellington Shire Council is committed to upholding the Human Rights principles as outlined in the *Charter of Human Rights and Responsibilities Act 2006 (Vic)* and referred to in Council's Human Rights Policy. The Human Rights Checklist has been completed and this policy accords with Council's policy commitment to uphold human rights principles.

REVISION HISTORY

VERSION	MAJOR / MINOR UPDATE	SUMMARY OF CHANGES
1.0	Not applicable	No changes applicable at this review

ELECTRONIC GAMING MACHINE POLICY

Policy Number:	5.1.2
Approved by:	Council
Date Approved:	December 2022
Date of Next Review:	December 2024
Applicable to Unit(s):	Communities Facilities and Emergencies
Responsible Officer:	Manager Communities, Facilities and Emergencies
Related Policies:	Nil
Related Documents:	Wellington Planning Scheme Clause 52.28 Wellington Municipal Public Health and Wellbeing Plan (Healthy Wellington 2021-2025)
Statutory Reference:	<i>Gambling Regulation Act 2003</i> <i>Planning and Environment Act 1987</i> <i>Wellington Planning Scheme</i>

OVERVIEW

This policy outlines Wellington Shire Council's:

- Position on Electronic Gaming Machines (EGMs)
- Decision-making framework to assist with Council's response to EGM's application within the municipality.

This policy builds on the previous *Responsible Gaming Policy 2015*.

WELLINGTON SHIRE GAMING PROFILE

Under section 3.4A(3A) (b) of the *Gambling Regulation Act 2003*, the Victorian Commission for Gambling and Liquor Regulation (VCGLR) determines the maximum permissible number of gaming machine entitlements, under which gaming may be conducted in each municipal district in Victoria. This is commonly referred to as a 'municipal cap'.

Wellington Shire has a regional cap of 318 poker machine entitlements, and 318 machines operating within Wellington Shire. The 318 machines are currently operating across seven venues throughout the municipality. This represents a density of 9.1 EGMs per 1000 adults in Wellington Shire, the highest concentration of EGMs in the Gippsland region. Losses to EGMs in Wellington Shire exceeded \$17 million in 2019/20, ranking Wellington Shire as 35th highest pokies expenditure in Victoria¹.

THE POLICY

Wellington Shire Council *Electronic Gaming Machine Policy* is based on the following:

- EGM gambling is a legal recreational activity in Victoria.
- EGMs can have significant social, economic and health impacts on individuals, families and communities. These impacts are felt disproportionately by different segments of the community and more vulnerable groups tend to sustain the biggest losses.

¹ Victorian Responsible Gambling Foundation (2020). *Pokies across Victoria*. [online] Available at: <https://responsiblegambling.vic.gov.au/resources/gambling-victoria/pokies-across-victoria/compare/wellington/> [Accessed 07.05.21].

Because of this, it is imperative that a robust social and economic impact assessment of EGMs are considered in assessing applications for new venues or variations to the number of machines at existing venues.

ASSESSING APPLICATIONS

EGM Applications

The term 'EGM applications' refers to applications by venue operators for approval to operate new and additional EGMs at a venue. These include applications to add additional EGMs to a current gaming venue (sometimes referred to as 'top up applications') and applications to add EGMs to a non-gaming venue. EGM applications may take the form of a planning permit application to install or use EGMs at a venue ('planning approval') or an application to the VCGLR for approval to operate EGMs at a venue ('gaming approval').

Any application to Wellington Shire Council for a Planning Permit to install or use EGM's at a new venue or to increase EGM numbers in an existing venue will require the applicant to complete a robust impact assessment of the social and economic benefits and risks of the proposal.

Overall the outcome for the Economic and Social Assessments will need to:

- Ensure that the operation of gambling in Wellington Shire delivers a net community benefit;
- Ensure that the location and design of EGMs minimises the incidence of problem gambling. *This includes prohibiting venues in shopping centres or at strip shopping centres to minimise opportunities for convenience gambling (as stipulated in Clause 52.28 of the Wellington Planning Scheme);*
- Ensure gambling premises offer a range of non-gambling entertainment and recreation activities rather than being standalone gambling premises;
- Ensure that the operation, location and design of gambling premises does not have a negative impact on the amenity, character, community values and safety of the area.

Further points to be included in this assessment are outlined below:

Locational features:	Description of the gambling venue and its proposed location. Details about the existing and proposed distribution of EGMs in the municipality.
Patron profile:	<p>Social and demographic profile of the current and/or anticipated patrons of the gambling venue including how the profile and conclusions about patrons were reached. Rationale for the patron catchment based on established patterns of movement by residents and visitors.</p> <p>Supporting evidence (such as attendance records) provided of patronage and anticipated patronage.</p>
Social profile:	Detailed profile of the residential population in the catchment area (5km radius of venue). Include the Social and Economic Index for Areas (SEIFA) scope for the area, population profile and projected growth, level of housing affordability and housing stress, income levels, employment and unemployment rates, educational retention and attainment levels, social security recipients (if available), levels of demand for financial aid/social support services (if available). Appropriate comparative measures to be provided to assess the relative vulnerabilities and strengths of the local community.
Vulnerability and Supports:	Description of currently available support services including specific problem gambling support services, financial counselling, social and financial support services, general psychological support services and their

location in relation to the anticipated patron catchment area. Level of current demand for gambling help services, financial counselling, material and financial aid (if available).

Community and Stakeholders:

Evidence of the community's attitude toward the application for increased EGMs in the municipality broadly and the local area more specifically. The Applicant needs to provide evidence of this attitude by conducting a technically sound and robust attitudinal survey of patrons of the premises and more broadly. Where the application concerns a club licence (as opposed to a hotel licence) evidence that the application has the support of most the club's members. This would ordinarily require a copy of a club resolution following full details of the application being conveyed to the club members and debated.

Community Benefit:

The Gambling Regulation Act 2003 determined that all venue operators who receive gaming revenue in a financial year must lodge a Community Benefit Statement (CBS) with the VCGR showing the application of gaming revenue to 'community purposes'. As part of the application process the Applicant must enclose a copy of the last 3 years CBS. In addition, details of the nature and extent of community benefits expected from the proposal and how the benefits are to be secured and distributed to the local community must be provided.

Alternate Entertainment:

Details of existing and proposed gambling and non-gambling related entertainment and recreation facilities within the local area and, if it is being contended that those facilities are not satisfying the current or future needs of the community, provide evidence of the contended needs.

Expenditure:

Details of existing gambling expenditure at the venue (over a 3-year period prior to the application) and a forecast of anticipated expenditure at the venue if the proposal was to be approved.

If the Applicant contends that gambling expenditure is likely to be transferred from other venues (including venues in other municipalities), the Applicant is to provide:

- How the level of transfer has been calculated (including, but not limited to a comparison per machine expenditure at the venue prior to and after the additional machines, current usage levels of machines at the venue and projected usage level of machines at the venue after the additional machines).
- The amount of transfer expenditure anticipated.
- The resulting impact on revenue of the venue from where the expenditure is being transferred.
- The resulting social and economic impact on the venue from where the expenditure is transferred (such as loss of employment, loss of complementary expenditures, loss of customers, and impact on ability to provide services).
- The resulting social and economic impact on the local area within which those venues are located.
- Details of the relative social and economic differences between the two venue catchments (be measure by SEIFA indices, ABS data and other relevant data). An explanation as to why the EGMs are being transferred is to be provided.

This would ordinarily require a statement from the operators of other venues.

Harm prevention: Details of the design and layout of the premises (including gambling area) including all proposed and existing signage and evidence of compliance with any relevant gambling regulations concerning the premises' layout, design and operation. Details of any current or proposed measures by the applicant to minimise harms due to problem gambling that are additional to regulatory requirements.

Council will critically evaluate any 'planning approval' or 'gaming approval' applications for EGM venues in Wellington Shire in accordance with this Policy.

ADVOCACY AND COLLABORATION

Wellington Shire Council will support activities of Gamblers Help and other agencies to prevent and reduce gaming related problems.

Wellington Shire Council will work in partnership with the community, businesses and local organisations to research options available to reduce the ratio of EGMs per 1000 adults in Wellington Shire to be similar or lower than the state average.

Wellington Shire Council will advocate for changes to the Community Benefit Statement requirements that all club venues contribute to Wellington Shire Council Community Assistance Grant Scheme.

Wellington Shire Council will advocate to the State government *for a reduction in Municipal Cap (currently 318 EGMs)*.

Council will participate with other Councils in statewide and regional forums to exchange information and resources, advocate for gambling reform and collaborate to achieve regional reductions in gaming machines.

HUMAN RIGHTS

Wellington Shire Council is committed to upholding the Human Rights principles as outlined in the *Charter of Human Rights and Responsibilities Act 2006 (Vic)* and referred to in Council's Human Rights Policy. The Human Rights Checklist has been completed and this policy accords with Council's policy commitment to uphold human rights principles.

REVISION HISTORY

VERSION	MAJOR / MINOR UPDATE	SUMMARY OF CHANGES
1.0	Minor update	Updated Responsible Officer Extended review date to two years

COUNCIL PROVISION OF RECREATION/COMMUNITY FACILITIES POLICY

Policy Number:	5.1.3
Approved by:	Council
Date Approved:	December 2022
Date of Next Review:	December 2023
Applicable to Unit(s):	Communities, Facilities and Emergencies Built Environment Leisure Services
Responsible Officer:	Manager Leisure Services Manager Communities, Facilities and Emergencies
Related Policies:	Committees Policy
Related Documents:	Risk and Maintenance Subsidy Payment Procedure Committees of Management Facilities Maintenance Procedure Seasonal and Casual Hire Agreements Procedure Alcohol and Council Owned Properties Know Your Obligations Land Use Agreements Procedure Community Managed Facilities Strategy 2020-25
Statutory Reference:	<i>Crown Land (Reserves) Act 1978</i> <i>Disability Discrimination Act 1992</i>

OVERVIEW

Wellington Shire Council recognises that facilities enable social inclusion, leisure and recreation opportunities and that the delivery of these services impacts on the quality of life enjoyed by residents and visitors to the region.

For this reason, Council may support recreation/cultural/community facilities where:

- Council owns or controls the land;
- Council owns or controls other assets on the land;
- In cases where it has specific legal agreements;
- Facilities are under control of Committee of Management appointed pursuant to the provisions of the *Crown Land (Reserves) Act 1978*; or
- It can be demonstrated that there is significant community use and value from a site that is owned by the community or privately.

THE POLICY

For the purposes of this policy, recreation and community facilities will include, but not be limited to, the following:

- public halls;
- galleries;
- recreation reserves;
- childcare centres
- kindergartens

- senior citizens centres
- libraries;
- museums
- neighbourhood/community houses
- playgrounds;
- stadiums;
- boating facilities;
- aquatic centres;
- other sporting and cultural facilities.

These facilities may be operated in the following ways:

- Council staffed (Council staff are fully responsible for management, operations and maintenance of the site and are located on site).
- Direct managed (Council staff are responsible for grounds and facility maintenance and taking booking but are not located on site).
- Committee managed (a volunteer committee of management operates the site and is responsible for management and maintenance). This committee may be appointed via the *Crown Land (Reserves) Act 1978* or they may be an independent association.

In all instances, facilities are expected to be offered to the community in a fair, accessible and safe manner.

Council provision for the support to recreation and cultural facilities is based on a four-tiered (or similar) hierarchy:

- Level 1 - regional, state significance facilities;
- Level 2 - district significance facilities;
- Level 3 - local significance facilities;
- Level 4 – local facilities;
- Level 5 – local passive facilities.

This policy is guided by the Wellington Shire Council Community Managed Facilities Strategy 2020-2025.

Facility usage

In determining uses for the facility, Council strongly encourages the Committee of Management and users/hirers of a facility to refer to the Healthy Wellington Plan 2021-2025, Link: [Strategies and Plans \(wellington.vic.gov.au\)](https://www.wellington.vic.gov.au/strategies-and-plans)

Responsible Serving of Alcohol (liquor licensing requirements)

It is the responsibility of all users/hirers of a facility that they obtain the most appropriate liquor license from the Victorian Commission for Gambling and Liquor Regulation for the purpose for which alcohol is to be consumed and / or sold, whether that be directly, or indirectly.

The liquor license is to be provided by the hirer to the Committee of Management or relevant Council officer prior to any acceptance of booking.

Governance

Council will provide training and support to committees of management, clubs, and organisations managing such facilities to assist with the maintenance, management and programming of these facilities to ensure use is maximised for the community.

Risk & Maintenance subsidy

Council may provide an annual financial risk and maintenance subsidy to the management committee, club or organisation which must be used to go towards the costs of maintaining the facility and ensuring that risks are appropriately managed. Subsidies may be provided to recreation reserves, public halls, and indoor sports centres located on Council owned or managed land or crown land.

Direct management

In some instances, Council directly manages a recreational or cultural facility. In these cases:

- Council is either the land owner or the appointed land manager.
- Council is directly responsible for the maintenance and upkeep of community facilities to support the delivery of core services.
- Council promotes equitable use amongst groups/community through effective ongoing engagement of the key users.
- Council managed facilities can include leisure facilities, public space, galleries and libraries.
- Discounted hire fees apply for community groups

Accessibility

Council aims to ensure that everybody in the community has the same opportunities to access and use facilities. Where Council directly manages facilities, it will include improving accessibility of these facilities as a priority in planning and long term budgeting and will monitor progress through its audit program. Council will also support committee managed facilities to plan for improvements to accessibility of their facilities and will promote best practice for accessible buildings and facilities.

HUMAN RIGHTS

Wellington Shire Council is committed to upholding the Human Rights principles as outlined in the *Charter of Human Rights and Responsibilities Act 2006 (Vic)* and referred to in Council's Human Rights Policy. The Human Rights Checklist has been completed and this policy accords with Council's policy commitment to uphold human rights principles.

REVISION HISTORY

VERSION	MAJOR / MINOR UPDATE	SUMMARY OF CHANGES
1.0	Not applicable	No changes applicable at this review

COMMITTEES POLICY

Policy Number:	5.1.4
Approved by	Council
Date Approved:	December 2022
Date of Next Review:	December 2023
Applicable to Unit(s):	Whole Organisation
Responsible Officer:	Manager Communities, Facilities and Emergencies
Related Policies:	Council Provision of Recreation/Community Facilities
Related Documents:	Community Managed Facilities Strategy 2020-25 New Agreement Development Procedure Agreement Renewal Procedure Section 86: Special Committees of Council Procedure
Statutory Reference:	<i>Associations Incorporation Reform Act 2012</i> <i>Crown Land (Reserves) Act 1978</i> <i>Local Government Act 2020</i> Local Laws

OVERVIEW

This policy establishes a framework for the guidance of Council in relation to:

- The appointment, roles and responsibilities of committees,
- The circumstances and purposes associated with the establishment and operation of committees.
- The enabling mechanism/s (legal basis), which are necessary and appropriate for the establishment and operation of committees in various circumstances.

THE POLICY

This policy recognises the important role that committees play in providing advice and/or services to Council; and establishes:

- The various forms of committee/s supported by Council.
- The guiding principles for the appointment of Committees.
- The relationship between Council and the different forms of Committees.

Definitions

Committee – can be:

- (a) An internal, informally established task force or general working group, made up of Council officers;
- (b) An external, unincorporated task force or general working group, containing representation from Council;
- (c) A “Friends of” volunteer group or tenant group; providing advice or a service to council;
- (d) A formal advisory committee or Community Asset Committee established by Council under the provisions of Section 65 of the *Local Government Act 2020*;
- (e) An independent body incorporated under the *Associations Incorporation Reform Act 2012*;

or

- (f) A committee appointed by the Crown under the *Crown Land (Reserves) Act 1978*.

Committee of Management – a volunteer committee that has been established with the primary role of managing a community facility for use by the public, representing equally the interests of the public and all regular user groups of the facility.

Community Facility – a physical property accommodating community infrastructure, such as public halls; Neighbourhood Houses, kindergartens, Senior Citizen Centres or recreation facilities, which have broad or multi-purpose community use and are used for cultural, community or recreational purposes.

Council-owned property – real property to which the Council has title whether;

- (a) In fee simple estate;
- (b) By possession;
- (c) A restrictive Crown grant;
- (d) A restrictive, in fee simple Crown grant; or
- (e) An in fee simple Crown grant.

Council-controlled property – real property in which the Council has a major and controlling interest whether through:

- (a) A lease or licence;
- (b) As committee of management under the *Crown Land (Reserves) Act 1978*;
- (c) Some other grant, demise, gift, benefit or bequest; or
- (d) Specific legislation or law enacted by the Parliament.

Level 1, 2, 3, 4 or 5 Recreation and Cultural Facilities – A five-tiered hierarchy defined and established by Council to categorise the significance of individual community facilities and the appropriate levels of Council support.

Management – the maintenance, hire, control, operation, occupancy, use, conservation, promotion and/or development of property.

Guiding Principles

Council recognises the value volunteer committees offer to both the Shire and the community. The appointment of community-based committees allows and encourages:

- Networking and resource sharing between people working towards a common goal;
- A strengthened sense of community within the Shire;
- Channels of communication;
- Delegation of function, duties and powers to the community, providing direct community involvement, accountability and ownership for projects and properties.

The Wellington Shire Council Community Managed Facilities Strategy 2020-25 expands on these principles.

Establishment of a Committee

Committees are established or supported by Council on the following basis:

- *“Friends of” Group*: to operate as an informal/ unincorporated volunteer community group,

providing a valuable link between Council and the community for Council-controlled properties.

- *Tenants/ Advisory Group*: to operate as an unincorporated representative tenants/ advisory group, providing a valuable link between Council and tenants/ hirers who occupy Council-controlled properties.
- *External Working/ Advisory Group*: to provide a combination of Council and community input into matters which affect the community of the Wellington Shire.
- *Internal Working/ Advisory Group*: to provide a network between Council officers and ensure input from differing departments is received into matters effecting Council and/or council officers.
- *Section 65 Community Asset Committee*: to effectively operate as a branch of the Council as defined within the Instrument of Delegation.

To appoint a Community Asset Committee, the Council is bound by the provisions of Section 65 of the *Local Government Act 2020*. A Community Asset Committee, in effect operates as the Council so far as its delegated authority is concerned. The appointment of Community Asset Committees under Section 65 of the *Local Government Act 2020* will be limited to the following circumstances.

- a) Action Role – for specific projects (e.g. development of a facility, establishment of a regional festival/event).
- b) Management Role – for the management of:
 - i) Council-controlled Crown-owned Level 2, 3 and 4 recreation, cultural and community facilities, which are used for multipurpose cultural, community or recreational purposes catering to active pursuits and organised cultural and sporting activities.
 - ii) Level 1 Council-owned community facilities where Council resolves exceptional circumstances so require.
- *Incorporated Committee*: to manage a facility and operate as its own independent body, within the provisions of a documented form of facility management agreement with Council. A Committee must be incorporated prior to any tenancy or management arrangement being implemented (i.e. lease, licence, service or funding agreement). Where there is an existing community committee, which is not incorporated, managing a Council owned or controlled community facility, Council may provide administrative assistance where required, in the preparation and lodgment of necessary documentation (e.g. Constitution, Statement of Purpose etc.). to ensure incorporation is attained under the *Associations Incorporation Reform Act 2012*.

Membership to an incorporated Committee is detailed within Committee's individual Rules, as approved by Consumer Affairs Victoria.

Committees of Management – Managing Community Facilities and Property

The Wellington Shire Community Managed Facilities Strategy 2020-25 aims to ensure that community facilities within the municipality continue to meet the expectations and needs of all current and future residents, both in terms of infrastructure requirements and service provision.

Council acknowledges the significant role that volunteer committees of management play in the provision of a range of services and facilities to the community and supports their continuation as largely autonomous, self-reliant bodies.

Council recognises three primary forms of community Committees of Management, based on property ownership, whose primary role is to manage, maintain and operate public facilities for use by the community.

- Committees of Management responsible for Council owned or controlled community facilities;
- Committees of Management responsible for Crown owned community facilities (Crown committees);
- Committees of Management or Trusts responsible for community facilities located on other property not owned by the Crown or Council.

a) Committees of Management (Council Owned or Controlled Community Facilities)

- i) The Council acknowledges and accepts it has, in equity, responsibility for Council owned and controlled property.
- ii) The Council's goal for its property is to deliver responsible resource management, supported by effective financial business strategies.
- iii) For management of any Council owned or controlled property, the Council may:
 - retain and have direct control and administration; or
 - under S65 of the *Local Government Act 2020* appoint community asset committees and delegate management responsibility; or
 - enter into a lease or licence agreement under the *Local Government Act 2020* or the provisions of the *Crown Land (Reserves) Act 1978* with any incorporated body.
- iv) The Council will determine at its absolute discretion whether it appoints a committee, enters into a lease, licence or a licence and service agreement or retains its own control for the management of property.

All committees, clubs or organisations which occupy or manage a Council owned facility, must have a current documented agreement in place with Council which formalises the arrangement and specifies the tenure and obligations of all parties. All agreements are to be based on Council's generic agreements, to ensure where possible, uniformity and equitability for all concerned, but which may vary slightly to contain conditions, specific to an individual property.

b) Committees of Management (NON-Council Owned or Controlled Community Facilities)

Council does not have the authorisation to implement a lease or licence over properties not controlled by Council. Council is not responsible for the management, operation or maintenance of any community facilities that are not Council owned or controlled (e.g. Crown, Trust or Committee owned hall). Council does however recognise the role these community facilities play within our society and is able to offer support to these Committees through the implementation of a generic Service or Funding Agreement.

Representative or Advisory Committees

Council recognises the vital community link that representative or advisory Committees offer to Council. As these forms of Committees do not have any associated facility management or operational responsibilities, these Committees do not receive recurrent financial support from Council. Representative or Advisory Committees are established as required, and can take the form of:

a) "Friends of" Groups.

The establishment of "Friends of" Groups are encouraged by Council. They have no management or tenancy rights over the property of interest, however the Group is encouraged to have an input into Council plans, works or projects relating to the property. It is essential that all work or projects undertaken by "Friends of" Groups are fully coordinated by the Council.

Council will provide Volunteer Insurance cover for all registered members of 'Friends of' Groups,

whilst engaged in approved projects or activities. Council does not, however, provide any direct financial or administrative support to “Friends of” Groups.,

b) Tenant Groups

The establishment of Tenant Groups promotes a consolidated voice and representation for official lease or licence holders or hirers of multi-use community or commercial facilities that are direct managed by Council.

Tenant Groups are generally established as an unincorporated advisory body, who will operate within the provisions of a documented Terms of Reference, as approved by Council. As a committee, Tenant Groups do not have a management right for their property, however they are able and encouraged to provide a representative view on matters of interest or concern, to Council.

Council does not provide any direct financial or administrative support to Tenant Groups.

c) External Working Advisory Groups

External Working Advisory Groups provide a combination of Council, organisation and community input into matters, which affect the community of the Wellington Shire.

Council can delegate Councilors or Officers to represent Council at any external Working Advisory Group that is considered appropriate.

HUMAN RIGHTS

Wellington Shire Council is committed to upholding the Human Rights principles as outlined in the *Charter of Human Rights and Responsibilities Act 2006 (Vic)* and referred to in Council's Human Rights Policy. The Human Rights Checklist has been completed and this policy accords with Council's policy commitment to uphold human rights principles.

REVISION HISTORY

VERSION	MAJOR / MINOR UPDATE	SUMMARY OF CHANGES
1.0	Minor update	Correction of spelling mistake Replacement of word childcare with kindergarten to better reflect the use of community facilities owned by Council

COMMUNITY ASSISTANCE GRANTS PROGRAM POLICY

Policy Number:	5.1.5
Approved by:	Council
Date Approved:	December 2022
Date of Next Review:	December 2024
Applicable to Unit(s):	Communities, Facilities & Emergencies
Responsible Officer:	Manager Communities, Facilities & Emergencies
Related Policies:	Nil
Related Documents:	Community Assistance Grants Scheme Funding Guidelines and Assessment Criteria Quick Response Grants Scheme Funding Guidelines and Assessment Criteria
Statutory Reference:	Nil

OVERVIEW

To establish policy for the management of the Community Assistance Grants Scheme inclusive of the Quick Response Grant Scheme and Australia Day Grant.

THE POLICY

The aim of Council's Assistance Grants Scheme and Quick Response Grant Scheme is to encourage the development of community initiatives in line with our Council's Wellington 2031 Vision, Council Plan 2021-25 and Healthy Wellington 2021-25.

It aims to build community capacity by encouraging participation, promoting inclusion, growing partnerships, providing learning opportunities and supporting social connectedness by utilising and activating our open spaces, community, and cultural facilities.

Key concepts within the Wellington 2031 Vision that under pin the Community Assistance Grants Scheme are available in the Council Plan 2021-25 under Strategic Direction 3 Livability and Wellbeing.

The following strategic objectives and related strategies are noted in theme 1:

Council Plan Outcome: 3.1 *"An inclusive, diverse, and resilient community."*

Council Plan Initiative: 3.1.2 *"Facilitate activities and events that celebrate and promote inclusion and engagement of our culturally and socially diverse communities."*

Council Plan Outcome 3.3 *"Opportunities for everyone to work, learn, create, play, and share."*

Council Plan Initiative: 3.3.1 *"To assist in recovery from COVID-19, facilitate support for and capacity building of community volunteers in Committees of Management and other community groups that deliver community outcomes."*

Council Plan Initiative: 3.3.7 *"Establish partnerships that improve and grow access to cultural experiences and provide learning opportunities and social connectedness by utilising and activating our open space, community, and cultural facilities."*

An annual budgeted amount of funding as determined by Council is available to be applied for by

not for profit groups for projects, events and facilities. Applications are received twice yearly under the Community Assistance Grants Scheme and all throughout the year under the Quick Response Grants Scheme and annually under the Australia Day Grants. Assessment panels review funding applications based on;

- ✓ The applicant' planning and capacity

Has the applicant:

- Provided clear details about the event/project?
- Is the project achievable?
- Demonstrated the ability to deliver the project?
- Provided promotion and marketing information and schedule?
- Provided evaluation details; schedule and information?
- Considered Access and Inclusion issues and considered the needs of all the community and user groups?
- Attached relevant support material?

- ✓ Community need and benefit outcomes

Has the applicant:

- Provided information relating to the community need for the event/project?
- Provided information relating to the community benefit for the event/project?
- Attached relevant support material?

There are times when Council may choose to vary the types of grants offered to support the response to a significant incident or event impacting on the community.

HUMAN RIGHTS

Wellington Shire Council is committed to upholding the Human Rights principles as outlined in the *Charter of Human Rights and Responsibilities Act 2006 (Vic)* and referred to in Council's Human Rights Policy. The Human Rights Checklist has been completed and this policy accords with Council's policy commitment to uphold human rights principles.

Any program guidelines and assessment criteria developed for the purpose of implementing this policy shall incorporate reference to and consideration of Council's Human Rights Policy and Human Rights Charter Checklist.

REVISION HISTORY

VERSION	MAJOR / MINOR UPDATE	SUMMARY OF CHANGES
1.0	Minor update	Move Policy to a two year review cycle

COMMUNITY ENGAGEMENT POLICY

Policy Number:	5.1.6
Approved by:	Council
Date Approved:	December 2022
Date of Next Review:	June 2025
Applicable to Unit(s):	Whole Organisation
Responsible Officer:	General Manager Community and Culture
Related Policies:	Nil
Related Documents:	Wellington Shire Council Community Engagement Strategy 2021
Statutory Reference:	<i>Local Government Act 2020</i>

OVERVIEW

The purpose of this policy is to establish the expectations on Wellington Shire Council staff in conducting effective community engagement during council planning, decision making and management of projects.

THE POLICY

Staff at Wellington Shire Council will conduct genuine and effective engagement that involves those who will be impacted by decisions and projects at the right level for the issue being engaged on.

Individual Responsibilities

It is the responsibility of all staff to follow appropriate processes for effective community engagement.

Responsibilities for Managers and Supervisors

It is the responsibility of Managers and Supervisors to ensure staff follow the appropriate processes and store community engagement plans for audit.

The Community Engagement Process

The Wellington Shire Council approach to engagement is set out in the Community Engagement Strategy 2021 and associated processes.

The Community Engagement Strategy 2021 provides:

- meaning to the term community engagement
- meaning to the term deliberative engagement;
- the context in which community engagement is undertaken;
- core values in community engagement; and
- an explanation of why community engagement is an effective way of doing business leading to better outcomes for the organisation and the community.

Wellington Shire Council will update templates and resources to assist staff with delivering community engagement plans that align with this policy and with the Community Engagement Strategy 2021. These resources will support an effective and consistent approach to community engagement across the organisation.

HUMAN RIGHTS

Wellington Shire Council is committed to upholding the Human Rights principles as outlined in the Charter of Human Rights and Responsibilities Act 2006 (Vic) and referred to in Council's Human Rights Policy. The Human Rights Checklist has been completed and this policy accords with Council's policy commitment to uphold human rights principles.

REVISION HISTORY

VERSION	MAJOR / MINOR UPDATE	SUMMARY OF CHANGES
1.0	Minor update	Review date extended to align with endorsed Strategy

ART GALLERY COLLECTION POLICY

Policy Number:	5.2.1
Approved by:	Council
Date Approved:	December 2022
Date of Next Review:	December 2023
Applicable to Unit(s):	Arts & Culture
Responsible Officer:	Gippsland Art Gallery Director
Related Policies:	Nil
Related Documents:	Art Gallery Collection Procedures Arts & Culture Strategy
Statutory Reference:	Nil

OVERVIEW

To establish a policy for the management and growth of the Gippsland Art Gallery permanent collection.

THE POLICY

The Art Gallery Collection Policy has been developed to provide guidelines for the acquisition and management of artworks for the Gippsland Art Gallery permanent collection.

The overarching objective in establishing, maintaining and building a collection of artworks is to enrich the community by promoting pride in its artistic and cultural heritage, past and present, and this objective should broadly inform all acquisitions.

When selecting artworks for its permanent collection the Gallery should seek to acquire:

- Artworks that demonstrate artistic excellence in concept and/or execution.
- Artworks that enrich the broader understanding and appreciation of art, and the culture and history of Gippsland.
- Artworks that engage the themes of landscape and the natural environment.
- Artworks that promote a greater appreciation and understanding of First Nations art and culture, specifically of the Gunaikurnai Peoples of Gippsland, the Traditional Owners of the land on which the Gallery now stands.
- Destination artworks that contribute to the Gallery's effectiveness and vitality as a cultural tourist attraction.
- Artworks that perform an educative function by promoting visitor curiosity from a young age to encourage lifelong learning through engagement with the visual arts.
- Artworks by artists who live in or are associated with Gippsland (and specifically with Wellington Shire), or that were created in or are about Gippsland.
- Artworks that increase the depth, breadth, and cohesion of the existing collection and provide greater context and meaning to existing artworks.

The acquisition of artworks should be carried out ethically and in accord with the core values of Wellington Shire Council and the Gippsland Art Gallery, and at all times should uphold the universal charters of human rights and child safety. The permanent collection should seek to unify rather than divide the community of Wellington Shire, and demonstrate artistic, social or historical value as a means to promoting the virtues of inspired learning and cultural tolerance.

Items held or displayed outside of Gallery facilities will be subject to risk assessment (to the item and persons), preventative conservation assessment and a cycle of monitoring and reporting.

All public artworks in the collection, located both on public and private land, will be subject to an annual inspection and approval by the Gallery Director as to the on-going siting of each artwork.

The Art Gallery Collection Policy should follow the Australian Best Practice Guide to Collecting Cultural Material from the Australian Government Ministry for the Arts. The Guide states that in acquiring or borrowing cultural material, Australian public collecting institutions should:

1. Be committed to the principle that acquisitions whether by purchase, gift, bequest or exchange, and loans be made according to the highest standards of due diligence, including ethical and professional practice, and in accordance with applicable law.
2. Not seek to acquire or knowingly borrow Aboriginal or Torres Strait Islander secret/sacred or culturally restricted material but acknowledge legal and ethical responsibility to accept or hold such material on occasion.
3. Not acquire or knowingly borrow cultural material unless satisfied that it has not been acquired in, or exported from, the country of origin (and intermediate countries) in violation of that country's laws.
4. Not acquire or knowingly borrow cultural material where there are suspicions it was obtained through unauthorised or unscientific excavation of archaeological sites, the destruction or defacing of ancient monuments, historic places or buildings, or the theft from individuals, museums or other repositories.
5. Not acquire or knowingly borrow biological or geological material that has been collected, sold or otherwise transferred in contravention of applicable national or international laws, regulations or treaties.
6. Be committed to review new information about an object in the institution's collection and undertake further investigations, including reviewing previous decisions about the object.
7. Be committed to transparency and accountability in relevant policies and procedures and in making information on acquisitions available to the public.

The above guidelines refer to all works of art in any medium that exists now or may appear in the future until such time as this policy is revised or rewritten.

The term 'artworks', for the purpose of this Policy, also includes any item of decorative art, craft or design made using traditional processes or any art which is produced using the processes of contemporary technology. Photography and cinematography, digital video recording or the results of computer usage are valid acquisition categories.

Council has adopted detailed guidelines to give effect to its policy directions and these are contained within the Administrative Procedures Manual. The responsibility to ensure that the guidelines remain current and relevant is vested in the General Manager Community & Culture acting on advice from the Manager Arts & Culture. Any amendment to the guidelines will require approval from the Chief Executive Officer.

DEACCESSION OF ARTWORKS

Artworks in the permanent collection may be deaccessioned in accord with the following guidelines. The broad aim of deaccessioning is to enable the Gallery to maintain a collection of the highest possible quality and the greatest relevance to the Collection Policy through the sensitive removal of artworks that are identified as being:

- irrelevant to the Gallery's Collection Policy;

- outside of the Gallery's capacity to provide safe and appropriate storage;
- an OHS risk to staff or the public (i.e. dangerous to handle, chemically unstable), while either in storage or on display;
- a danger to other artworks in the collection (i.e. carrier of insect larvae, chemical off gassing), while either in storage or on display; or
- in disrepair and unsuitable for exhibition or to be of any further aesthetic or educative value in its current state.

The deaccessioning of artworks from the gallery collection should be taken with great care and respect to the artworks in question and, in the cases where the artworks were originally donated, to the original donor. It must be clearly demonstrated that any artwork identified for deaccession fits one of the criteria above, and deaccessioning must never take place on aesthetic grounds alone. In the case of an artwork being in disrepair, the opinion of the artist or the estate of the artist should firstly be sought to ascertain whether the artwork can be restored to exhibitable condition.

Once an artwork has been identified for deaccessioning due to it corresponding with one or more of the criteria listed above, the steps to deaccessioning are as follows:

1. A 'Recommendation to Deaccession' report is presented by the Gallery Director to the Art Gallery Advisory Group, including the recommended means of deaccession and outcomes to be achieved
2. If the majority of Advisory Group members vote in favour of the deaccession, a notice must be published in the local newspaper (Gippsland Times) to advise the public of the Gallery's intention to deaccession the artwork, explaining the reasons for deaccession and to provide an opportunity for members of the public to respond and object
3. The artist and/or the estate of the artist will be notified as a courtesy
4. The deaccession will be subject to a three-year cooling off period
5. After three years has elapsed, the report will again be presented to the Advisory Group, and if the majority of members are again in agreement to accept the deaccession, a second notice will be published in the local newspaper, repeating the intention to deaccession and providing members of the public with an opportunity to respond and object
6. 30 days after the publication of the 'Notice to Deaccession' the Gallery may dispose of the artwork by either (in this order):
 - offering the artwork back to the original donor*
 - if the artwork was purchased, offering the artwork back to the artist (or the artist's estate)
 - offering the artwork as a donation to another PGAV member public gallery
 - selling the artwork by public sale
 - disposing of the artwork
7. Any income received through the subsequent sale of a deaccessioned artwork will be returned to the Art Acquisitions ledger to contribute toward the future purchase of artworks
8. Where the artwork to be deaccessioned was originally received as a donation, and the artwork is not returned to the original donor and is sold by public sale, any income derived from that sale that is used to purchase a replacement artwork will be done so in the spirit of the original donation (i.e. a work by the same artist), and the replacement artwork will continue to bear the acknowledgement of the original donor
9. At the conclusion of the deaccession process, all details will be recorded in the Gallery's collection records for posterity, including minutes from the relevant Advisory Group meetings. These records will be available for public view on request.

*No artwork being considered for deaccessioning should be offered to the original donor if that donor received a tax deduction under the Australian Government Cultural Gifts Program, however, the donor may have the opportunity to re-purchase the work.

Gallery staff members, Members of the Gallery Art Gallery Advisory Group, Councillors or officers of the Wellington Shire Council or members of their families will not be permitted to acquire deaccessioned artworks, nor will they benefit financially from deaccessioning in any way.

NATIONAL AND INTERNATIONAL AGREEMENTS AND LEGAL CONSIDERATIONS

- *Protection of Movable Cultural Heritage Act 1986*
- UNESCO Convention on the Means of Prohibiting and Preventing Illicit Import, Export and Transfer of Ownership of Cultural Property 1970
- *Environment Protection and Biodiversity Conservation Act 1999*
- Convention on International Trade in Endangered Species of Wild Fauna and Flora 1975 (CITES Convention)
- *Historic Shipwrecks Act 1976*
- *Aboriginal and Torres Strait Islander Heritage Protection Act 1984*
- *Protection of Cultural Objects on Loan Act 2013*
- UNIDROIT Convention on Stolen and Illegally Exported Cultural Objects 1995
- UNESCO Convention on the Protection of the Underwater Cultural Heritage 2001
- UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage
- UNESCO Convention for the Protection of Cultural Property in the Event of Armed Conflict with Regulations for the Execution of the Convention 1954 – (The Hague Convention, First Protocol, 1954 and Second Protocol 1999)
- UNESCO Convention concerning the Protection of the World Cultural and Natural Heritage 1972
- UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expression 2005
- UN Declaration on the Rights of Indigenous Peoples 2007

HUMAN RIGHTS

Wellington Shire Council is committed to upholding the Human Rights principles as outlined in the Charter of Human Rights and Responsibilities Act 2006 (Vic) and referred to in Council's Human Rights Policy. The Human Rights Checklist has been completed and this policy accords with Council's policy commitment to uphold human rights principles.

REVISION HISTORY

VERSION	MAJOR / MINOR UPDATE	SUMMARY OF CHANGES
1.0	Major update	Inclusion of deaccession of artworks procedures (workshop with Councillors conducted)

ART IN PUBLIC PLACES POLICY

Policy Number:	5.2.2
Approved by:	Council
Date Approved:	December 2022
Date of Next Review:	December 2023
Applicable to Unit(s):	Arts and Culture Natural Environment and Parks
Responsible Officer:	Manager Arts and Culture
Related Policies:	Nil
Related Documents:	Art in Public Places Guidelines
Statutory Reference:	Nil

1. OVERVIEW

The Wellington Shire Council Art in Public Places Policy has been developed to assist in the achievement of the objectives of Wellington 2030 and the Arts and Culture Strategy.

2. GOAL

To enhance public places in Wellington Shire through the promotion and encouragement of engaging and appropriate public art.

3. AIMS

- 3.1 To enrich the lives of residents and visitors to Wellington Shire through the presence of high quality works of art and craft in the Shire's public spaces.
- 3.2 To integrate arts into the structure, fabric and daily life of the community.
- 3.3 To foster a sense of place, of community belonging and a sense of identity in residents of Wellington Shire.
- 3.4 To celebrate the cultural diversity of the Shire and wider community by the public display of arts including those that showcase our Indigenous First Nations heritage.
- 3.5 To enliven and enrich the public spaces of the Shire to achieve a rich and lively environment which goes beyond that which good urban planning and design can achieve on its own.
- 3.6 To realise the economic, health and wellbeing potential of the arts and crafts industry in Wellington Shire and to promote cultural tourism.
- 3.7 To encourage innovative linkages between the arts, education, business and tourist sectors.
- 3.8 To enhance the lifespan of the community's cultural heritage through a planned maintenance program and protection from vandalism.

4. UNDERLYING PRINCIPLES

- 4.1 Community engagement
- 4.2 Partnerships
- 4.3 Identity and sense of place

4.4 Cultural diversity

4.5 A creative and vibrant environment

5. DEFINITIONS

5.1 Public Place

In Wellington Shire this includes but is not necessarily limited to streets and laneways, footpaths and walkways, gardens, building exteriors, and open space.

5.2 Artists

All professional practitioners in the visual, literary and performing arts, including visual artists, designers, craftspeople, writers, poets, performers, composers, musicians, etc.

5.2 Arts

In the context of this policy, this refers to all visual and performing arts (permanent or ephemeral). This includes but is not necessarily limited to visual art, craft, sculpture, design, new media, sound, ephemeral art, performance, projections and collaborative art/urban design projects. The public art can be functional, decorative, iconic, integrated, site specific, interpretive, commemorative or temporary.

6. COUNCIL'S ROLE IN ART IN PUBLIC SPACES

6.1 Council's role in public art is that of:

- A planner for and provider of public art.
- A facilitator of arts development.
- A custodian and a partner in the management of the Shire's arts resources and assets.
- A designer of an environment that sustains a diverse artistic community.
- An advocate for public art.

7. PUBLIC ART PROGRAM

7.1 Public art projects can be initiated by Council, by artists, by organisations, or by the wider community and can be realised through the following processes.

- Acquisitions and long-term loans of public art.
- Commissions of contemporary art, both permanent and temporary.
- Acceptance of selected donations of art.
- Temporary placement of art in public places; exhibitions, art performances and site-based installations.
- Engagement of professional artists in specific projects - as consultants for specialist advice, concept development, planning, or as part of collaborative community-based projects.
- Engagement of arts practitioners from the region where appropriate.
- Artist-in-residence projects.

REVISION HISTORY

VERSION	MAJOR / MINOR UPDATE	SUMMARY OF CHANGES
1.0	Not applicable	No changes applicable at this review

14.3. AUDIT AND RISK COMMITTEE MINUTES

ACTION OFFICER: GENERAL MANAGER CORPORATE SERVICES

PURPOSE

To receive and note the minutes of the Audit & Risk Committee meeting held on 28 November 2022 and approve the suggested amendments to the Audit & Risk Committee Charter and Terms of Reference.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

RECOMMENDATION

That:

- 1. Council receive and note the minutes in brief of the Audit & Risk Committee 28 November 2022 (as attached) and the confidential attachment Audit & Risk Committee Minutes of 28 November 2022; and***
- 2. Council approve the suggested amendments to the Audit & Risk Committee Charter and Terms of Reference; and***
- 3. The information contained in the confidential document Audit & Risk Committee Minutes of 28 November 2022 of this Council meeting agenda and designated confidential under Section 3(1) Confidential Information of the Local Government Act 2020 by the Chief Executive Officer on 7 December 2022 because it relates to the following grounds: e) legal privileged information, being information to which legal professional privilege or client legal privilege applies; and l) information that was confidential information for the purpose of section 77 of the Local Government Act 1989; be designated confidential information under Section 3(1) Confidential Information of the Local Government Act 2020.***

BACKGROUND

Council maintains an Audit & Risk Committee in accordance with section 53 of the *Local Government Act 2020*. The Audit & Risk Committee is an independent advisory Committee to Council and its primary objective is to assist Council in the effective conduct of its responsibilities for financial reporting, management of risk, maintaining a reliable system of internal controls and facilitating the organisation's ethical development. Minutes of the Audit & Risk Committee are reported direct to Council.

A copy of the minutes in brief from the Audit & Risk Committee meeting of 28 November 2022 is attached and is provided for the information of Council and the public in general.

ATTACHMENTS

- Audit and Risk Committee Meeting Minutes In Brief - 28 November 2022 [**14.3.1** - 13 pages]
- Audit and Risk Committee Meeting Minutes - Confidential Header [**14.3.2** - 1 page]
- CONFIDENTIAL REDACTED - Audit and Risk Committee Meeting Minutes - 28 November 2022 [**14.3.3** - 163 pages]

OPTIONS

Council has the following options available:

1. To receive and note the minutes from the Audit & Risk Committee meeting of 28 November 2022 and approve the suggested amendments to the Audit & Risk Committee Charter and Terms of Reference; or
2. To seek further information and consider the minutes at a future meeting.

PROPOSAL

To receive and note the minutes of the Audit & Risk Committee meeting held on 28 November 2022 and approve the suggested amendments to the Audit & Risk Committee Charter and Terms of Reference.

CONFLICT OF INTEREST

No staff and/or contractors involved in the compilation of this report have declared a conflict of interest.

FINANCIAL IMPACT

This impact has been assessed and there is no effect to consider at this time.

COMMUNICATION IMPACT

This impact has been assessed and there is no effect to consider at this time.

LEGISLATIVE IMPACT

The *Local Government Act 2020*, section 53(1) requires Council to establish an audit committee. Council's Audit & Risk Committee is an Advisory Committee to Council and operates within the Terms of Reference and Charter adopted by Council.

The Audit & Risk Committee Terms of Reference require the minutes of the Audit & Risk Committee to be forwarded to an ordinary meeting of the Council, including a report explaining any specific recommendations and key outcomes.

This report complies with the legislative requirements and the Audit & Risk Committee Terms of Reference requirements.

COUNCIL POLICY IMPACT

This impact has been assessed and there is no effect to consider at this time.

COUNCIL PLAN IMPACT

The Council Plan 2021-25 Theme 4 “Services and Infrastructure” states the following strategic outcome:

Strategic Outcome 4.1: *"A financially sustainable, high performing organisation."*

This report supports the above Council Plan strategic outcome.

RESOURCES AND STAFF IMPACT

This impact has been assessed and there is no effect to consider at this time.

COMMUNITY IMPACT

This impact has been assessed and there is no effect to consider at this time.

ENVIRONMENTAL IMPACT

This impact has been assessed and there is no effect to consider at this time.

ENGAGEMENT IMPACT

This impact has been assessed and there is no effect to consider at this time.

RISK MANAGEMENT IMPACT

The Audit & Risk Committee Charter identifies the management of risk as one of the primary objectives of the Audit & Risk Committee. The Audit & Risk Committee monitors the risk exposure of Council by determining if management has appropriate risk management processes and adequate management information systems in place.

**AUDIT & RISK COMMITTEE MEETING MINUTES IN BRIEF –
28 NOVEMBER 2022**

Present: Mr Chris Badger (Chair) (via Teams)
Ms Sarah Heath (via Teams)
Mr Tony Smith (via Teams)
Councillor Garry Stephens (via Teams)
Councillor Marcus McKenzie (via Teams)

In attendance: Mr David Morcom (Chief Executive Officer)
Mr Arthur Skipitaris (General Manager Corporate Services)
Mr Ian Carroll (Manager Corporate Finance)
Mr Kapil Kukreja, HLB Mann Judd (via Teams)
Ms Carly Bloomfield (Manager Organisational Performance & Governance)
Mr Phillip Phillipou (Chief Information Officer) (via Teams)
Mrs Sheryl Saynor (Executive Support Officer)

1. **Welcome**

2. **Apologies - Nil**

3. **Closure of Meeting to Public:-**

***Councillor Stephens/Councillor McKenzie
That the meeting be closed to the public under Section 66(5) of the Local Government
Act 2020 to discuss legal privileged information and information that was
confidential information for the purposes of section 77 of the Local Government Act
1989.***

CARRIED

4. **Declaration of Conflict(s) of Interest:-**
Nil

5. **Adoption of Previous Minutes – 13 September 2022:-**

***Tony Smith/Sarah Heath
That the Committee approve the minutes of the previous meeting held on 13
September 2022.***

CARRIED

6. **In Camera Session (to be conducted at 1.30pm)**

The Chair advised that the items considered during the In Camera Session were Items 8, 14 and 20.

7. **Action Items from Previous Minutes**

Sarah Heath/Councillor Stephens

That the Audit & Risk Committee recommend to Council that it receive the report.

That the information contained in this document and designated under Section 3(1) Confidential Information of the Local Government Act 2020 as confidential by the Chief Executive Officer on 21 November 2022 because it relates to the following grounds:

- (I) information that was confidential information for the purposes of section 77 of the Local Government Act 1989.***

be designated confidential information under Clause 3(1) of the Local Government Act 2020.

CARRIED

- 8. Internal Audit Report – Review of Fraud and Corruption Control Framework (incl. awareness survey)**

- 9. Status of Audit Recommendations**

Tony Smith/Sarah Heath

That the Audit & Risk Committee recommend to Council that it receive the report.

That the information contained in this document and designated under Section 3(1) Confidential Information of the Local Government Act 2020 as confidential by the Chief Executive Officer on 21 November 2022 because it relates to the following grounds:

- (I) information that was confidential information for the purposes of section 77 of the Local Government Act 1989.***

be designated confidential information under Clause 3(1) of the Local Government Act 2020.

CARRIED

- 10. Status of Identified Improvements from various Agencies**

Councillor McKenzie/Sarah Heath

That the Audit & Risk Committee recommend to Council that it receive the report.

That the information contained in this document and designated under Section 3(1) Confidential Information of the Local Government Act 2020 as confidential by the Chief Executive Officer on 21 November 2022 because it relates to the following grounds:

- (I) information that was confidential information for the purposes of section 77 of the Local Government Act 1989.***

be designated confidential information under Clause 3(1) of the Local Government Act 2020.

CARRIED

- 11. Risk Management Framework - Project Plan**

Sarah Heath/Councillor McKenzie

That the Audit & Risk Committee recommend to Council that it receive the report.

That the information contained in this document and designated under Section 3(1) Confidential Information of the Local Government Act 2020 as confidential by the Chief Executive Officer on 21 November 2022 because it relates to the following grounds:

- (I) information that was confidential information for the purposes of section 77 of the Local Government Act 1989.***

be designated confidential information under Clause 3(1) of the Local Government Act 2020.

CARRIED

12. Risk & OH&S Matters

Tony Smith/Councillor McKenzie

That the Audit & Risk Committee recommend to Council that it receive the report.

That the information contained in this document and designated under Section 3(1) Confidential Information of the Local Government Act 2020 as confidential by the Chief Executive Officer on 21 November 2022 because it relates to the following grounds:

- (I) information that was confidential information for the purposes of section 77 of the Local Government Act 1989.***

be designated confidential information under Clause 3(1) of the Local Government Act 2020.

CARRIED

13. Review of Council Policies

Sarah Heath/Councillor McKenzie

That the Audit & Risk Committee recommend to Council that it receive the report.

That the information contained in this document and designated under Section 3(1) Confidential Information of the Local Government Act 2020 as confidential by the Chief Executive Officer on 21 November 2022 because it relates to the following grounds:

- (I) information that was confidential information for the purposes of section 77 of the Local Government Act 1989.***

be designated confidential information under Clause 3(1) of the Local Government Act 2020.

CARRIED

14. Review of Audit & Risk Committee Charter

It was agreed that the suggested changes be made and an amended version be circulated to the Committee for their review. The amended Charter will then go to Council for their formal approval.



AUDIT & RISK COMMITTEE

CHARTER

Reviewed November 2022

The Wellington Shire Council maintains an Audit & Risk Committee in accordance with Section 53 of the *Local Government Act 2020*.

The Audit & Risk Committee is an independent advisory Committee to Council. The primary objective of the Audit & Risk Committee is to assist Council in the effective conduct of its responsibilities for financial and non-financial reporting and performance, management of risk, information services governance, maintaining a reliable system of internal controls and facilitating the organisation's ethical development.

The Audit & Risk Committee is established to assist the co-ordination of and provide oversight of relevant activities of management, the internal audit function and the external auditor to facilitate achieving overall organisational objectives in an efficient and effective manner.

As part of Council's governance obligations to its community, Council has constituted an Audit & Risk Committee to facilitate:

- the enhancement of the credibility and objectivity of internal and external financial and non-financial reporting and performance;
- effective management of financial and other risks and the protection of Council assets;
- compliance with laws and regulations as well as use of best practice guidelines;
- the efficiency and effectiveness of the internal audit function;
- the provision of an effective means of communication between the external auditor, internal audit, management and the Council;
- oversight and guidance on the effectiveness of the management and reporting of Council's fraud and corruption prevention practices;
- a review of the effectiveness of Council processes and the outcomes of the external audit.

AUDIT & RISK COMMITTEE

TERMS OF REFERENCE

1 General

- (a) The Audit & Risk Committee is a formally appointed committee of the Council and is responsible to that body. The Audit & Risk Committee does not have executive powers or authority to implement actions in areas over which management has responsibility and does not have any delegated financial responsibility. The Audit & Risk Committee does not have any management functions and is therefore independent of management.

The Committee's role is to report to Council and provide appropriate advice and recommendations on matters relevant to its Charter in order to facilitate decision-making by Council in relation to the discharge of its responsibilities.

2 Membership

- (a) The Audit & Risk Committee will comprise of two Councillors, and three external independent persons with suitable knowledge, skills and experience, all appointed by Council for periods varying to a maximum term of 3 years. External members may be re-appointed for subsequent terms, to a maximum of 9 years, following a public advertising process in accordance with 2 (b). A quorum shall be 3 (with a minimum of 2 independent members). The Chairperson shall be an external independent person elected on an annual basis at the first meeting of the Committee in the calendar year. The Chairman's term will overlap the term of appointed Councillors to ensure continuity. The Chief Executive Officer should be required and entitled to attend all Audit & Risk Committee meetings.

External independent persons will have senior business and/or financial management/reporting knowledge, skills and experience and be conversant with the financial and other reporting requirements. The evaluation of potential members will be undertaken by the Mayor, Chief Executive Officer and Audit & Risk Committee Chair (or another independent member) taking account of the experience of candidates (as per the Committee's expertise matrix) and their likely ability to apply appropriate analytical and strategic management skills, and a recommendation for appointment put to Council.

- (b) Appointments of external persons shall be made by Council by way of a public advertisement and be for a maximum term of three years. The terms of the appointment should be arranged to ensure an orderly rotation and continuity of membership despite changes to Council's elected representatives.

- (c) If a Committee member is underperforming, a performance management process must be put in place, overseen by the Chair, unless it is the performance of the Chair in question then the Chief Executive Officer would oversee the process. Should the performance of the individual not improve then they would be asked to tender their resignation. If this is not forthcoming and if the Council proposes to remove the a member of from the Committee, it must give written notice to the member of its intention

to do so and provide that member with the opportunity to be heard at a Council meeting which is open to the public, if that member so requests.

- (d) Remuneration will be paid to each independent member of the Committee (the basis may be an annual fee, with an additional amount paid to the Chairperson or a set fee per meeting, or another basis as appropriate). The remuneration amount will be determined by Council's Remuneration Committee annually allowing for an increase linked to the annual increase of Councillor allowances, benchmarking against other Councils or other considerations such as Council budget constraints.
- (e) The Chairperson shall ideally be appointed by external members of the Audit & Risk Committee subject to Council's approval.
At the November meeting of the Committee, Council representatives will request that any external members who want to nominate as Chair submit an Expression of Interest outlining their expertise and availability. Expressions of Interest are to be emailed to the Council representatives on the Committee.
At the first meeting of the following calendar year, during the In Camera session, the Committee, led by the Council representatives, will elect the Chair, via a vote, and the elected member will assume the Chair immediately.
Should external members not be able to elect a chairperson then Council representatives will cast the deciding votes.
Council's approval of the appointment will be ratified when Council receives the Committee meeting minutes.
In the absence of the appointed Chairperson from a meeting, an acting Chairperson will be appointed from the external members present.
~~The Chairperson shall be appointed from the external members of the Committee by the Audit & Risk Committee subject to Council's approval. In the absence of the appointed Chairperson from a meeting, the meeting will appoint an acting Chairperson from the external members present.~~
- (f) Other members of Council or Council staff and the internal auditor (whether a member of staff or contractor) may be invited to attend at the discretion of the Committee to advise and provide information when required.
- (g) Representatives of the external auditor should be invited to attend at the discretion of the Committee but **must** attend meetings considering the review of the external audit plan, the draft annual financial report and results of the external audit.
- (h) Council shall provide secretarial and administrative support to the Committee.

3 Meetings

- (a) Process
The Committee shall meet at least quarterly. Additional meetings may be convened at the discretion of the Chairperson, at the written request of an independent member, or any of the member Councillors.
- (b) Declaration of Conflicts of Interest
Declaration of Conflicts of Interest will be in accordance with the requirements of the *Local Government Act 2020*.
- (c) Closure of Meetings to the Public
In accordance with Section 66(2) of the *Local Government Act 2020*.

4 Planning

- (a) The Committee will develop an annual work plan.
- (b) The Committee will review the Charter and Terms of Reference annually.

5 Reporting

- (a) The Audit & Risk Committee shall after every meeting forward the draft minutes of that meeting to the next practical ordinary meeting of the Council, including a report explaining any specific recommendations and key outcomes.
- (b) The Committee shall report to the Council on a half yearly basis, or as required by Council, via a Council Workshop/Meeting, describing the activities of the Committee and including its findings, ~~and~~ recommendations and annual performance evaluation (as per Section 54(5) of the *Local Government Act 2020*). The report shall be prepared by Management and the Committee Chair, endorsed by the Committee and presented to Council by the Chair. A copy of this report is to also be tabled at a Council meeting.
- (c) The Chairperson may require any report prepared by the Audit & Risk Committee to be listed on the agenda for the next practical ordinary meeting of the Council.

AUDIT & RISK COMMITTEE

LIST OF DUTIES AND RESPONSIBILITIES

(a) The following are the duties and responsibilities of the Audit & Risk Committee in pursuing its Charter:

- (1) ~~(1)~~ — To review the scope of the three-year internal audit plan and programme and the efficiency and effectiveness of the function. This review should consider whether, over a period of years the internal audit plan systematically addresses:
 - internal controls over significant areas of risk, including non-financial management control systems;
 - internal controls over revenue, expenditure, assets and liability processes;
 - the efficiency, effectiveness and economy of significant Council programmes; and
 - compliance with regulations, policies, best practice guidelines, instructions and contractual arrangements.
- (2) Review the appropriateness of special internal audit assignments undertaken by internal audit at the request of Council or Chief Executive Officer.
- (3) Review the level of resources allocated to internal audit and the scope of its authority. The Chair of the Committee is to be involved in the evaluation of Internal Audit tenders.
- (4) Review reports of internal audit and the extent to which Council and management react to matters raised by internal audit, by monitoring the implementation of recommendations made by internal audit.
- (5) Facilitate liaison between the internal and external auditor to promote compatibility, to the extent appropriate, between their audit programmes.
- (6) Critically analyse and follow up any internal or external audit report that raises significant issues relating to risk management, internal control, financial reporting and other accountability or governance issues, and any other matters relevant under the Committee's terms of reference. Review management's response to, and actions taken as a result of the issues raised.
- (7) Monitor the risk exposure of Council by determining if management has appropriate risk management processes and adequate management information systems.
- (8) Review the process for the identification, nature, extent and reasonableness of related party transactions.
- (9) Review Council's draft annual financial report, focusing on:
 - accounting policies and practices;
 - changes to accounting policies and practices;
 - the process used in making significant accounting estimates;
 - significant adjustments to the financial report (if any) arising from the audit process;

- compliance with accounting standards and other reporting requirements;
 - significant variances from prior years;
 - ensuring Council is financially sustainable.
- (10) Annually, make a recommendation to Council on the fairness of the annual financial statements. Review any significant changes that may arise subsequent to any such recommendation but before the financial statements are signed.
- (11) Discuss with the external auditor the scope of the audit and the planning of the audit.
- (12) Discuss with the external auditor issues arising from the audit, including any management letter issues raised by the auditor and the resolution of such matters.
- (13) Review the annual performance statement and make a relevant recommendation to Council.
- (14) Review issues relating to national competition policy, financial reporting by Council business units and comparative performance indicators.
- (15) Identify and refer specific projects or investigations deemed necessary through the Chief Executive Officer, the internal auditor and the Council if appropriate with reports on any such matters to be reviewed by the Audit & Risk Committee including any incidents of fraud/corrupt conduct or suspected fraud/corrupt conduct.
- (16) Monitor the effectiveness of fraud and corruption prevention practices.
- (17) Monitor the progress of any major legal issues facing the Council.
- (18) Address issues brought to the attention of the Committee, including responding to requests from Council for advice that are within the parameters of the Committee's terms of reference.
- (19) Monitor compliance with other "non-financial" legislated policies (e.g. EEO, OH&S etc).
- (20) Receive a report detailing all reimbursements made to Councillors and members of a delegated committee, as per section 40 of the *Local Government Act 2020*.
- (21) The Audit & Risk Committee Chair in conjunction with Council and the Chief Executive Officer should develop performance indicators (as discussed with the Committee) and monitor the performance of the Committee against these. These should consider the effectiveness and efficiency of the Committee. The Committee will agree to an Annual Plan of business to be considered at each meeting.
- (22) The Audit & Risk Committee will complete an annual evaluation of the Committee's performance at the May meeting.
- (23) The Committee will nominate one member to assess various aspects of the meeting including preparation, presentation, participation and process.

- | (234) Should there be a conflict of interest for outsourced internal audit providers who perform other consultancy work for the Council, the issue will be brought before the Audit & Risk Committee for deliberation.
 - | (254) Endorse key documents and reports that must be approved by Council, including annual financial reports, annual performance statements, annual budget, new or revised policies, risk framework and other documents that assist in maintaining a strong internal control environment.
- (b) The Audit & Risk Committee, through the Chief Executive Officer and following authorisation from the Council, and within the scope of its responsibilities, may seek information or obtain expert advice on matters of concern.

15. Biannual Report to Council on Audit & Risk Committee Activities

Councillor McKenzie/Councillor Stephens

That the Audit & Risk Committee recommend to Council that it receive the report.

That the information contained in this document and designated under Section 3(1) Confidential Information of the Local Government Act 2020 as confidential by the Chief Executive Officer on 21 November 2022 because it relates to the following grounds:

- (I) information that was confidential information for the purposes of section 77 of the Local Government Act 1989.***

be designated confidential information under Clause 3(1) of the Local Government Act 2020.

CARRIED

16. Summary of Gifts Register

Councillor McKenzie/Councillor Stephens

That the Audit & Risk Committee recommend to Council that it receive the report.

That the information contained in this document and designated under Section 3(1) Confidential Information of the Local Government Act 2020 as confidential by the Chief Executive Officer on 21 November 2022 because it relates to the following grounds:

- (I) information that was confidential information for the purposes of section 77 of the Local Government Act 1989.***

be designated confidential information under Clause 3(1) of the Local Government Act 2020.

CARRIED

17. Information Services & Cyber Security Update

Councillor Stephens/Sarah Heath

That the Audit & Risk Committee recommend to Council that it receive the report.

That the information contained in this document and designated under Section 3(1) Confidential Information of the Local Government Act 2020 as confidential by the Chief Executive Officer on 21 November 2022 because it relates to the following grounds:

- (I) information that was confidential information for the purposes of section 77 of the Local Government Act 1989.***

be designated confidential information under Clause 3(1) of the Local Government Act 2020.

CARRIED.

18. Financials

Sarah Heath/Councillor Stephens

That the Audit & Risk Committee recommend to Council that it receive the report.

That the information contained in this document and designated under Section 3(1) Confidential Information of the Local Government Act 2020 as confidential by the Chief Executive Officer on 21 November 2022 because it relates to the following grounds:

- (I) information that was confidential information for the purposes of section 77 of the Local Government Act 1989.***

be designated confidential information under Clause 3(1) of the Local Government Act 2020.

CARRIED

19. Fraud Report

Councillor Stephens/Councillor McKenzie

That the Audit & Risk Committee recommend to Council that it receive the report.

That the information contained in this document and designated under Section 3(1) Confidential Information of the Local Government Act 2020 as confidential by the Chief Executive Officer on 21 November 2022 because it relates to the following grounds:

- (l) information that was confidential information for the purposes of section 77 of the Local Government Act 1989.***

be designated confidential information under Clause 3(1) of the Local Government Act 2020.

CARRIED

20. Excessive Staff Leave

Councillor Stephens/Councillor McKenzie

That the Audit & Risk Committee recommend to Council that it receive the Report.

That the information contained in this document and designated under Section 3(1) Confidential Information of the Local Government Act 2020 as confidential by the Chief Executive Officer on 21 November 2022 because it relates to the following grounds:

- (l) information that was confidential information for the purposes of section 77 of the Local Government Act 1989.***

be designated confidential information under Clause 3(1) of the Local Government Act 2020.

CARRIED

21. Current Key Risk Matters

Councillor McKenzie/Councillor Stephens

That the Audit & Risk Committee recommend to Council that it receive the report.

That the information contained in this document and designated under Section 3(1) Confidential Information of the Local Government Act 2020 as confidential by the Chief Executive Officer on 21 November 2022 because it relates to the following grounds:

- e) legal privileged information, being information to which legal professional privilege or client legal privilege applies;***
- (l) information that was confidential information for the purposes of section 77 of the Local Government Act 1989.***

be designated confidential information under Clause 3(1) of the Local Government Act 2020.

CARRIED

22. Insurance Report

Sarah Heath/Councillor Stephens

That the Audit & Risk Committee recommend to Council that it receive the report.

That the information contained in this document and designated under Section 3(1) Confidential Information of the Local Government Act 2020 as confidential by the Chief Executive Officer on 21 November 2022 because it relates to the following grounds:

- (l) information that was confidential information for the purposes of section 77 of the Local Government Act 1989.***

be designated confidential information under Clause 3(1) of the Local Government Act 2020.

CARRIED

23. Register of Commissioned Reports

Councillor McKenzie/Sarah Heath

That the Audit & Risk Committee recommend to Council that it receive the report.

That the information contained in this document and designated under Section 3(1) Confidential Information of the Local Government Act 2020 as confidential by the Chief Executive Officer on 21 November 2022 because it relates to the following grounds:

(I) information that was confidential information for the purposes of section 77 of the Local Government Act 1989.

be designated confidential information under Clause 3(1) of the Local Government Act 2020.

CARRIED

24. General Business

1. Commercial Properties

2. Councillor McKenzie as Committee delegate

THE MEETING CLOSED AT 4.26PM.

25. Rotating Assessment of and Feedback on Meeting



WELLINGTON
SHIRE COUNCIL

The Heart of Gippsland

ORDINARY COUNCIL MEETING
20 DECEMBER 2022

On this 7 December 2022, in accordance with Section 3(1) Confidential Information of the *Local Government Act 2020*; I, Arthur Skipitaris (Delegate) declare that the information contained in the attached document **WELLINGTON SHIRE COUNCIL AUDIT & RISK COMMITTEE - MINUTES** is confidential because it relates to the following grounds:

- e) legal privileged information, being information to which legal professional privilege or client legal privilege applies;
- l) information that was confidential information for the purposes of section 77 of the *Local Government Act 1989*.

.....
General Manager Corporate Services (Delegate)

15. GENERAL MANAGER DEVELOPMENT

15.1. QUARTERLY STRATEGIC LAND USE PLANNING UPDATE REPORT - QUARTER 4 2022

ACTION OFFICER: MANAGER LAND USE PLANNING

PURPOSE

To update Council on the strategic land use planning work program for the fourth quarter October to December 2022

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

RECOMMENDATION

That Council receive the fourth quarterly update on the strategic land use planning work program (included in Attachment 'Planning Projects and Amendments', to this report).

BACKGROUND

The strategic land use planning work program is regularly reviewed by Council's Strategic Land Use Planning Projects Review Group (Review Group), the Councillor representation for which was appointed by Council at the Ordinary Council meeting of 6 December 2022 at agenda item 12.2 'Appointment of Committees & Delegates 2022/23'.

The Review Group considered it beneficial to provide Council and the community with a quarterly update of the strategic land use planning work program, which comprises various prioritised projects and planning scheme amendments as outlined in Attachment 'Planning Projects and Amendments'.

ATTACHMENTS

1. Current Strategic Land Use Planning Projects and Amendments [**15.1.1** - 7 pages]

OPTIONS

Council has the following options available:

1. Receive the fourth quarterly update on the strategic land use planning work program;
or
2. Not receive the fourth quarterly update on the strategic land use planning work program and seek further information for consideration at a future Council meeting.

PROPOSAL

To receive the fourth quarterly update on the strategic land use planning work program.

CONFLICT OF INTEREST

No staff and/or contractors involved in the compilation of this report have declared a conflict of interest.

FINANCIAL IMPACT

This impact has been assessed and there is no effect to consider at this time.

COMMUNICATION IMPACT

This impact has been assessed and there is no effect to consider at this time.

LEGISLATIVE IMPACT

All strategic land use planning matters are considered in accordance with the *Planning and Environment Act 1987* and/or any relevant legislation.

COUNCIL POLICY IMPACT

This impact has been assessed and there is no effect to consider at this time.

COUNCIL PLAN IMPACT

The Council Plan 2021-25 Theme 2 “Economy and Sustainable Growth” states the following strategic outcome:

Strategic Outcome 2.1: *"A diverse economy that creates jobs and opportunities."*

Strategic Outcome 2.3: *"An increase in variety of housing choice to support equitable access to housing."*

This report supports the above Council Plan strategic outcomes.

RESOURCES AND STAFF IMPACT

This impact has been assessed and there is no effect to consider at this time.

COMMUNITY IMPACT

This impact has been assessed and there is no effect to consider at this time.

ENVIRONMENTAL IMPACT

This impact has been assessed and there is no effect to consider at this time.

ENGAGEMENT IMPACT

This impact has been assessed and there is no effect to consider at this time.

RISK MANAGEMENT IMPACT

This impact has been assessed and there is no effect to consider at this time.

ATTACHMENT 1

Current Planning Projects and Amendments

Current Strategic Planning Projects

North Sale Developer Contributions Plan Priority: High Anticipated completion: 22/23
Status <p>The North Sale Development Plan was formally adopted by Council in April 2018.</p> <p>An associated draft <i>'Infrastructure Funding Arrangement'</i> (IFA) has now been prepared.</p> <p>The IFA seeks to equitably apportion costs associated with the provision of key infrastructure items such as highway intersections, roundabouts, and drainage, across the whole of the growth area.</p> <p>A copy of the draft IFA was distributed to all landowners within the growth area for comment and 'one-on-one' information sessions with Mesh Planning consultants offered to interested parties. Meetings were held with several interested parties to explain the IFA and its content.</p> <p>All feedback received in response to the draft IFA has now been considered and where appropriate to do so, used to inform a final report. A final report has been prepared for consideration of Council at the 20 December 2022 Council meeting.</p>
West Sale and Wurruk Industrial Land Strategy – Technical Report Preparation Priority: High Anticipated completion: 22/23
Status <p>The <i>'West Sale and Wurruk Industrial Land Supply Strategy (April 2018)'</i>, (the Strategy) was formally adopted by Council at its ordinary meeting of 19 June 2018. A recommended action of the Strategy was the preparation of several detailed technical reports to address issues relating to cultural heritage, vegetation, drainage and traffic matters and required to be addressed prior to the development of 55Ha of industrial land (to the east of the West Sale Airport).</p> <p>With funding from the Victorian Planning Authority via the <i>'Streamlining for Growth'</i> program, consultants Urban Enterprise (and relevant sub-consultants) have been preparing the technical reports, which will ultimately support the detailed master planning of the land.</p> <p>Cultural heritage reports have been completed and hence the remaining suite of technical reports can now be advanced.</p> <p>The completion of all technical reports will allow for a Development Plan to be prepared to guide the future layout and form of the West Sale industrial precinct.</p>

Port of Sale East Bank Redevelopment Study Priority: High Anticipated completion: 22/23
Status
<p>The 'Port of Sale East Bank Redevelopment Study', (the Study) aims to investigate the strategic land use opportunities and associated planning provisions required to guide the redevelopment of land located on the eastern side of the Port of Sale, being land formerly occupied by the Sale High School and Specialist School.</p> <p>Following a period of community consultation, Ratio planning consultants prepared draft planning scheme provisions to facilitate appropriate uses and development on the site, the details of which are currently being reviewed for future Council consideration.</p> <p>The Study will also inform and complement work associated with the 'Port of Sale Precinct Masterplan Review' which was formally adopted by Council in October 2021.</p> <p>Detailed planning scheme provisions for the site will be progressed and finalised following the resolution of a number of other outstanding land use matters associated with the site.</p>
Maffra Structure Plan Implementation Priority: High Anticipated completion: 22/23
Status
<p>Following a lengthy and detailed structure planning process, the final <i>Maffra Structure Plan (April 2022)</i> (the Structure Plan) was formally adopted by Council at the Ordinary meeting of 17 May 2022.</p> <p>Background work is currently underway to prepare the strategic justification required to support the formal introduction of the Structure Plan into the Wellington Planning Scheme via a future Planning Scheme Amendment. The formal Planning Scheme Amendment process is expected to commence in early 2023.</p> <p>Background work is also continuing on the preparation of a funding mechanism to equitably apportion costs associated with the provision of key infrastructure items such as highway intersections and drainage, to support the future growth areas identified in the Structure Plan.</p>
Wellington Growth Management/Economic Development Strategy Priority: Medium Anticipated completion: 23/24
Status
<p>The purpose of the Strategy is to develop a Shire wide land use planning framework to direct and manage future urban growth, with a focus on the role and growth potential of the six (6) main urban centres in the Wellington Shire.</p>

A key secondary purpose of the Strategy is to identify priority economic development opportunities and actions to support job creation and investment across the municipality (via a dedicated economic development 'chapter' in the Strategy).

The Strategy 'as a whole' should provide Council, relevant agencies/stakeholders, investors and the community with clear strategic direction and realistic actions to support the urban and economic growth of the municipality over the next 20 years.

It is noted that the Strategy will not rezone land but provides overarching policy to guide decisions as to where future growth should be best directed.

A project brief has been developed, with funding sources currently being explored to help fund the Strategy.

Funding and Procurement of Public Infrastructure Works Policy

Priority: High

Anticipated completion: 22/23

Status

At the Council Meeting of 1 February 2022, Council resolved to adopt the '*Residential Stocktake and Facilitation Strategy Report*' (Report).

A key recommendation of the Report was the preparation of a formal Wellington-specific policy to provide a transparent and logical basis for future Council decisions relating to the possible 'forward funding' of key development infrastructure (with shared public benefit) to better expedite greenfield growth across the Shire.

The '*Funding and Procurement of Public Infrastructure Works Policy*' was formally adopted by Council at the Ordinary Meeting of 3 May 2022.

Implementation of the Policy is subject to the outcome of a current funding bid lodged with the '*National Housing Infrastructure Facility Fund*'.

Renewable Energy Impact and Readiness Study

Priority: High

Anticipated Completion: 22/23

Status

The primary focus of the Study is to determine the readiness of key towns in the southern area of the Shire to service and support new renewable energy project proposals. This includes understanding spatial implications of the Study Projects for the southern area alongside residential and industrial land demand and supply conditions and existing infrastructure challenges.

A secondary focus of the Study is to investigate economic issues and opportunities associated with the Study Projects, such as skills needs, business opportunities and supply chain requirements across the municipality and region.

Consultation with key stakeholders and renewable energy proponents has now been completed, with a draft report currently under consideration.

A final report will be presented to Council in early 2023.

Current Council Initiated Planning Scheme Amendments

C99: Updated Flood Mapping

Priority: High

Anticipated Completion: To be confirmed

Status

Amendment C99 proposes revisions to the Wellington Planning Scheme to incorporate up-to-date, Shire-wide flood mapping and associated revised local planning policy to mitigate against potential flood hazards.

The Amendment will be further considered by Council once a State-wide policy and strategy response to coastal flooding and coastal climate change adaptation is finalised by the State Government.

C109: Implementation of Smart Planning and Planning in the Economic Growth Zone

Recommendations

Priority: Medium

Anticipated completion: 22/23

Status

In conjunction with the state government, Council has completed several planning studies as part of the 'Planning in the Economic Growth Zone' (PEGZ) initiative. The objectives of PEGZ is to streamline the provisions of the Wellington Planning Scheme (WPS) to make it more efficient and user-friendly through a reduction in the number of triggers for planning permits and stronger planning policy guidance.

The work of the PEGZ initiative has also been complemented by the completion of the state governments, 'Smart Planning Program', which facilitates the restructure of all Planning Schemes across Victoria to provide greater consistency and streamlining. This has been achieved through the deletion of redundant provisions, repetition, and the closer realignment of state/regional/local planning policy.

Amendment C109 seeks to implement and formalise the recommendations of both initiatives into the WPS.

At the meeting of 2 June 2020, Council resolved to seek Authorisation from the Minister for Planning to formally proceed with Amendment C109.

Authorisation to proceed with and formally exhibit the Amendment was sought from the Minister for Planning on 24 May 2022 and attained on 30 June 2022.

Exhibition of the Amendment took place between 4 August and 5 September 2022, with no submissions being lodged in response to public notification.

At the meeting of 18 October 2022, Council resolved to split Amendment C109 into Parts 1 & 2. C109 (Part 1) is currently being reviewed by the Minister for Planning for approval, with (Part 2) being formally Abandoned.

Current Privately Initiated Planning Scheme Amendments

C94: Rezoning of the former Sale Police Station Site

Priority: High

Anticipated completion: Completed

Status

At the request of the Department of Justice, the former Sale Police Station (located on the South Gippsland Highway) was rezoned from the Public Use Zone to the Residential Growth Zone to facilitate its sale as a surplus asset to the Department's needs.

A formal Notice of Approval of the rezoning appeared in the Government Gazette on 14 January 2016.

Work continues to resolve the (complex) issue of Native Title on the site, which currently prevents the sale of the land for redevelopment purposes.

C114: Rezoning of land to the East of Cobains Estate

Priority: High

Anticipated completion: 22/23

Status

Amendment C114 proposes the rezoning of approximately 18Ha of land directly to the east of the existing Cobains Estate, North Sale from the Farming Zone (FZ) to the General Residential Zone (GRZ) and the application of a Development Plan Overlay on the land to facilitate the aims and objectives of the adopted *North Sale Development Plan (2018)*.

The Amendment also proposes the rezoning of 3Ha of FZ land to the north of the existing commercially zoned land located on the Princes Highway, to the GRZ.

The rezonings will provide a potential indicative yield of 252 urban residential lots.

At the Ordinary meeting of 21 June 2022, Council resolved to seek Authorisation from the Minister for Planning to formally progress Amendment C114.

Subject to finalising several outstanding matters raised by statutory authorities, a request for Authorisation is currently pending further review, prior to approval and subsequent public exhibition.

C115: Rezoning of Area 11, North Sale

Priority: High

Anticipated completion: 22/23

Status

Under the provisions of Section 96A of the *Planning and Environment Act 1987*, Amendment C115 proposes both the rezoning of approximately 10 hectares of land to the west of the existing Glenhaven Estate, North Sale from the Farming Zone (FZ) to the General Residential Zone (GRZ) and the consideration of an associated planning permit to subdivide the land into 82 lots.

At the Ordinary meeting of 21 June 2022 Council resolved to seek Authorisation from the Minister for Planning to formally progress Amendment C115.

Following authorisation being received, public exhibition will occur between 1 December 2022 and 20 January 2023.

C116: Rezoning of Precincts 9 & 10, Longford Development Plan, Longford

Priority: High

Anticipated completion: 22/23

Status

Amendment C116 proposes the rezoning of approximately 150Ha of land from the Farming Zone to the Rural Living Zone - Schedule 5 (Minimum subdivision area 0.6Ha) and the application of a Development Plan Overlay to require the preparation of a Precinct-Plan in accordance with the requirements of the Longford Development Plan. The proposed new zoning of Rural Living Zone Schedule 5 (RLZ5) would facilitate the development of approximately 180 future rural-residential allotments.

At the Ordinary Council Meeting of 21 June 2022, Council resolved to seek Authorisation from the Minister for Planning to formally progress Amendment C116.

A request for Authorisation was made to the Minister for Planning on 5 September 2022.

Following authorisation being received, public exhibition will occur between 1 December 2022 and 20 January 2023.

15.2. MONTHLY PLANNING DECISIONS - OCTOBER 2022

ACTION OFFICER: MANAGER LAND USE PLANNING

PURPOSE

To provide a report to Council on recent planning permit trends and planning decisions made under delegation by Statutory Planners during the month of October 2022.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

RECOMMENDATION

That Council note the report on recent Planning Permit trends and Planning Application determinations between 1 October and 31 October 2022.

BACKGROUND

Statutory Planners have delegated authority under the *Planning and Environment Act 1987* to make planning decisions in accordance with the *Planning and Environment Act 1987* and the Wellington Planning Scheme, including the issue of planning permits, amended permits, extensions of time, refusal of planning permits and notices of decision to grant a planning permit.

A copy of planning permit decisions made between 1 October and 31 October 2022 is included in Attachment '*October 2022 Planning Decisions Report*'.

Attachment '*October 2022 Planning Trends Report*' provides an overview of recent planning permit trends including decisions made, efficiency of decision making and the estimated value of approved development (derived from monthly planning permit activity reporting data).

ATTACHMENTS

1. Planning Decisions Report October 2022 [**15.2.1** - 5 pages]
2. Planning Trends Report October 2022 [**15.2.2** - 3 pages]

OPTIONS

Council has the following options available:

1. Receive the '*October 2022 Planning Decisions Report*' report; or
2. Not receive the '*October 2022 Planning Decisions Report*' and seek further information for consideration at a future Council meeting.

PROPOSAL

That Council note the report of recent planning permit trends and planning application determinations between 1 October and 31 October 2022.

CONFLICT OF INTEREST

No staff and/or contractors involved in the compilation of this report have declared a conflict of interest.

FINANCIAL IMPACT

This impact has been assessed and there is no effect to consider at this time.

COMMUNICATION IMPACT

The monthly report communicates information about planning trends and determinations including the issue of planning permits, amended permits, refusal of planning permits, and notices of decision to grant a planning permit.

LEGISLATIVE IMPACT

All planning decisions have been processed and issued in accordance with the *Planning and Environment Act 1987* and the Wellington Planning Scheme.

COUNCIL POLICY IMPACT

All planning decisions have been issued after due consideration of relevant Council policy, including Council's Heritage Policy, and the requirements of the Planning Policy Framework in the Wellington Planning Scheme.

COUNCIL PLAN IMPACT

The Council Plan 2021-25 Theme 2 "Economy and Sustainable Growth" states the following strategic outcome:

Strategic Outcome 2.1: *"A diverse economy that creates jobs and opportunities."*

Strategic Outcome 2.3: *"An increase in variety of housing choice to support equitable access to housing."*

This report supports the above Council Plan strategic outcomes.

RESOURCES AND STAFF IMPACT

This impact has been assessed and there is no effect to consider at this time.

COMMUNITY IMPACT

This impact has been assessed and there is no effect to consider at this time.

ENVIRONMENTAL IMPACT

Planning decisions are made in accordance with the relevant environmental standards to ensure that environmental impacts are minimised.

ENGAGEMENT IMPACT

This impact has been assessed and there is no effect to consider at this time.

RISK MANAGEMENT IMPACT

This impact has been assessed and there is no effect to consider at this time.

**PLANNING APPLICATION DETERMINATIONS
BETWEEN 1/10/2022 AND 31/10/2022**

Application No/Year	Date Received	Property Title & Address	Proposal	Status
122-4.00/2005	5/09/2022	Assessment No. 198788 LOT: 1 PS: 97578 18 CARRS CREEK RD LONGFORD	One or More New Buildings	Permit Issued by Delegate of Resp/Auth 20/10/2022
346-4.00/2010	29/07/2022	Assessment No. 82818 LOT: A PS: 649543Q 13 COBAINS RD COBAINS	Multi lot subdivision of the land.	Permit Issued by Delegate of Resp/Auth 18/10/2022
115-3.00/2011	1/07/2022	Assessment No. 46334 LOT: 2 LP: 111806 19-23 RAILWAY CRES WURRUK	Eleven lot staged subdivision with common property.	NOD issued by Delegate of Respon/Auth 14/10/2022
8-4.00/2016	9/06/2022	Assessment No. 112169 CA: 11A SEC: 19 ROSEDALE-HEYFIELD RD DENISON	Use & dev of land for class a Broiler Farm & caretakers dwelling.	Permit Issued by Delegate of Resp/Auth 12/10/2022
185-3.00/2019	18/08/2022	Assessment No. 205898 LOT: 1 LP: 141161 ROSEDALE-LONGFORD RD ROSEDALE	Use & development of the land for a broiler farm.	Permit Issued by Delegate of Resp/Auth 14/10/2022
430-1.00/2021	29/09/2021	Assessment No. 390948 LOT: 3 PS: 515579R 18 KING ST PORT ALBERT	Development of two double storey attached dwellings.	Permit Issued by Delegate of Resp/Auth 27/10/2022
557-1.00/2021	30/11/2021	Assessment No. 109926 CA: 137A CAHILLS RD GLENGARRY	Use and development of the land for a dwelling.	Permit Issued by Delegate of Resp/Auth 14/10/2022
574-2.00/2021	19/10/2022	Assessment No. 113167 LOT: 2 LP: 113730 2,493 TRARALGON-MAFFRA COWWARR	Use & development of land, poultry farm & construct access to a TRZ2.	Permit Issued by Delegate of Resp/Auth 19/10/2022
12-2.00/2022	24/10/2022	Assessment No. 259499 LOT: 1227 LP: 40160 145 SEVENTH AVE PARADISE BEACH	Buildings/works associated with extension to dwelling, new fence/shed.	Permit Issued by Delegate of Resp/Auth 27/10/2022
30-1.00/2022	21/01/2022	Assessment No. 443192 LOT: 5 PS: 812047V 2,321 SEASPRAY RD SEASPRAY	Subdivision of the land into two lots.	Permit Issued by Delegate of Resp/Auth 18/10/2022
87-1.00/2022	1/03/2022	Assessment No. 335455 LOT: 3 PS: 148602K 6 CAMPBELL ST MAFFRA	Subdivision of the land into 2 lots.	Permit Issued by Delegate of Resp/Auth 27/10/2022

ATTACHMENT 15.2.1

Application No/Year	Date Received	Property Title & Address	Proposal	Status
113-1.00/2022	17/03/2022	Assessment No. 16857 LOT: 1 LP: 2884 308-310 YORK ST SALE	B&W assoc with const of a takeway food premisis & access to TZ2.	Permit Issued by Delegate of Resp/Auth 13/10/2022
187-1.00/2022	26/04/2022	Assessment No. 21543 LOT: 3 LP: 90917 DAWSON ST SALE	Use and Development of the land for a Plant Nursery and a dwelling.	Permit Issued by Delegate of Resp/Auth 14/10/2022
197-1.00/2022	29/04/2022	Assessment No. 262899 CA: 9 SEC: 14 17-19 PRINCE ST WOODSIDE	Keeping up to 10 pure bred dogs.	NOD issued by Delegate of Respon/Auth 17/10/2022
233-2.00/2022	3/10/2022	Assessment No. 283739 LOT: 4 PS: 3149 12 SIMMONS ST GELLIONDALE	Buildings and works associated with the construction of an outbuilding	Permit Issued by Delegate of Resp/Auth 24/10/2022
263-3.00/2022	7/10/2022	Assessment No. 207365 CA: 16 SEC: A 6,281 SOUTH GIPPSLAND LONGFORD	Buildings & works associated with the construction of 2 sheds.	Permit Issued by Delegate of Resp/Auth 20/10/2022
297-1.00/2022	23/06/2022	Assessment No. 323311 LOT: 32 PS: 6270 54 TYSON RD HEYFIELD	Multi lot staged subdivision of the land.	Permit Issued by Delegate of Resp/Auth 19/10/2022
317-2.00/2022	7/10/2022	Assessment No. 220913 LOT: 1059 LP: 52648 65 MERIDAN RD GOLDEN BEACH	B&W associated with the construction of an outbuilding.	Permit Issued by Delegate of Resp/Auth 10/10/2022
326-1.00/2022	14/07/2022	Assessment No. 41269 LOT: 1 TP: 707885 11-15 IRWIN ST WURRUK	B&Ws associated with 10 dwellings & subdivide into 10 lots.	Permit Issued by Delegate of Resp/Auth 31/10/2022
364-1.00/2022	1/08/2022	Assessment No. 171066 PC: 164905M 116-122 GLOMAR DR GLOMAR BEACH	Removal of non Native vegetation.	Permit Issued by Delegate of Resp/Auth 27/10/2022
369-1.00/2022	3/08/2022	Assessment No. 205039 LOT: 5 PS: 704991G PRINCES HWY ROSEDALE	2 Lot Re-subdivision of the land.	Permit Issued by Delegate of Resp/Auth 17/10/2022
372-1.00/2022	4/08/2022	Assessment No. 213892 LOT: 289 LP: 52647 21 SPINDRIFT AVE GOLDEN BEACH	Buildings and works associated with a dwelling.	Permit Issued by Delegate of Resp/Auth 31/10/2022
381-1.00/2022	10/08/2022	Assessment No. 30155 LOT: 3 LP: 10213 201-203 RAGLAN ST SALE	B/W assoc with const of 2 dwellings & 3 lot s/d.	Permit Issued by Delegate of Resp/Auth 28/10/2022

ATTACHMENT 15.2.1

Application No/Year	Date Received	Property Title & Address	Proposal	Status
383-1.00/2022	11/08/2022	Assessment No. 187138 LOT: 1 TP: 627125V 20 SELLARS ST THE HONEYSUCKLES	Buildings & works associated with construction of a dwelling.	Permit Issued by Delegate of Resp/Auth 18/10/2022
384-1.00/2022	11/08/2022	Assessment No. 212183 LOT: 99 LP: 52647 16 SUNGLOW CRES GOLDEN BEACH	Buildings & works associated with construction of a dwelling.	Permit Issued by Delegate of Resp/Auth 6/10/2022
389-1.00/2022	15/08/2022	Assessment No. 318972 LOT: 1 TP: 696504 32-36 MACFARLANE ST HEYFIELD	B & W associated with the construction of a second dwelling.	Permit Issued by Delegate of Resp/Auth 10/10/2022
404-1.00/2022	23/08/2022	Assessment No. 439299 LOT: 6 PS: 300871U 124B MUSTONS LANE HEYFIELD	Use & dev of the land for agriculture & construction of shed.	Permit Issued by Delegate of Resp/Auth 28/10/2022
405-1.00/2022	25/08/2022	Assessment No. 101857 LOT: 1 TP: 109539G 185 DENISON RD ROSEDALE	Use & development of the land for a dwelling.	Permit Issued by Delegate of Resp/Auth 21/10/2022
417-1.00/2022	2/09/2022	Assessment No. 436493 LOT: 1 PS: 705877Y 114-116 FIREBRACE RD HEYFIELD	Use & development of the land for a boat motor repair business.	Permit Issued by Delegate of Resp/Auth 6/10/2022
420-1.00/2022	6/09/2022	Assessment No. 446427 PC: 380204Y 60 TOORAK AVE LOCH SPORT	Buildings & works associated with construction of an extension.	Permit Issued by Delegate of Resp/Auth 11/10/2022
421-1.00/2022	6/09/2022	Assessment No. 361725 LOT: 1 PS: 626527S 573 MAFFRA-NEWRY RD MAFFRA	Buildings & works associated with the extension of a dwelling.	Permit Issued by Delegate of Resp/Auth 13/10/2022
426-1.00/2022	8/09/2022	Assessment No. 82446 LOT: 2 PS: 534186E 291A MARLAY POINT RD CLYDEBANK	Buildings and works associated with the construction of a carport.	Permit Issued by Delegate of Resp/Auth 5/10/2022
427-1.00/2022	9/09/2022	Assessment No. 453563 LOT: 1 LP: 20131 19 TINAMBA-NEWRY RD TINAMBA	Subdivision of the land from three lots to two lots.	Permit Issued by Delegate of Resp/Auth 24/10/2022
428-1.00/2022	9/09/2022	Assessment No. 369900 LOT: 19 PS: 44798 6 MARGARET ST WOODSIDE BEACH	Buildings and works associated with construction of a dwelling.	Permit Issued by Delegate of Resp/Auth 11/10/2022
433-1.00/2022	13/09/2022	Assessment No. 38240 CA: 1 SEC: 10 47-57 FOSTER ST SALE	B & W associated with the construction of a storage shed.	Permit Issued by Delegate of Resp/Auth 3/10/2022

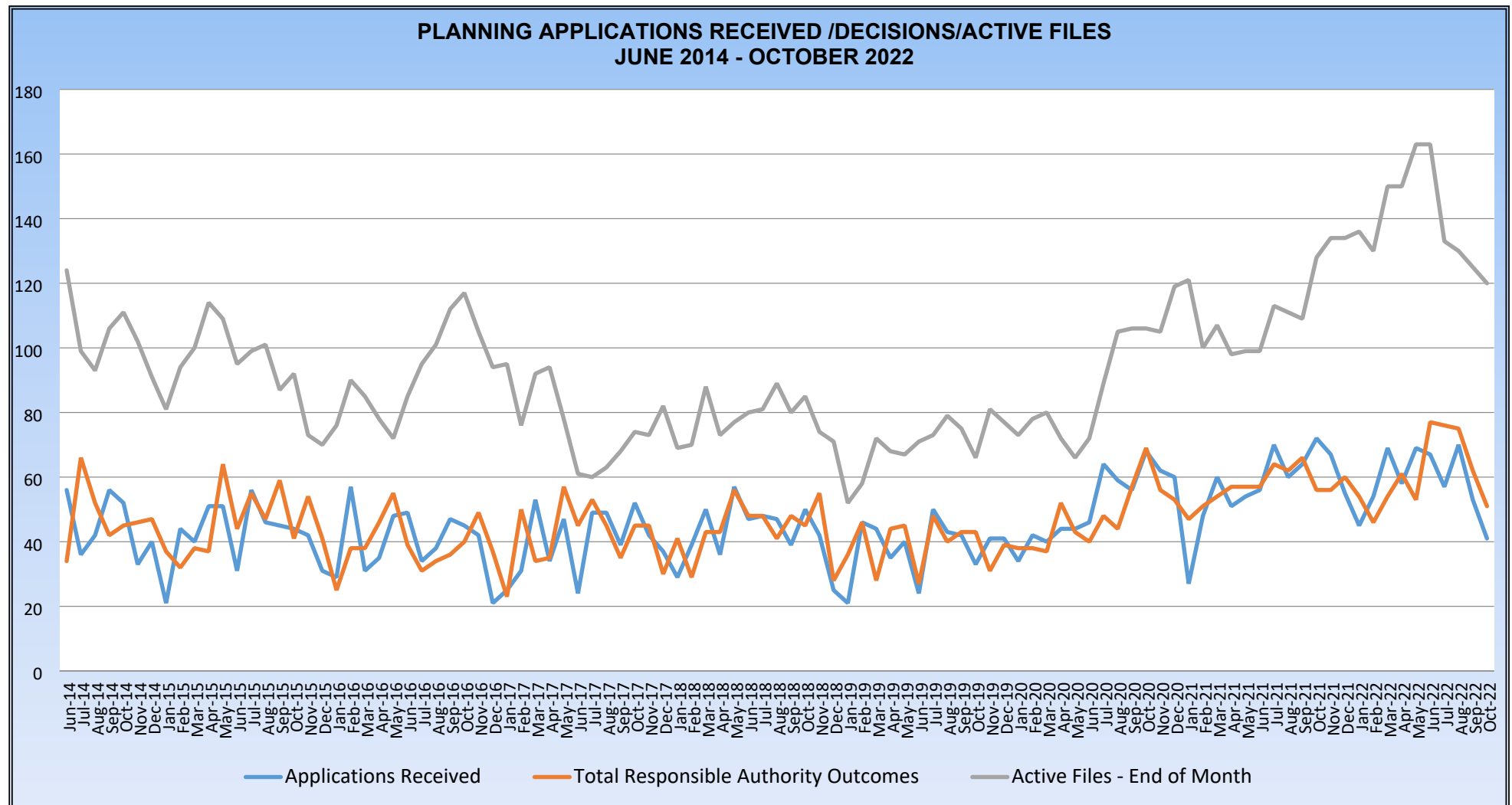
ATTACHMENT 15.2.1

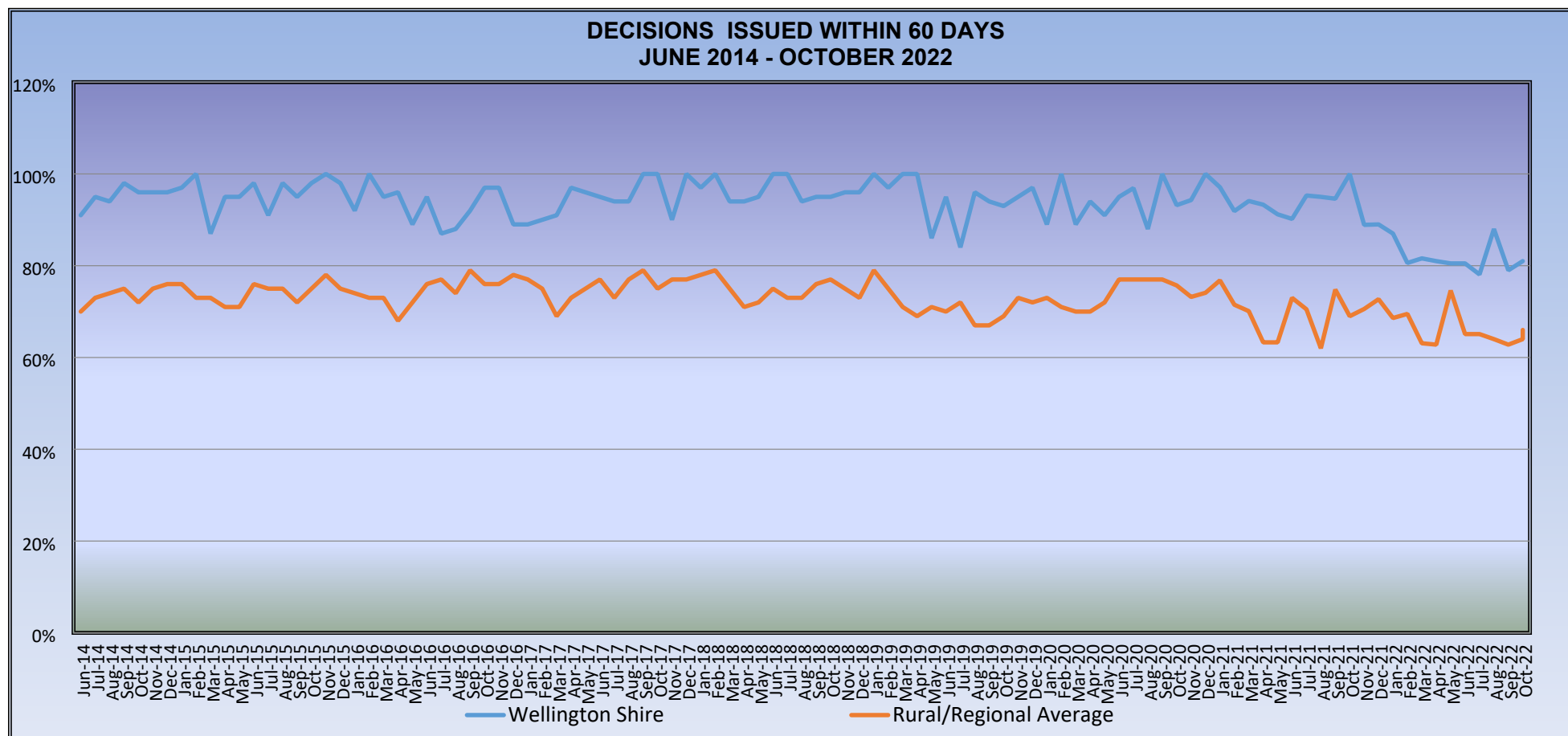
Application No/Year	Date Received	Property Title & Address	Proposal	Status
438-1.00/2022	14/09/2022	Assessment No. 457853 LOT: 2 PS: 905288E 1 COBB RD LONGFORD	B & W associated with the construction of a dwelling.	Permit Issued by Delegate of Resp/Auth 20/10/2022
439-1.00/2022	16/09/2022	Assessment No. 106872 LOT: 2 LP: 98543 438 SALE-TOONGABBIE RD NAMBROK	B & W associated with construction of an agricultural building.	Permit Issued by Delegate of Resp/Auth 10/10/2022
440-1.00/2022	16/09/2022	Assessment No. 278820 LOT: 1 TP: 9358T 6 VICTORIA ST PORT ALBERT	B & W associated with construction of an outbuilding.	Permit Issued by Delegate of Resp/Auth 11/10/2022
444-1.00/2022	26/09/2022	Assessment No. 105148 LOT: 2 PS: 323464 ROSEDALE-HEYFIELD RD WINNINDOO	Buildings and works associated with construction of a hay shed.	Permit Issued by Delegate of Resp/Auth 7/10/2022
452-1.00/2022	27/09/2022	Assessment No. 227736 CA: 2002 29 CHARLIES ST LOCH SPORT	Extension to Existing Building.	Permit Issued by Delegate of Resp/Auth 18/10/2022
457-1.00/2022	29/09/2022	Assessment No. 347724 LOT: 2 TP: 761914Q 493 MARATHON RD BRIAGOLONG	Buildings & works associated with construction of a farm shed	Permit Issued by Delegate of Resp/Auth 7/10/2022
461-1.00/2022	4/10/2022	Assessment No. 322693 LOT: 4 PS: 319922Y 66 TEMPLE ST HEYFIELD	Installation of business signage.	Permit Issued by Delegate of Resp/Auth 24/10/2022
462-1.00/2022	6/10/2022	Assessment No. 194100 CA: 14 SEC: 2 36 BEARUP ST SEASPRAY	Buildings and works associated with the construction of an outbuilding	Permit Issued by Delegate of Resp/Auth 19/10/2022
463-1.00/2022	6/10/2022	Assessment No. 263152 LOT: 13 PS: 144854 25 BYRNES RD WOODSIDE BEACH	Buildings and works associated with the extension to an existing dwell	Permit Issued by Delegate of Resp/Auth 20/10/2022
467-1.00/2022	11/10/2022	Assessment No. 392555 LOT: 5 PS: 521430T 45 MERRY ST MAFFRA	B&W associated with the extension to an existing dwelling.	No Permit Required 18/10/2022
468-1.00/2022	11/10/2022	Assessment No. 103721 LOT: 2 LP: 212878K 149 MARSHALLS RD DENISON	B&W associated with the construction of a replacement dwelling.	Permit Issued by Delegate of Resp/Auth 20/10/2022
472-1.00/2022	12/10/2022	Assessment No. 430272 LOT: 1 PS: 605241F 1,117 NAMBROK RD DENISON	Buildings and works associated with the construction of a farm shed.	Permit Issued by Delegate of Resp/Auth 28/10/2022

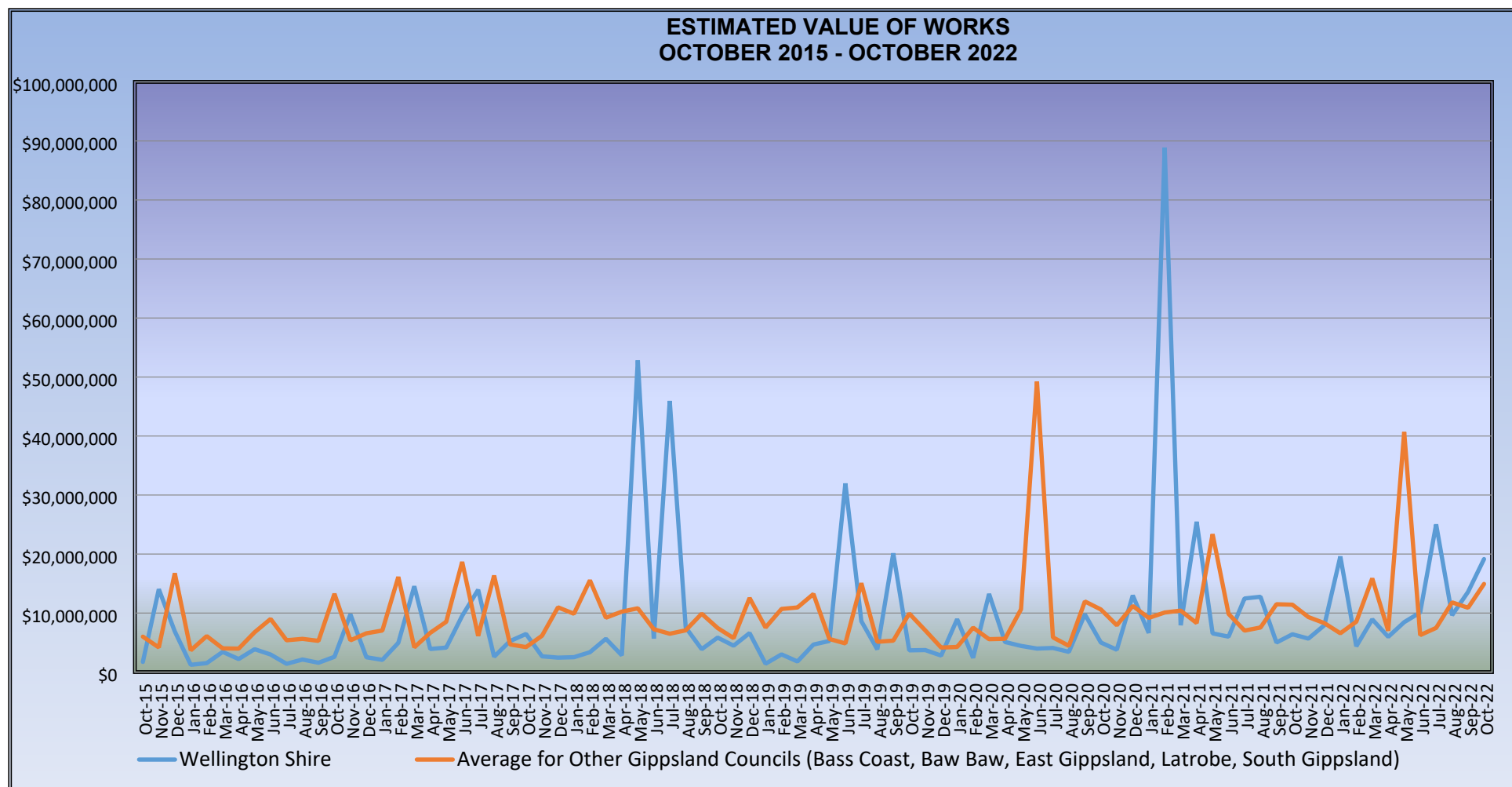
ATTACHMENT 15.2.1

Application No/Year	Date Received	Property Title & Address	Proposal	<u>Status</u>
478-1.00/2022	17/10/2022	Assessment No. 85399 LOT: 1 PS: 819908E 379 PRINCES HWY SALE	B&W associated with the construction of an agricultural building.	Permit Issued by Delegate of Resp/Auth 25/10/2022
483-1.00/2022	19/10/2022	Assessment No. 16675 PC: 378199B 232-240 YORK ST SALE	Buildings and works associated with the construction of a shed.	Permit Issued by Delegate of Resp/Auth 25/10/2022
484-1.00/2022	19/10/2022	Assessment No. 324665 PC: 350518 ANGLE CHANNEL RD HEYFIELD	Removal of native vegetation (1 Tree).	Permit Issued by Delegate of Resp/Auth 27/10/2022
488-1.00/2022	20/10/2022	Assessment No. 326462 PC: 380830W 797 COWWARR-SEATON RD SEATON	Buildings and works associated with the construction of a dwelling.	Permit Issued by Delegate of Resp/Auth 31/10/2022

Total No of Decisions Made: 51







15.3. QUARTERLY BUILDING REPORT - JULY TO SEPTEMBER 2022

ACTION OFFICER: MANAGER REGULATORY SERVICES

PURPOSE

To provide a report to Council on building permits issued in the Wellington Shire during the quarter 1 July 2022 to 30 September 2022, for information.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

RECOMMENDATION

That Council note the report of building permits issued from 1 July 2022 to 30 September 2022.

BACKGROUND

Building permits are issued by private building surveyors, and copies of permits are provided to Council. The permits, plans and other documents, are filed by Council and recorded on a register of building permits. Building permits are issued for a range of developments, including dwellings, extensions and fences, as well as commercial and industrial buildings.

Attachment "Wellington Permits Issued" to this report provides an overview by township, of the number of permits issued along with the estimated value of construction, for the three-month period ending 30 September 2022.

Attachments "Graph 1 - Number of Building Permits and Graph 2 - Value of Building Works" provides an historical representation of the number and value of permits issued in Wellington Shire and compares this data against the broader Gippsland region.

For the period 1 July 2022 to 30 September 2022 there were 319 permits issued with an estimated value of work at \$41,720,830.

The major projects include:

- LONGFORD – ESSO Gass Plant - Construction of industrial plant, offices and associated infrastructure
- MAFFRA – New Childcare Centre

In the previous quarter, 1 April 2022 to 30 June 2022, there were 295 permits issued with an estimated value of work at \$42,073,349.

ATTACHMENTS

1. Wellington Permits Issued [15.3.1 - 4 pages]
2. Graph 1 - Number of Permits [15.3.2 - 1 page]
3. Graph 2 - Value of Building Works [15.3.3 - 1 page]

OPTIONS

Council has the following options available:

1. Receive this Building Permits report; or
2. Not receive this Building Permits report and seek further information for consideration at a future Council meeting.

PROPOSAL

That Council note the report on building permits issued within Wellington Shire from 1 July 2022 to 30 September 2022.

CONFLICT OF INTEREST

No staff and/or contractors involved in the compilation of this report have declared a Conflict of Interest.

FINANCIAL IMPACT

This impact has been assessed and there is no effect to consider at this time.

COMMUNICATION IMPACT

The quarterly report provides information on the number of building permits, and cost of development per town, within the Wellington Shire. Gippsland-wide building activity is also provided, to demonstrate how the Wellington Shire area performs in comparison.

LEGISLATIVE IMPACT

Building permits are issued in accordance with *Building Act 1993*, Building Regulations 2006 and the Wellington Planning Scheme.

COUNCIL POLICY IMPACT

All building permits issued by private building surveyors are registered and filed as per the timelines set out in the Municipal Services Business Plan.

COUNCIL PLAN IMPACT

The Council Plan 2021-25 Theme 4 “Services and Infrastructure” states the following strategic outcome:

Strategic Outcome 4.3: *“Well planned and sustainable towns, facilities, and infrastructure that service community need.”*

This report supports the above Council Plan strategic outcome.

RESOURCES AND STAFF IMPACT

This impact has been assessed and there is no effect to consider at this time.

COMMUNITY IMPACT

This impact has been assessed and there is no effect to consider at this time.

ENVIRONMENTAL IMPACT

This impact has been assessed and there is no effect to consider at this time.

ENGAGEMENT IMPACT

This impact has been assessed and there is no effect to consider at this time.

RISK MANAGEMENT IMPACT

This impact has been assessed and there is no effect to consider at this time.

WELLINGTON PERMITS ISSUED

Number of Applications and their Estimated Value Each Month

	July	August	September	Total
AIRLY	1 \$150,450	1 \$15,700	1 \$40,050	3.00 \$206,200
ALBERTON	0 \$0	1 \$11,800	1 \$48,145	2.00 \$59,945
BOISDALE	0 \$0	0 \$0	1 \$14,950	1.00 \$14,950
BRIAGOLONG	1 \$15,980	2 \$328,900	3 \$288,025	6.00 \$632,905
BUNDALAGUAH	0 \$0	0 \$0	1 \$12,718	1.00 \$12,718
CARRAJUNG	0 \$0	0 \$0	1 \$12,549	1.00 \$12,549
CARRAJUNG LOWER	0 \$0	0 \$0	1 \$12,500	1.00 \$12,500
COBAINS	2 \$128,000	1 \$48,100	1 \$11,200	4.00 \$187,300
COONGULLA	0 \$0	2 \$413,824	5 \$97,697	7.00 \$511,521
COWWARR	0 \$0	0 \$0	2 \$211,000	2.00 \$211,000
DARGO	1 \$105,523	0 \$0	0 \$0	1.00 \$105,523
DARRIMAN	1 \$20,000	0 \$0	0 \$0	1.00 \$20,000
DENISON	0 \$0	0 \$0	3 \$148,352	3.00 \$148,352
DEVON NORTH	2 \$68,200	2 \$139,329	1 \$425,000	5.00 \$632,529
DUTSON	0 \$0	1 \$33,000	0 \$0	1.00 \$33,000
GELLIONDALE	1 \$69,456	0 \$0	0 \$0	1.00 \$69,456
GIFFARD	0 \$0	1 \$70,000	0 \$0	1.00 \$70,000
GIFFARD WEST	0 \$0	0 \$0	1 \$73,500	1.00 \$73,500

ATTACHMENT 15.3.1

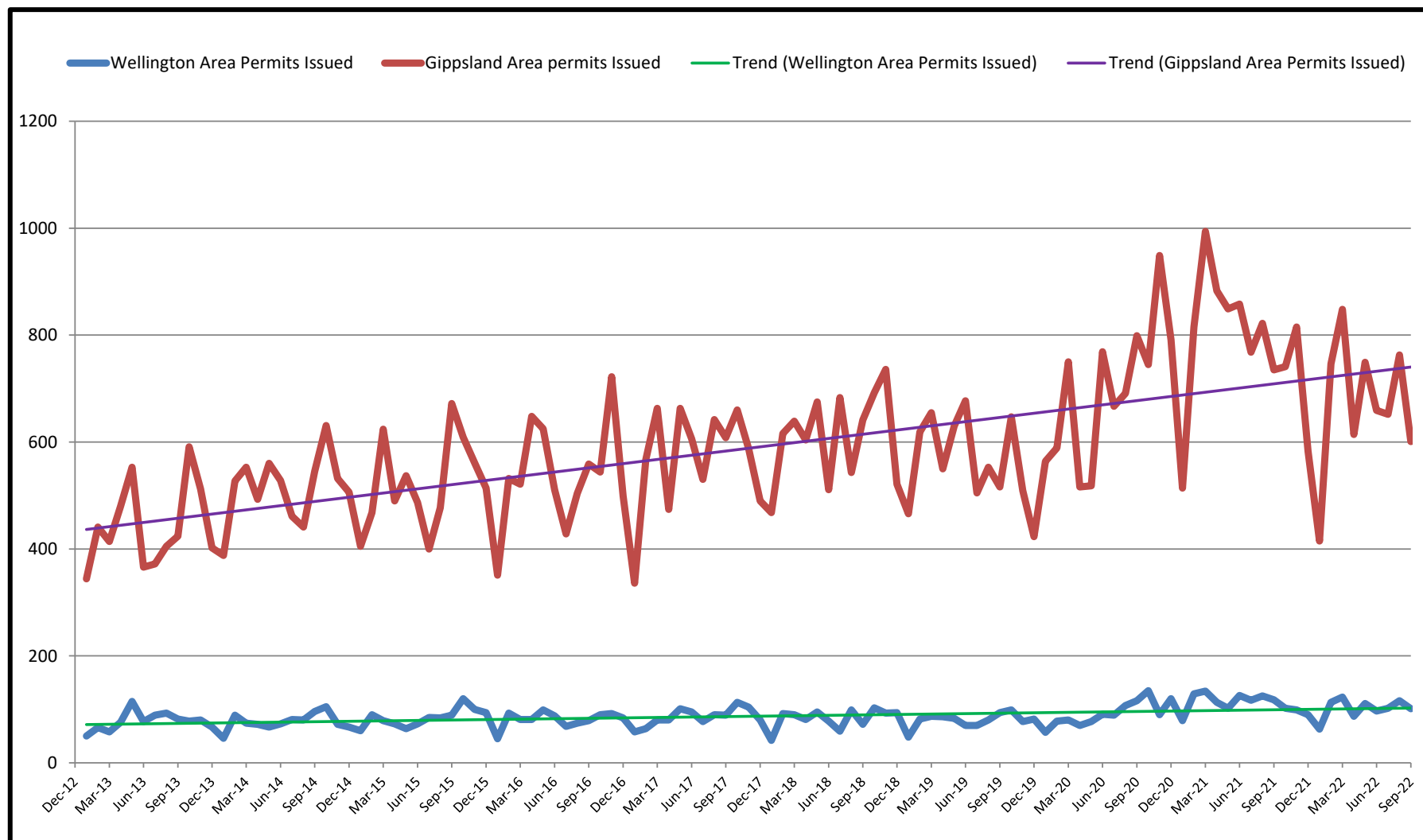
	July	August	September	Total
GLENGARRY	0 \$0	1 \$394,590	0 \$0	1.00 \$394,590
GLENMAGGIE	1 \$83,000	0 \$0	3 \$749,584	4.00 \$832,584
GLOMAR BEACH	0 \$0	2 \$137,160	0 \$0	2.00 \$137,160
GOLDEN BEACH	2 \$322,037	3 \$587,314	3 \$531,680	8.00 \$1,441,031
GORMANDALE	3 \$796,450	1 \$157,080	1 \$65,669	5.00 \$1,019,199
HEDLEY	0 \$0	0 \$0	1 \$13,500	1.00 \$13,500
HEYFIELD	4 \$555,818	5 \$468,334	2 \$150,000	11.00 \$1,174,152
HIAWATHA	0 \$0	1 \$23,760	0 \$0	1.00 \$23,760
JACK RIVER	0 \$0	1 \$30,800	0 \$0	1.00 \$30,800
KILMANY	1 \$275,428	0 \$0	0 \$0	1.00 \$275,428
LOCH SPORT	5 \$926,095	6 \$217,425	3 \$97,728	14.00 \$1,241,248
LONGFORD	8 \$2,800,212	7 \$1,054,921	3 \$89,280	18.00 \$3,944,413
MAFFRA	7 \$1,382,865	10 \$379,978	3 \$1,201,335	20.00 \$2,964,178
MAFFRA WEST UPPER	0 \$0	0 \$0	1 \$14,500	1.00 \$14,500
MCCLOUGHLINS BEACH	0 \$0	1 \$11,000	0 \$0	1.00 \$11,000
MONTGOMERY	1 \$133,100	0 \$0	0 \$0	1.00 \$133,100
MUNRO	0 \$0	1 \$55,133	1 \$35,800	2.00 \$90,933
MYRTLEBANK	0 \$0	1 \$52,000	0 \$0	1.00 \$52,000
NEWRY	2 \$160,050	1 \$278,300	1 \$12,000	4.00 \$450,350
PARADISE BEACH	0 \$0	3 \$440,789	0 \$0	3.00 \$440,789

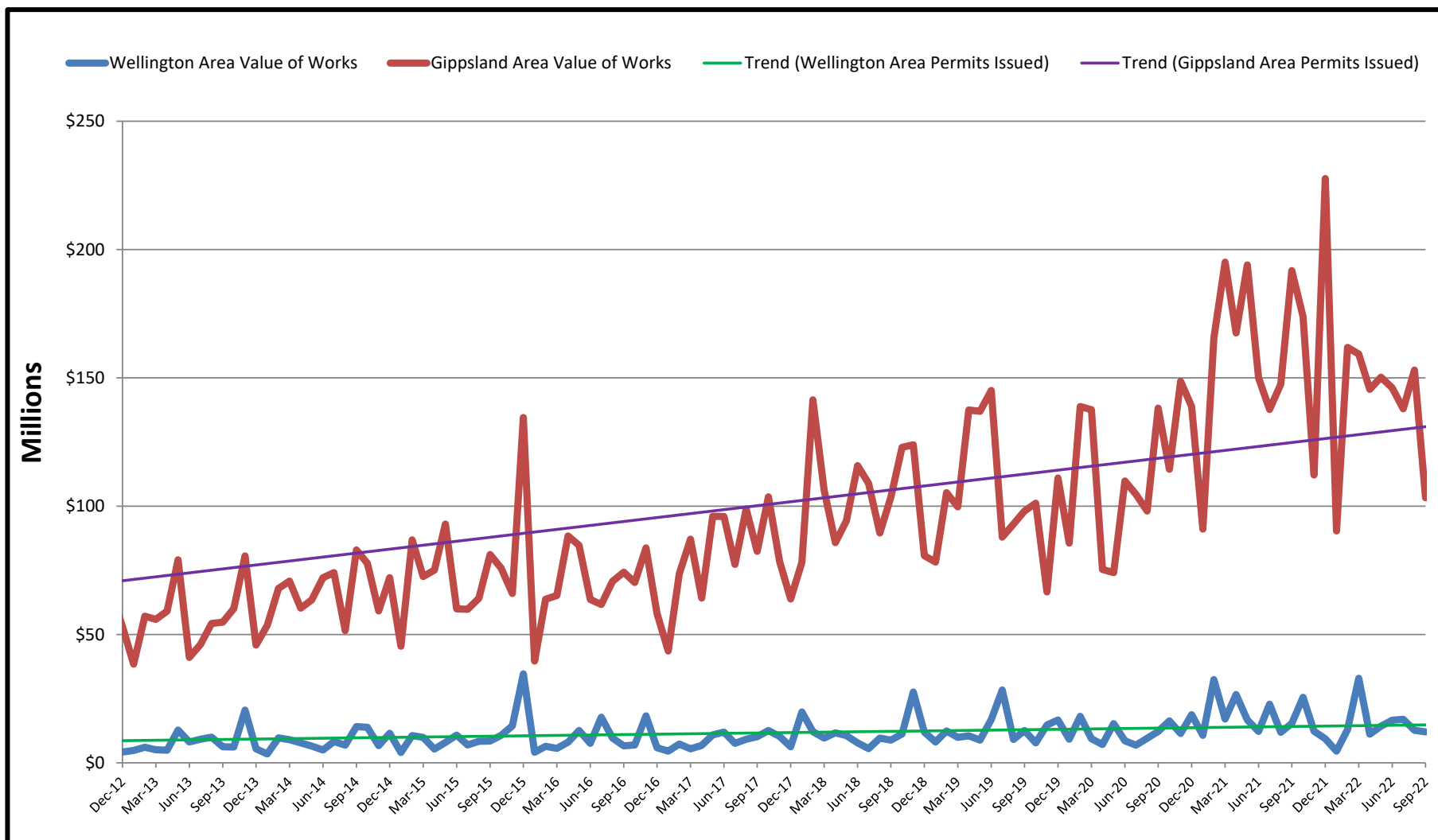
ATTACHMENT 15.3.1

	July	August	September	Total
PEARSONDALE	1 \$38,000	0 \$0	1 \$61,600	2.00 \$99,600
PERRY BRIDGE	2 \$74,720	0 \$0	1 \$521,224	3.00 \$595,944
PORT ALBERT	0 \$0	3 \$598,623	1 \$46,000	4.00 \$644,623
RIVERSLEA	2 \$174,350	1 \$14,000	0 \$0	3.00 \$188,350
ROBERTSONS BEACH	1 \$400,000	0 \$0	0 \$0	1.00 \$400,000
ROSEDALE	3 \$782,845	5 \$79,507	7 \$385,631	15.00 \$1,247,983
SALE	23 \$3,389,766	28 \$5,099,911	24 \$2,434,448	75.00 \$10,924,125
SEASPRAY	2 \$50,500	4 \$129,200	0 \$0	6.00 \$179,700
SEATON	2 \$306,532	1 \$15,000	1 \$331,135	4.00 \$652,667
STRATFORD	13 \$2,448,210	10 \$1,034,845	5 \$1,928,729	28.00 \$5,411,784
TARRAVILLE	1 \$65,000	1 \$53,440	1 \$13,890	3.00 \$132,330
THE HONEYSUCKLES	0 \$0	0 \$0	2 \$267,503	2.00 \$267,503
TINAMBA	1 \$25,300	1 \$10,000	1 \$52,424	3.00 \$87,724
TINAMBA WEST	0 \$0	1 \$71,050	1 \$8,000	2.00 \$79,050
TOONGABBIE	0 \$0	1 \$74,710	0 \$0	1.00 \$74,710
WILLUNG SOUTH	0 \$0	1 \$47,500	0 \$0	1.00 \$47,500
WONYIP	0 \$0	0 \$0	1 \$27,100	1.00 \$27,100
WOODSIDE	0 \$0	2 \$47,482	2 \$108,915	4.00 \$156,397
WOODSIDE BEACH	1 \$1,000	0 \$0	2 \$115,941	3.00 \$116,941
WURRUK	1 \$35,500	1 \$17,050	3 \$1,017,189	5.00 \$1,069,739

ATTACHMENT 15.3.1

	July	August	September	Total
YARRAM	6 \$1,156,879	1 \$42,110	4 \$419,408	11.00 \$1,618,397
Total	102.00 16,941,266	116.00 12,683,665	101.00 12,095,899	319.00 41,720,830

GRAPH: NUMBER OF BUILDING PERMITS

GRAPH: VALUE OF BUILDING WORKS

15.4. NORTH SALE INFRASTRUCTURE FUNDING ARRANGEMENT - FINAL REPORT

ACTION OFFICER: GENERAL MANAGER DEVELOPMENT

PURPOSE

For Council to adopt the 'North Sale Infrastructure Funding Arrangement Final Report, November 2022'.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

RECOMMENDATION

That Council adopt the 'North Sale Infrastructure Funding Arrangement Final Report, November 2022' as attached.

BACKGROUND

North Sale Development Plan

The North Sale Development Plan ('Development Plan') was formally adopted by Council in April 2018 and is available on Council's website [North Sale Development Plan \(wellington.vic.gov.au\)](http://wellington.vic.gov.au). The purpose of the Development Plan is to ensure that a coordinated and integrated planning outcome is achieved in the North Sale Growth Area, which encompasses approximately 294 hectares of land and a potential for more than 2000 dwellings.

North Sale Growth Area Infrastructure Requirements/Contributions

To bring the North Sale Growth Area to fruition, a range of infrastructure is required including roads, intersections, bridges, drainage, open space, and paths. Accordingly, Mesh planning consultants have prepared the 'North Sale Infrastructure Funding Arrangement Final Report, November 2022' ('IFA Report') as attached, which seeks to equitably apportion the shared infrastructure costs that are required to facilitate development.

Infrastructure contributions are the payments (or works in-kind) provided by developers towards the provision of infrastructure that will be required to meet the needs of the North Sale Growth Area. The IFA Report is focused on higher order infrastructure of shared benefit such as new roundabouts and drainage retention basins. It is noted that 'internal' subdivision development costs (e.g., internal subdivision roads and service connections for new lots etc) remain the responsibility of developers to deliver prior to obtaining title for each stage of subdivision.

A fundamental aspect of the IFA Report is that a holistic approach to the overall infrastructure needs of the Growth Area is taken, where landowners (at the time of development) contribute towards overall infrastructure costs based on a net developable hectare rate (\$134,290 per net developable hectare for land in the General Residential Zone). This best practice approach provides for an equitable contributions scheme in a growth area with highly fragmented land ownership patterns.

Updates made to IFA Report following public notification

As discussed at the 3 May 2022 and 6 December 2022 Council workshops, the IFA Report has now been through a period of targeted consultation with landowners in the North Sale Growth Area, with three written submissions being received (as attached to the earlier workshop notes).

Key issues raised in the submissions (and resultant updates made to the final IFA Report) are summarised below.

Drainage basin DR05 – drainage basin DR05 is shown in the map extract below, noting that the drainage basin partly straddles the existing Cobains Estate and adjoining land proposed to be rezoned and developed for residential purposes on the northern side of Cobains Rd.



The exhibited IFA Report proposed that 70% of the cost of drainage basin DR05 be considered as 'existing development', with 30% of the cost of the basin to be included in the IFA Report (for future developers to contribute towards). Following further drainage catchment analysis being undertaken by Council's Infrastructure Planners, the IFA Report has been updated to include 40% of the cost of drainage basin DR05 in the IFA Report (with 60% recognised as 'existing development'). This cost split change better reflects the unique (and complex) role of this drainage basin in the broader catchment.

Value of land: given the recent spike in land values following the Covid-19 pandemic, a revised (broad hectare) land valuation was sought following public exhibition of the IFA Report. The revised (independent) valuation established a \$250,000 per hectare valuation compared to the originally exhibited \$150,000 per hectare valuation. This valuation increase has been included in the final IFA Report and is the key factor in the consequent change to the level of required developer contribution (a final per hectare contribution for General Residential Zone land of \$134,290 per hectare compared to the exhibited IFA report of \$127,271 per net developable hectare). The updated figure of \$134,290 per net developable hectare equates to an approximate cost of \$11,000 'per lot' based on an assumed density of 12 dwellings per hectare. This level of developer contribution is generally consistent with infrastructure contribution levels incurred elsewhere in regional Victoria, although each growth area will have its own characteristics and specific infrastructure needs.

Change to land budget on Sale Baptist Church site: the final IFA Report has made a minor adjustment to the area of land expected to be used by the Baptist Church (the exhibited IFA

Report identified 1.03 hectares of land to be used for Church purposes which has been marginally increased to 1.17 hectares in the final IFA Report). There is a consequent minor alteration made to the net developable hectare figure (changed from 1.79 hectares to 1.65 hectares). Depending on future church plans, these land budget figures may require further alteration in due course.

Connector roads: a request was made for properties with wider 'connector' roads (compared to narrower 'local' roads) to be included as shared costs in the IFA Report (in full or in part) given that wider roads will more greatly impact on future lot yield. This change is not supported and hence no change to the exhibited IFA report has been made. Key reasons for not making any change in the final IFA Report are outlined below.

- Properties across the North Sale Growth Area affected by connector roads will still receive significant benefit when land is ultimately rezoned and developed (with the ability to rezone land for residential purposes being based on extensive strategic planning work undertaken and funded by Council).
- It is important to not further exacerbate overall development costs and complexity with implementation of the IFA Report (e.g., by potentially deducting the difference in costs or land area between connector and local roads).
- Existing development in North Sale has already provided connector roads were warranted as part of an overall required movement network.

Cobains Road - Road Widening: a submitter has queried how land will be acquired for future road widening purposes on Cobains Road and how landowners will be compensated. While an initial broad hectare land value cost for Cobains Road widening has been included in the IFA Report, specific independent valuation advice will be obtained and affected landowners further engaged in due course.

Development viability/infrastructure costs

An important element of the IFA Report is to ensure that the North Sale Growth Area remains 'affordable' to develop given the significant infrastructure investment that is required (particularly for new drainage infrastructure and road intersection upgrades). To assist with development viability and in recognition that Council has a broader role in bringing housing land to market, the IFA Report:

- Excludes costs associated with the upgrade of the North Sale retarding basin (DR-11), which are to be borne by Council via an existing budget allocation and grant funding. It is noted that this retarding basin also provides a broader drainage function (benefit) across the catchment.
- Does not include a 'land value' for the utilisation of Council owned land for future drainage basin DR-06 (located to the north of the Gippsland Regional Sports Complex).
- Does not include planning and associated costs which have been incurred by Council (e.g., North Sale Development Plan preparation costs, drainage study costs etc).

Further, the IFA Report excludes existing development (e.g., Cobains Estate and Glenhaven estates) which are already subject to appropriate infrastructure contributions via relevant permits/legal agreements.

Implementation of final IFA Report

As specified in the final IFA Report, required infrastructure contributions will be secured at the time of development via section 173 agreements. The IFA Report also clearly sets out other implementation steps, including the indexing of costs and how 'works in kind' will be managed.

It is noted, however, that given the unique circumstances of every development (and recognising that detailed subdivision approvals and final infrastructure designs still need to follow), final agreed infrastructure requirements and contributions/credits will need to be negotiated on a 'case by case' basis (using the foundations specified in the final IFA Report).

ATTACHMENTS

1. Attachment Final North Sale Infrastructure Funding Arrangement Report Mesh v 5 [15.4.1 - 30 pages]
2. Attachment North Sale calculation table for council MESH v 9 Page 1 [15.4.2 - 1 page]
3. Attachment North Sale calculation table for council MESH v 9 Page 2 [15.4.3 - 1 page]
4. Attachment North Sale calculation table for council MESH v 9 Page 3 [15.4.4 - 1 page]

OPTIONS

Council has the following options available:

1. Adopt the 'North Sale Infrastructure Funding Arrangement Final Report, November 2022' as attached; or
2. Not adopt the 'North Sale Infrastructure Funding Arrangement Final Report, November 2022' as attached and seek further information for consideration at a future Council meeting.

PROPOSAL

That Council adopt the 'North Sale Infrastructure Funding Arrangement Final Report, November 2022' as attached.

CONFLICT OF INTEREST

No staff and/or contractors involved in the compilation of this report have declared a conflict of interest.

FINANCIAL IMPACT

Direct financial impacts for Council have been catered for in existing (or prior) budgets. Costs associated with administration and implementation of the final IFA Report can be met through existing resource allocation.

Financial contributions towards required infrastructure will need to be made by landowners/developers who seek to rezone and develop land for residential purposes in the North Sale Growth Area, but for landowners who do not seek to subdivide land the IFA Report will have no direct financial impact.

COMMUNICATION IMPACT

Details of the IFA Report have previously been communicated to the development sector and relevant landowners within the Growth Area.

LEGISLATIVE IMPACT

Legal agreements to secure required infrastructure contributions will be used in accordance with section 173 of the *Planning and Environment Act 1987*.

COUNCIL POLICY IMPACT

This report and advancement of the delivery of the North Sale Growth Area is consistent with Council Policy.

In terms of Council's adopted Funding and Procurement of Public Infrastructure Works Policy, infrastructure projects listed in the final IFA Report may be eligible for 'forward funding' of public infrastructure works, which will be assessed on a 'case by case' basis.

COUNCIL PLAN IMPACT

The Council Plan 2021-25 Theme 2 "Economy and Sustainable Growth" states the following strategic outcome:

Strategic Outcome 2.4: *"Infrastructure investment is targeted to maximise jobs and housing growth."*

The Council Plan 2021-25 Theme 4 "Services and Infrastructure" states the following strategic outcome:

Strategic Outcome 4.3: *"Well planned and sustainable towns, facilities, and infrastructure that service community need."*

This report supports the above Council Plan strategic outcomes.

RESOURCES AND STAFF IMPACT

This impact has been assessed and there is no effect to consider at this time.

COMMUNITY IMPACT

Provision of lots for housing serviced by required infrastructure will be critical to meet future community needs.

ENVIRONMENTAL IMPACT

Future planning decisions will be made in accordance with relevant environmental standards to ensure that environmental impacts associated with development are minimised.

ENGAGEMENT IMPACT

Landowners and developers within the North Sale Growth Area have been consulted about the draft IFA Report and final updates made to the IFA Report have been conveyed to relevant submitters to the process.

RISK MANAGEMENT IMPACT

The key risk with implementation of the final IFA Report relates to cost estimates of the required infrastructure, which are based on functional level design costs (plus contingency). There is a risk of a funding 'gap' should a particular infrastructure item cost more based on final design, which would likely need to be absorbed by Council (or as otherwise negotiated with a particular developer). However, as noted in the final IFA Report there is opportunity for future review of the IFA Report to account for any change in circumstance.

North Sale Infrastructure Funding Arrangement

FINAL REPORT

Wellington Shire Council

November 2022



North Sale Infrastructure Funding Arrangement

Final Report

Wellington Shire Council

November, 2022

Client	Wellington Shire Council
Project	North Sale Infrastructure Funding Arrangement
Version	5.0
Prepared By	Jo Fisher
Date	November 2022

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1 SUMMARY OF INFRASTRUCTURE CHARGES

The following table provides an overview of the North Sale Development Plan (DP) infrastructure charges for shared transport and drainage projects included in this infrastructure funding arrangement. A more detailed explanation of the principles and approach, methods of calculation and proposed infrastructure projects is provided within the body of this document.

Table 1: Summary of Infrastructure Costs and Charges

Infrastructure Category	Total Project Cost to DP Area	Total Charge per ND Ha
ROADS	\$700,000	\$4,457
INTERSECTIONS	\$6,467,789	\$41,180
BRIDGES	\$1,310,000	\$8,341
DRAINAGE	\$10,917,693	\$72,221
OFF-ROAD PEDESTRIAN & CYCLE TRAILS	\$1,270,728	\$8,091
Total	\$20,666,210	

Development Type	Infrastructure Charge per NDHa
General Residential Zone	\$134,290
Low Density Residential Zone	\$25,862

2 INTRODUCTION

The North Sale DP area encompasses approximately 294 hectares of land in a nominated growth area to the north of the town of Sale. The DP provides a holistic and integrated design response for the area that requires infrastructure including roads, intersections, bridges, drainage, passive open space, active open space, shared paths and playgrounds to be shared across property boundaries.

A shared approach to infrastructure contributions and delivery has been formulated. In recognition of the development circumstances a shared approach is considered to deliver a better planning outcome than requiring site specific responses at the individual property scale.

To implement an equitable approach to funding of infrastructure, it is necessary to clearly set out the shared infrastructure projects and to establish a basis for their apportionment and implementation.

The shared infrastructure funding arrangement will be implemented via permit conditions and the use of Section 173 Agreements.

2.1 Strategic Basis

The North Sale Infrastructure Funding Arrangement has been prepared having regard to the following principles: -

SIMPLICITY

simplifying the number and type of projects included in the North Sale Infrastructure Funding Arrangement;

EQUITY

maintaining and not compromising on transparency or equity; and

PRACTICALITY

maximising the practicality of the North Sale Infrastructure Funding Arrangement to ensure that it can be readily implemented through focusing on a development coordination role.

2.1 Land to which this Infrastructure Funding Arrangement applies

The North Sale Infrastructure Funding Arrangement applies to the North Sale Development Plan area which is illustrated in Figure 1.

Figure 1: North Sale Development Plan



3 SHARED INFRASTRUCTURE PRINCIPLES AND APPROACH

In formulating a basis for sharing of infrastructure costs in North Sale, careful regard has been given to the development circumstances and the likely timing and staging of development.

The key issues that are relevant include: -

- > Fragmentation: The need for a shared approach to infrastructure arises as the current land ownership within the development plan area is highly fragmented;
- > The identified projects fall within or on the boundary of the DP area and are required directly as a result of development with no external apportionment to development outside the DP area; and
- > The timing of development is uncertain, expected to occur independently and incrementally over time.

These development circumstances give rise to a simple infrastructure funding mechanism without the necessity to prepare and implement a formal Development Contributions Plan (DCP) via an Amendment to the Planning Scheme. The simplified funding mechanism set out in this document utilises the principles and general approach that is often adopted in formulating a DCP but will be implemented via permit conditions that require applicants to enter into Section 173 Agreements to share the cost of delivery of shared infrastructure projects, based on an assessment of Net Developable Area (NDA) and land use type (i.e. General Residential or Low Density Residential).

4 LAND BUDGET

Table 2 provides a land budget for all property holdings within the DP area, and has been calculated based on the DP shown in Figure 2. Infrastructure contributions to shared infrastructure will be distributed according to the NDA of the landholding, once encumbrances and other uses have been subtracted.

4.1 Net Developable Land

For the purpose of this Shared Infrastructure Funding Arrangement, NDA is defined as land within the DP Boundary that is made available for development including all connector roads and local streets.

The DP and Shared Infrastructure Funding Arrangement calculates NDA as the total precinct area, minus land for encumbered open space, regional active open space, showgrounds, irrigation channels and road/servicing reserve, passive open space, mixed use and schools. Any additional land set aside for non-developable purposes at the time of subdivision are included in the NDA.

The amount of NDA for each site will not be amended without the consent of the Responsible Authority.

Figure 2: North Sale Development Plan Land Budget Plan

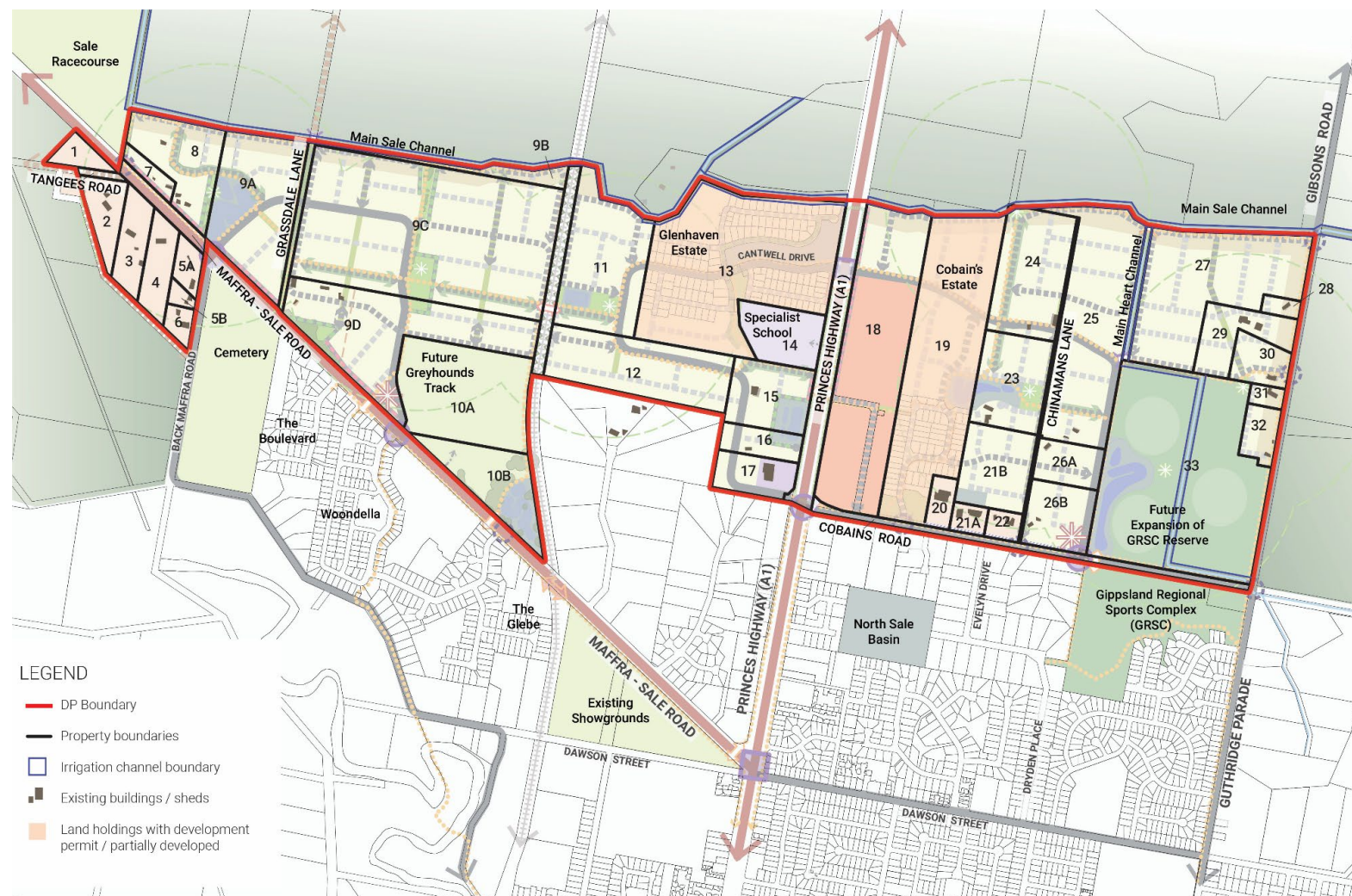


Table 2: North Sale Property Specific Land Budget

															GRZ							LDRZ						
Property Reference	Precinct Area (ha)	Drainage Land (Encumbered Open Space) (ha)	Greyhounds Racing Track	Irrigation Channels	Road/Service Reserve	GDA	Passive open Space (ha)	POS (% NDA)	Schools(ha)	Other (ha)	NDA	Mixed Use (ha) NDA	Residential (ha) NDA	GRZ Area (ha)	Indicative Net Residential Developable Area (ha)	Indicative Road Area (ha)	Average Lot Size (m²)	Proposed Density (Dwellings/ha)	Indicative Lot Yield Based on Density	Indicative Population (average household of 3 people)	LDRZ Area (ha)	Indicative Net Residential Developable Area (ha)	Indicative Road Area (ha)	Average Lot Size (m²)	Proposed Density (Dwellings/ha)	Indicative Lot Yield Based on Density	Indicative Population (average household of 3 people)	
Area C	95.68	3.94	15.14	0.0	1.76	74.84	4.36	0.06	0.00	0.00	70.48	0.05	70.43	59.1	41.4	17.7	625	12	709	2128	11.38	7.97	3.41	2000	5	40	120	
1	1.20					1.20					1.20		1.20								1.20	0.84	0.36	2000	5	4	13	
2	2.39					2.39					2.39		2.39								2.39	1.67	0.72	2000	5	8	25	
3	2.67					2.67					2.67		2.67								2.67	1.87	0.80	2000	5	9	28	
4	2.61					2.61					2.61		2.61								2.61	1.83	0.78	2000	5	9	27	
5a	1.19					1.19					1.19		1.19								1.19	0.83	0.36	2000	5	4	12	
5b	0.48					0.48					0.48		0.48								0.48	0.34	0.14	2000	5	2	5	
6	0.84					0.84					0.84		0.84								0.84	0.59	0.25	2000	5	3	9	
7	1.02					1.02					1.02		1.02	1.02	0.71	0.31	625	12	12	37								
8	5.90					5.90	0.27	0.05			5.63		5.63	5.63	3.94	1.69	625	12	68	203								
9a	10.74	2.03				8.71	0.46	0.05			8.25		8.25	8.25	5.78	2.48	625	12	99	297								
9b	1.69					1.69					1.69		1.69	1.69	1.18	0.51	625	12	20	61								
9c	31.42					31.42	1.92	0.07			29.50		29.50	29.50	20.65	8.85	625	12	354	1062								
9d	13.82					13.82	0.81	0.06			13.01	0.05	12.96	13.01	9.11	3.90	625	12	156	468								

												GRZ								LDRZ							
Property Reference	Precinct Area (ha)	Drainage Land (Encumbered Open Space) (ha)	Greyhounds Racing Track	Irrigation Channels	Road/Servicing Reserve	GDA	Passive open Space (ha)	POS (% NDA)	Schools(ha)	Other (ha)	NDA	Mixed Use (ha) NDA	Residential (ha) NDA	GRZ Area (ha)	Indicative Net Residential Developable Area (ha)	Indicative Road Area (ha)	Average Lot Size (m²)	Proposed Density (Dwellings/ha)	Indicative Lot Yield Based on Density	Indicative Population (average household of 3 people)	LDRZ Area (ha)	Indicative Net Residential Developable Area (ha)	Indicative Road Area (ha)	Average Lot Size (m²)	Proposed Density (Dwellings/ha)	Indicative Lot Yield Based on Density	Indicative Population (average household of 3 people)
10a	11.35		11.35			0.00					0.00		0.00														
10b	5.70	1.91	3.79			0.00					0.00		0.00														
Maffra - Sale Road	1.44				1.44	0.00					0.00		0.00														
Tangees Road	0.32				0.32	0.00					0.00		0.00														
Grassdale Lane Reserve	0.90					0.90	0.90				0.00		0.00														
Area B (West of Princes Hwy)	62.65	4.93	0.00	0.0	5.89	51.83	1.48	0.03	4.03	1.03	45.15		45.29	45.28	31.70	13.59	625	12	543	1630							
11	10.25	0.57				9.68	0.60	0.07			9.08		9.08	9.08	6.36	2.72	625	12	109	327							
12	9.50					9.50	0.07	0.01			9.43		9.43	9.43	6.60	2.83	625	12	113	339							
13	23.04	3.14				19.90	0.81	0.04			19.09		19.09	19.09	13.36	5.73	625	12	229	687							
14	4.04					4.04			4.03		0.01		0.01														
15	4.98	0.93				4.05					4.05		4.05	4.05	2.84	1.22	625	12	49	146							
16	2.13	0.29				1.84					1.84		1.84	1.84	1.29	0.55	625	12	22	66							
17	2.82					2.82				1.17	1.65		1.79	1.79	1.25	0.54	625	12	21	64							
Princes Hwy	5.89				5.89	0.00					0.00		0.00														
Area A (East Princes Hwy)	138.53	5.86	0.00	2.89	3.94	103.21	1.74	0.02	0.00	0.00	101.47	14.91	86.56	83.83	56.21	24.09	625	12	963	2890	2.76	2.21	0.55	2000	4	9	26

											GRZ						LDRZ										
Property Reference	Precinct Area (ha)	Drainage Land (Encumbered Open Space) (ha)	Greyhounds Racing Track	Irrigation Channels	Road/Servicing Reserve	GDA	Passive open Space (ha)	POS (% NDA)	Schools(ha)	Other (ha)	NDA	Mixed Use (ha) NDA	Residential (ha) NDA	GRZ Area (ha)	Indicative Net Residential Developable Area (ha)	Indicative Road Area (ha)	Average Lot Size (m²)	Proposed Density (Dwellings/ha)	Indicative Lot Yield Based on Density	Indicative Population (average household of 3 people)	LDRZ Area (ha)	Indicative Net Residential Developable Area (ha)	Indicative Road Area (ha)	Average Lot Size (m²)	Proposed Density (Dwellings/ha)	Indicative Lot Yield Based on Density	Indicative Population (average household of 3 people)
18	18.42					18.42					18.42	14.86	3.54	3.54													
19	19.87	0.95			0.15	18.77	0.96	0.05			17.81		17.81	17.81	12.47	5.34	625	12	214	641							
20	1.22				0.08	1.14					1.14		1.14								1.14	0.91	0.23	2000	4	4	11
21A	0.92				0.11	0.81					0.81		0.81								0.81	0.57	0.24	2000	4	2	7
21B	5.20	0.38				4.82					4.82		4.82	4.82	3.37	1.45	625	12	58	174							
22	0.92				0.11	0.81					0.81		0.81								0.81	0.57	0.24	2000	4	2	7
23	6.09	1.12				4.97	0.46	0.10			4.51		4.51	4.51	3.16	1.35	625	12	54	162							
24	8.08					8.08	0.15	0.02			7.93		7.93	7.93	5.55	2.38	625	12	95	285							
25	14.90					14.90					14.90		14.90	14.90	10.43	4.47	625	12	179	536							
26A	2.58				0.20	2.38					2.38	0.05	2.33	2.38	1.67	0.71	625	12	29	86							
26B	4.02					4.02					4.02		4.02	4.02	2.81	1.21	625	12	48	145							
27	14.67					14.67					14.67		14.67	14.67	10.27	4.40	625	12	176	528							
28	0.52					0.52					0.52		0.52	0.52	0.36	0.16	625	12	6	19							
29	3.87					3.87	0.07	0.02			3.80		3.80	3.80	2.66	1.14	625	12	46	137							
30	2.35					2.35	0.04	0.02			2.31		2.31	2.31	1.62	0.69	625	12	28	83							

														GRZ						LDRZ							
Property Reference	Precinct Area (ha)	Drainage Land (Encumbered Open Space) (ha)	Greyhounds Racing Track	Irrigation Channels	Road/Servicing Reserve	GDA	Passive open Space (ha)	POS (% NDA)	Schools(ha)	Other (ha)	NDA	Mixed Use (ha) NDA	Residential (ha) NDA	GRZ Area (ha)	Indicative Net Residential Developable Area (ha)	Indicative Road Area (ha)	Average Lot Size (m²)	Proposed Density (Dwellings/ha)	Indicative Lot Yield Based on Density	Indicative Population (average household of 3 people)	LDRZ Area (ha)	Indicative Net Residential Developable Area (ha)	Indicative Road Area (ha)	Average Lot Size (m²)	Proposed Density (Dwellings/ha)	Indicative Lot Yield Based on Density	Indicative Population (average household of 3 people)
31	0.69					0.69					0.69	0.69	0.69	0.69	0.48	0.21	625	12	8	25							
32	1.75					1.75					1.75	1.75	1.75	1.75	1.23	0.53	625	12	21	63							
33	28.14	3.41		2.10		0.00					0.00	0.00	0.00	0.00													
Chinamans Lane	0.71				0.47	0.24	0.06	0.33			0.18	0.18	0.18	0.18	0.13	0.05	625	12	2	6							
Main Heart Channel	0.79			0.79		0.00					0.00	0.00	0.00	0.00													
Cobains Road	2.82				2.82	0.00					0.00	0.00	0.00	0.00													
Development Plan Totals	296.86	14.73	15.14	2.89	11.59	229.88	7.58	0.03	4.03	1.03	217.10	14.96	202.28	188.21					2216	6648	14.14					49	146
Development Plan Totals (Excluding properties: 10a & 10b [Greyhounds Racing Track], 13 [Glenhaven], 18 [mixed use] & 19 [Cobains])	235.53	10.64	15.14	2.89	11.44	172.79	5.81	0.03	4.03	1.03	165.32	0.10	165.36	151.31					1773	5320	14.14					49	146
Residential NDA used to calculate per Ha charge											157.06			151.31							5.89*						

*5.89 hectares of GRZ will deliver the same dwelling yield as 14.14 hectares of LDRZ land.

5 SHARED INFRASTRUCTURE PROJECTS

Funding of the following infrastructure projects are proposed to be shared equally across the NDA of the DP area:-

- > Transport Projects;
- > Drainage Projects; and
- > Shared Paths.

Note parcels 1-6 and 20, 21A and 22 are all to be zoned Low Density Residential and will be required to directly provide any drainage infrastructure required to service these developments. Therefore, these parcels are not required to pay any charge for drainage infrastructure.

The following infrastructure items and services are not included in the North Sale Infrastructure Funding Arrangement, as they are not considered to be higher order items, but must be provided by developers as a matter of course:

- > All internal local and collector roads and associated traffic management measures;
- > Local drainage systems (except where identified in Table 6);
- > Intersections connecting the development to the existing road network (except where specified in Table 6);
- > Local site specific water, drainage, sewerage, underground power, gas, telecommunications services (except where specified in Table 6);
- > Local pathways and connections to the shared pathway network;
- > Shared pathways within road reservations (except where specified in Table 6);
- > Basic levelling, water tapping and landscaping of open space; and
- > Council's plan checking and supervision fees.

5.1 Transport Projects

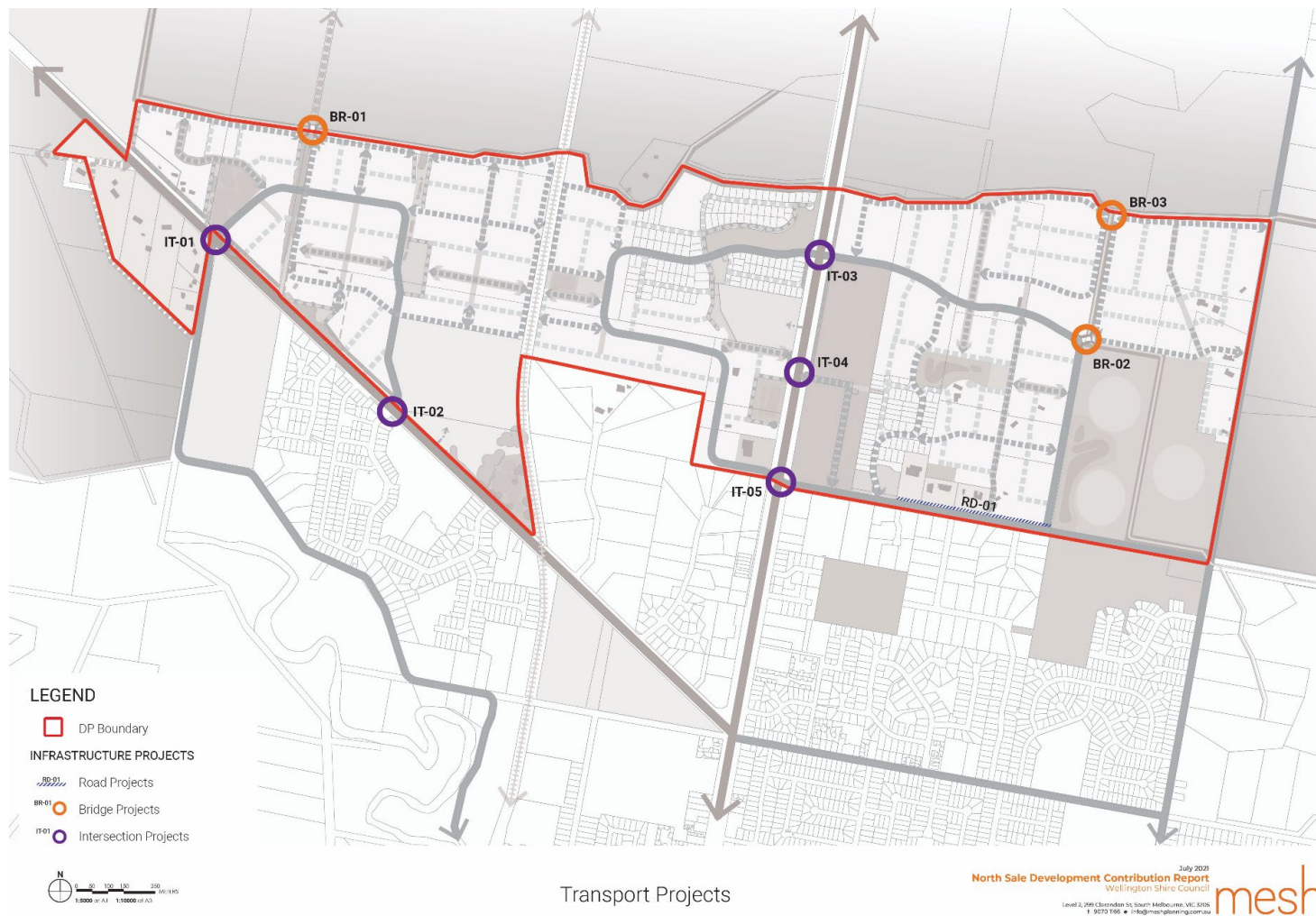
The key transport-related projects included in the North Sale Infrastructure Funding Arrangement are based on the transport network outlined in the North Sale DP, refer to Figure 1. The North Sale DP transport network identifies the key structural and local roads that will enable delivery of a movement network in accordance with the DP vision. Beveridge Williams (2017) completed a Traffic and transport Assessment of the DP transport network and identified the type and size of roads and intersections required.

The transport projects included in this infrastructure funding arrangement are described in Table 3 and illustrated in Figure 3 below.

Table 3: Transport Projects

ROADS	
RD_01	Cobains Road widening - 10m road widening to the north of Cobains Road. A total of 2.8 hectares of land is required
INTERSECTIONS	
IT_01	Maffra-Sale Road/Back Maffra Road Roundabout
IT_02	Maffra-Sale Road/Woondella Boulevard Roundabout
IT_03	Princes Highway/Cantwell Drive Signalised Intersection
IT_04	Pedestrian Signals - Princes Highway
IT_05	Princes Highway/Cobains Road Roundabout
BRIDGES	
BR_01	Bridge over Main Sale Channel at Grassdale Lane
BR_02	Bridge over Main Heart Channel on northern edge of GRSC
BR_03	Construction of footbridge over Main Heart Channel

Figure 3: Transport Infrastructure Projects



5.2 Drainage Projects

Water Technology have completed several reports to determine the ultimate drainage configuration for the DP area. Due to the local conditions of the DP area, a number of drainage facilities are required. The location nominated for each drainage facility has been determined by Water Technology in consultation with the Planning Authority. On this basis the location of each drainage facility is fixed and functional designs have been completed for all wetlands.

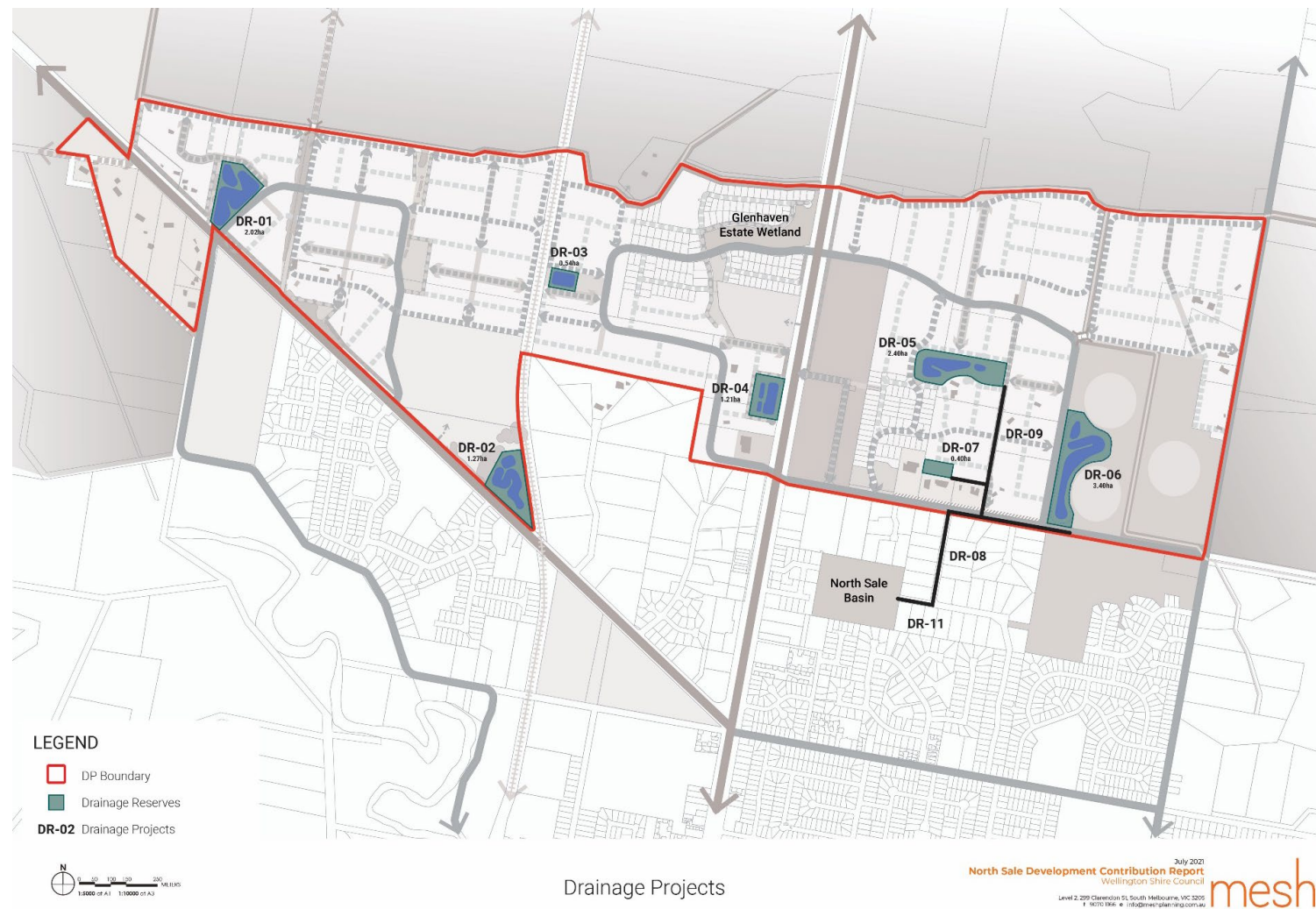
To deliver the necessary drainage infrastructure required to service the DP area whilst ensuring the contribution charges are reasonable Council has opted to directly fund DR-11 which is an end of point treatment at the North Sale retarding basin. Council will therefore need to fund this project from alternative funding sources such as rates and/or grants.

The drainage projects included in this infrastructure funding arrangement are described in Table 4 and illustrated in Figure 4 below.

Table 4: Drainage Projects

DRAINAGE	
DR_01	Area C North Wetland. Total land area of 2.02ha is required. Construction cost includes construction of outfall.
DR_02	Area C South Wetland. Total land area of 1.27ha is required. Construction cost includes construction of outfall from GRV land to Flooding Creek.
DR_03	Area B North Bioretention & Retarding Basin. Total land area of 0.54ha is required.
DR_04	Area B South Bioretention & Retarding Basin. Total land area of 1.52ha is required.
DR_05	Area A North Wetland. Total land area of 2.4ha is required.
DR_06	Area A East Wetland. Total land area of 3.4ha is required, however this wetland is to be located within the future expansion of the GRSC Reserve which council has already secured so there is no land cost to developers.
DR_07	Area A South Wetland. Total land area of 0.4 ha is required.
DR_08	Construction of the rising main from the GRSC to the Main North Sale Retarding Basin
DR_09	Area A West construction of outfall to the Main North Sale Retarding Basin.
DR_10	Payment to WGCMA to mitigate removal of declared watercourses through the DP area.
DR_11	North Sale Wetland (end of point option)

Figure 4: Drainage Infrastructure Projects



5.3 Open Space, Recreation & Shared Paths

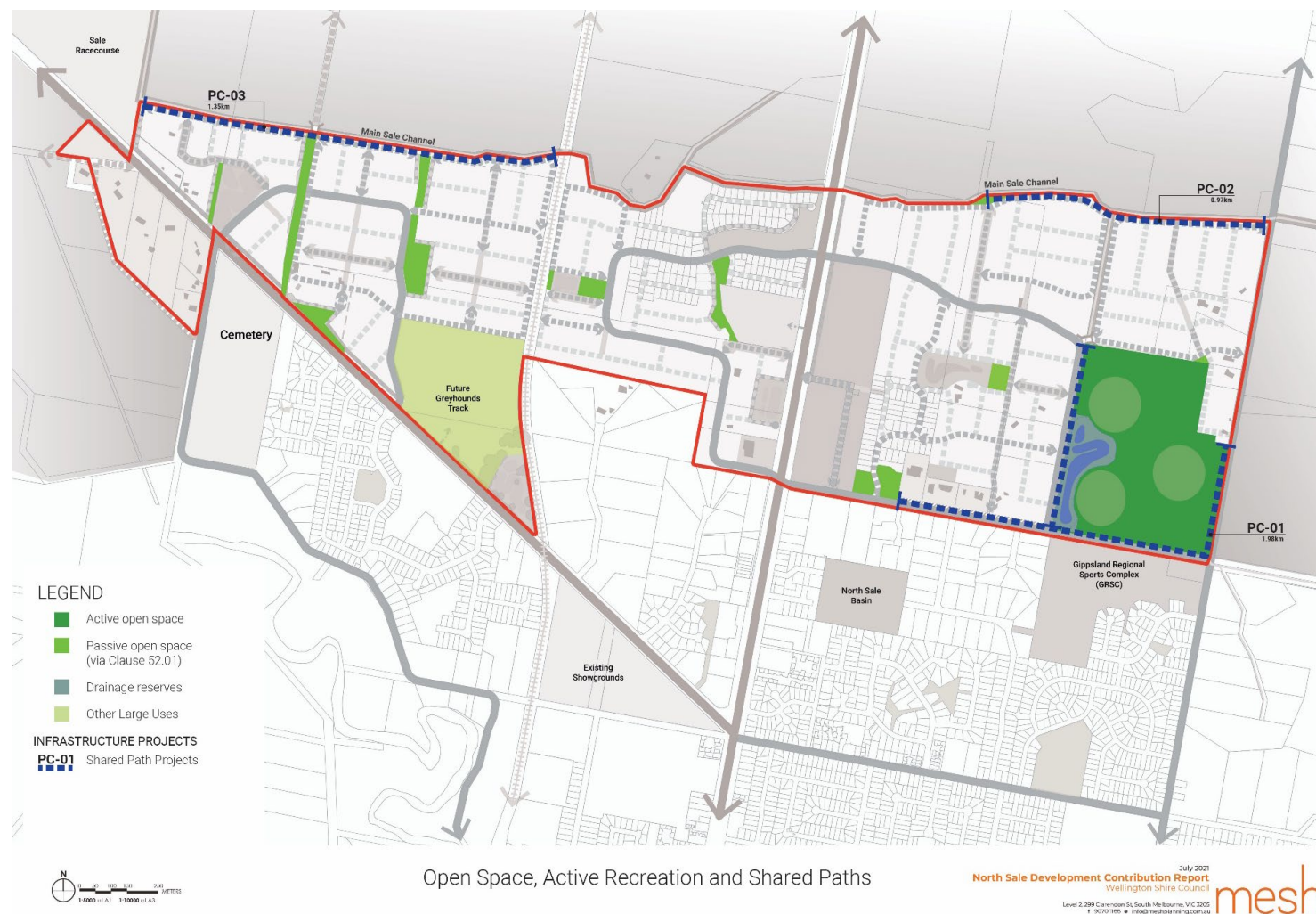
The North Sale DP has identified the location and amount of passive open space to be provided across the DP area, this will be collected via the Clause 53.01 requirement of 5%. Council have already secured the future expansion of the GRSC Reserve and do not seek any contributions from the DP area towards this land.

The shared path projects included in this infrastructure funding arrangement are described in Table 5 and illustrated in Figure 5.

Table 5: Shared path projects

OFF-ROAD PEDESTRIAN & CYCLE TRAILS	
PC-01	Construction of shared path along the western, southern and eastern edge of the GRSC, along to the western boundary of Federation Training (Gippsland Technical College). The total length of PC01 is 1,976m.
PC-02	Construction of shared path along Main Sale Channel between Cobains Estate and Gibsons Road. The total length of PC02 is 967m.
PC-03	Construction of shared path along Main Sale Channel between western edge of DP to railway line. The total length of PC03 is 1,350m.

Figure 5: Shared Path Infrastructure Projects



5.4 Existing Development

There are several existing developments within the DP area including the Glenhaven Estate, Cobains Estate and land zoned for the Greyhounds Racing Track. Each of these developments is required to deliver specific infrastructure in accordance with respective permit conditions, Section 173 Agreements and other planning controls. This section sets out the specific infrastructure requirements of each development and how this infrastructure funding agreement addresses these existing requirements in a fair, equitable and transparent manner.

Glenhaven Estate and Cobains Estate

The North Sale DP area includes two estates – Glenhaven and Cobains, which are located to the west and east of Princes Highway respectively. These two estates have been rezoned, planning permits have been issued and the Cobains Estate has entered into a Section 173 Agreement with Council.

The respective planning permits issued and Section 173 Agreement for Cobains Estate require the developers of each estate to directly deliver a range of infrastructure including: -

- > Drainage: Glenhaven Estate has delivered a wetland and both estates have delivered a trunk outfall drain that runs from the Glenhaven Estate wetland down to the North Sale basin through the Cobains Estate.
- > Glenhaven Estate has completed interim works to Cantwell Drive/ Princes Highway intersection.
- > Both estates are to contribute approximately \$0.9M towards the Cantwell Drive/Princes Highway signalisation (IT-03), based on a report prepared by SGS Economics in August 2011.
- > Cobains Estate is required to contribute towards the Cobains Road/Princes highway roundabout (IT-05) as per the SGS Economics Report, 2012.
- > Both estates must deliver shared paths through their properties which link into the broader path network. Glenhaven Estate has delivered a shared path along the western edge of Princes Highway between Cantwell Drive and Maffra – Sale Road.
- > Both estates must provide 5% open space in accordance with Clause 53.01.

Considering the infrastructure commitments secured through the existing planning permits and signed Section 173 Agreement, the North Sale Infrastructure Funding Arrangement has deducted the financial contributions made by both estates to intersection projects IT-03 and IT-05, and the drainage infrastructure delivered has not been included. The two estates have also been removed from the Net Developable Area with the exception of approximately 3.5 hectares within property 18 (Cobains Estate). This is the northern section of property 18 that is currently Farming Zone and is proposed to be rezoned residential. The 3.5 hectares located in the northern portion of property 18 is required to pay contributions in accordance with the North Sale Infrastructure Funding Arrangement.

However, these two estates do generate demand for several other projects and the Infrastructure Funding Arrangement has allocated specific external apportionment percentages to ensure that the balance of the DP area is not subsidising the existing estates. The following external apportionment percentages have been applied due to the usage generated by the Glenhaven and Cobains Estates: -

- > DR-05: 60% external apportionment has been applied to drainage project DR-05 as the Cobains Estate forms 60% of the catchment for this facility.

The Greyhounds Racing Track

The North Sale DP area also includes the future Greyhounds Racing Track, which will be provided on properties 10A and 10B (refer to Figure 2), is zoned Special Use Zone 6 and is subject to Development Plan Overlay Schedule 7.

The future Greyhound Racing Track is a specialist facility that is required to provide all necessary infrastructure such as access, buffers, drainage and shared path linkages. Therefore, given wetland DR-02 is located within the Greyhounds Racing Track and the track forms 50% of the catchment for this facility, 50% external apportionment has been applied to this project. Therefore, the future Greyhounds Racing Track is to provide 50% of the project cost for DR-02. The future Greyhounds Racing track is also to provide a shared path along its eastern edge to link with the broader external shared path network. No other broader contributions are sought from this facility.

6 INFRASTRUCTURE CONTRIBUTION CHARGES

Section 5 describes the shared infrastructure projects and explains the external usage calculations applied. This section focuses on how the infrastructure contribution charge is calculated.

6.1 Calculation of Infrastructure Charges

Table 6 below provides the calculation of the contribution charges for the North Sale DP area. For each infrastructure project, a land and/or construction cost is specified.

After adjusting for external usage (as explained in Section 5.4) Table 6 determines the total cost of each infrastructure project that is attributable to the 'main catchment area' (MCA). The MCA is the geographic unit from which a given item of infrastructure will draw most of its usage. As explained in Section 5.4 the existing Glenhaven and Cobains Estates and the future Greyhounds Racing Track have been removed from the MCA, but to ensure that the existing area is not subsidising these developments, the demand generated by these uses for shared infrastructure projects has been accounted for as external usage.

The final two columns in Table 6 give, for each infrastructure project, the total number of net developable hectares in the MCA and the infrastructure charge payable per net developable hectare respectively.

Because the North Sale DP area includes both general residential and low-density residential area, the 14.3 hectares of low-density residential land has to be converted to the equivalent area in general residential land i.e. the land area required to deliver the same dwelling yield. The general residential area is projected to deliver a dwelling density of 12 dwellings per hectare and the low-density area is projected to deliver a dwelling density of 5 dwellings per hectare, therefore the general residential area will deliver a yield that is 2.4 times higher than the low-density residential area. As a result, the 14.3 hectares of low-density residential area will deliver the same dwelling yield as 5.9 hectares of general residential.

The MCA comprises of 157.06 net developable hectares. However, the low-density area is required to directly deliver any drainage infrastructure and is therefore not required to contribute to drainage infrastructure and the area is excluded from the drainage MCA. Accordingly, the MCA for drainage is 151.17 hectares. The infrastructure charges will be gathered on the net developable area defined for each property identified in Figure 2 and Table 2.

It is important to note that the number of net developable hectares for each charge area is based on the land budget provided in Table 2. The per hectare infrastructure charge payable will not be amended to respond to minor changes to land budgets that may result from the subdivision design process. For the purposes of the North Sale Infrastructure Funding Arrangement, the number of developable hectares for each charge area will only change if Council formally amends the Property Specific Land Budget and Table 6. Table 2 should be used to determine the number of net developable hectares on individual land parcels.

Table 6: - Calculation of Infrastructure Charges

Project Number	Project Description	Estimated Land Cost as at 2018	Construction Cost 2018	Total Cost of Project 2018	Estimated External Usage/External Funding %	Total Cost Attributable to Main Catchment Area	Main Catchment Area (MCA)	Development Types Making Contribution	Number of Net Developable Hectares in MCA	Contribution per Net Developable Hectare
ROADS										
RD_01	Cobains Road widening - 10m road widening to the north of Cobains Road. A total of 2.8 hectares of land is required	\$700,000	\$0	\$700,000	0%	\$700,000	NS DP	Res	157.06	\$4,457
Sub-Total		\$700,000	\$0	\$700,000		\$700,000				\$4,457
INTERSECTIONS										
IT_01	Maffra-Sale Road/Back Maffra Road Roundabout	\$0	\$2,401,729	\$2,401,729	0%	\$2,401,729	NS DP	Res	157.06	\$15,292
IT_02	Maffra-Sale Road/Woondella Boulevard Roundabout	\$0	\$1,934,881	\$1,934,881	0%	\$1,934,881	NS DP	Res	157.06	\$12,319
IT_03	Princes Highway/Cantwell Drive Signalised Intersection	\$0	\$2,292,686	\$2,292,686	39%	\$1,398,818	NS DP	Res	157.06	\$8,906
IT_04	Pedestrian Signals - Princes Highway	\$0	\$626,049	\$626,049	0%	\$626,049	NS DP	Res	157.06	\$3,986
IT_05	Princes Highway/Cobains Road Roundabout	\$0	\$1,750,000	\$1,750,000	94%	\$106,313	NS DP	Res	157.06	\$677
Sub-Total		\$0	\$9,005,344	\$9,005,344		\$6,467,789				\$41,180

Project Number	Project Description	Estimated Land Cost as at 2018	Construction Cost 2018	Total Cost of Project 2018	Estimated External Usage/External Funding %	Total Cost Attributable to Main Catchment Area	Main Catchment Area (MCA)	Development Types Making Contribution	Number of Net Developable Hectares in MCA	Contribution per Net Developable Hectare
BRIDGES										
BR_01	Bridge over Main Sale Channel at Grassdale Lane	\$0	\$270,000	\$270,000	0%	\$270,000	NS DP	Res	157.06	\$1,719
BR_02	Bridge over Main Heart Channel on northern edge of GRSC	\$0	\$1,000,000	\$1,000,000	0%	\$1,000,000	NS DP	Res	157.06	\$6,367
BR_03	Construction of footbridge over Main Heart Channel	\$0	\$40,000	\$40,000	0%	\$40,000	NS DP	Res	157.06	\$255
Sub-Total		\$0	\$1,310,000	\$1,310,000		\$1,310,000				\$8,341
DRAINAGE										
DR_01	Area C North Wetland. Total land area of 2.02ha is required. Construction cost includes construction of outfall.	\$505,000	\$1,920,619	\$2,425,619	0%	\$2,425,619	NS DP	Res	151.17	\$16,046
DR_02	Area C South Wetland. Total land area of 1.27ha is required. Construction cost includes construction of outfall from GRV land to Flooding Creek.	\$317,500	\$468,727	\$786,227	50%	\$393,114	NS DP	Res	151.17	\$2,600
DR_03	Area B North Bioretention & Retarding Basin. Total land area of 0.54ha is required.	\$135,000	\$180,360	\$315,360	0%	\$315,360	NS DP	Res	151.17	\$2,086
DR_04	Area B South Bioretention & Retarding Basin. Total land area of 1.52ha is required.	\$380,000	\$706,034	\$1,086,034	0%	\$1,086,034	NS DP	Res	151.17	\$7,184

Project Number	Project Description	Estimated Land Cost as at 2018	Construction Cost 2018	Total Cost of Project 2018	Estimated External Usage/External Funding %	Total Cost Attributable to Main Catchment Area	Main Catchment Area (MCA)	Development Types Making Contribution	Number of Net Developable Hectares in MCA	Contribution per Net Developable Hectare
DR_05	Area A North Wetland. Total land area of 2.4ha is required.	\$600,000	\$1,305,188	\$1,905,188	60%	\$762,075	NS DP	Res	151.17	\$5,041
DR_06	Area A East Wetland. Total land area of 3.4ha is required, however this wetland is to be located within the future expansion of the GRSC Reserve which council has already secured so there is no land cost to developers.	\$0	\$3,529,565	\$3,529,565	0%	\$3,529,565	NS DP	Res	151.17	\$23,348
DR_07	Area A South Wetland. Total land area of 0.4 ha is required.	\$100,000	\$210,754	\$310,754	0%	\$310,754	NS DP	Res	151.17	\$2,056
DR_08	Construction of the rising main from the GRSC to the Main North Sale Retarding Basin	\$0	\$1,174,041	\$1,174,041	0%	\$1,174,041	NS DP	Res	151.17	\$7,766
DR_09	Area A West construction of outfall to the Main North Sale Retarding Basin.	\$0	\$663,131	\$663,131	0%	\$663,131	NS DP	Res	151.17	\$4,387
DR_10	Payment to WGCMA to mitigate removal of declared watercourses through the DP area.	\$0	\$258,000	\$258,000	0%	\$258,000	NS DP	Res	151.17	\$1,707
DR_11	North Sale Wetland (end of point option)	\$0	\$2,365,000	\$2,365,000	100%	\$0	NS DP	Res	151.17	\$0
Sub-Total		\$2,037,500	\$12,781,419	\$14,818,919		\$10,917,693				\$72,221

Project Number	Project Description	Estimated Land Cost as at 2018	Construction Cost 2018	Total Cost of Project 2018	Estimated External Usage/External Funding %	Total Cost Attributable to Main Catchment Area	Main Catchment Area (MCA)	Development Types Making Contribution	Number of Net Developable Hectares in MCA	Contribution per Net Developable Hectare
OFF-ROAD PEDESTRIAN & CYCLE TRAILS										
PC-01	Construction of shared path along the western, southern and eastern edge of the GRSC, along to the western boundary of Federation Training (Gippsland Technical College). The total length of PC01 is 1,976m.	\$0	\$584,896	\$584,896	0%	\$584,896	NS DP	Res	157.06	\$3,724
PC-02	Construction of shared path along Main Sale Channel between Cobains Estate and Gibsons Road. The total length of PC02 is 967m.	\$0	\$286,232	\$286,232	0%	\$286,232	NS DP	Res	157.06	\$1,822
PC-03	Construction of shared path along Main Sale Channel between western edge of DP to railway line. The total length of PC03 is 1,350m.	\$0	\$399,600	\$399,600	0%	\$399,600	NS DP	Res	157.06	\$2,544
Sub-Total		\$0	\$1,270,728	\$1,270,728		\$1,270,728				\$8,091
TOTAL		\$2,737,500	\$24,367,491	\$27,104,991		\$20,666,210				\$134,290

Charge per NDHa for General Residential Zone

\$134,290

Charge per NDHa for Low Density Residential Zone

\$25,862

7 IMPLEMENTATION AND ADMINISTRATION

This section sets out how the North Sale Infrastructure Funding Arrangement will be administered and covers the timing of payment, provision of works and land in kind and how funds generated by the North Sale Infrastructure Funding Arrangement will be managed in terms of reporting, indexation and review periods.

7.1 Payment Timing

Planning permits issued for subdivision within the DP area will include a condition requiring the owner to enter into a Section 173 Agreement prior to commencement of construction. The Section 173 Agreements will: -

- > Require payment of infrastructure contributions in accordance with Tables 2 and 6.
- > Set out any infrastructure or land projects the owner intends (at Council's discretion) to deliver as 'works in lieu' of payment of contributions.
- > Set out the credit value of any works in kind construction projects to be delivered by the development proponent.
- > Fix the land value of unencumbered land projects at \$250,000 per hectare, and index using CPI.

Payment of infrastructure contributions for each stage of subdivision will be required prior to Council issuing statement of compliance for that stage of subdivision (unless Council has otherwise consented to accept provision of infrastructure works in lieu of payment).

Where no planning permit is required, the infrastructure contribution charge is to be paid prior to the issue of a building permit.

Payment is only required when the land is to be developed.

7.2 Payment Calculation

The infrastructure contribution payment will be calculated by Council at the time Statement of Compliance is sought, based on the NDA in the relevant state of subdivision. The North Sale DP identifies the future land uses including the area to be rezoned General Residential Zone (which is anticipated to yield approximately 12 dwellings per NDHa) and Low Density Residential Zone (which is intended to yield approximately 5 dwellings per NDHa). Given the difference in projected dwelling densities between the general residential and low density, the low density areas contribute a lower per NDHa charge to reflect the lower yield to be achieved.

As per Section 6.1 the contributions required for each parcel are directly linked to the NDA specified in Table 2 and this will not be amended to respond to minor changes unless agreed to by Council.

7.3 Works in Kind

For some infrastructure projects, it may be possible for a development proponent to carry out the works or provide land in lieu of making a cash contribution. However, this will only be possible where the Council agrees to this and there is agreement reached on the standard and timing of the works.

The Council should only accept the provision of works in kind if:

- > The works in kind constitute part or all of the delivery of an infrastructure project(s) identified in this DCP;
- > The Council has agreed that the timing of the works in kind is consistent with priorities in this DCP (alternatively a credit for works may be delayed to align with clearly identified and published development priorities);

- > The works in kind are defined and agreed in a Section 173 agreement or similar agreement as determined by the Council; and
- > The detailed design of the works in kind is to the satisfaction of the Council and any others identified in permit conditions.

If the Council accept the provision of works in kind (subject to the arrangements specified above):

- > The credit value of the works and land for infrastructure projects provided (unless an alternative approach is agreed with the Council) shall equal the final cost of the works identified in the North Sale Infrastructure Funding Arrangement, taking into account the impact of indexation as per Section 7.6.1;
- > The development infrastructure contribution liability payable by the applicant will be offset by the agreed value of the works in kind; and
- > No further financial contributions will be required until the agreed value of any credits are used.

7.4 Temporary or staged works

Temporary works are not considered as eligible for works in kind credits against this Infrastructure Funding Arrangement.

It may be appropriate to deliver some Infrastructure Funding Arrangement, projects in a staged manner based on the needs of the development or the functionality of the asset, however any eligibility for these works to be credited as works in kind must be agreed to by the Council.

7.5 Credit for over provision

Where the Council agrees that a development proponent can deliver an infrastructure item (either works and/or land), the situation may arise where the developer makes a contribution with a value that exceeds that required by the North Sale Infrastructure Funding Arrangement.

In such a case the developer may be entitled to credits against other projects in the North Sale Infrastructure Funding Arrangement to the extent of the excess contribution. Alternatively, a developer may seek an agreement with the Council to provide a reimbursement where an over-contribution has been made.

7.6 Development exempt from contributions

Some types of development are exempt from paying infrastructure development levies. Where land is subdivided or developed for an exempt purpose, as listed below, and the land is subsequently used for a purpose other than as one of those exempt uses, the owner of that land must pay to the Collecting Agency infrastructure contributions in accordance with the provisions of this DCP. The levy must be paid within 28 days of the date of the commencement of the construction of any buildings or works for that alternative use.

The following development is exempt from a development contribution: -

- > Land developed for a non-government school, as defined in Ministerial Direction on the Preparation and Content of Development Contributions Plans of 11 October 2016.
- > Land developed for housing by or for the Department of Health and Human Services, as defined in Ministerial Direction on the Preparation and Content of Development Contributions Plans of 11 October 2016. This applies to social housing development delivered by and for registered housing associations. This exemption does not apply to private dwellings developed by the Department of Health and Human Services or registered housing associations.

- > Land which has an existing Section 173 Agreement under the Planning and Environment Act 1987 and/or a Deed of Agreement which requires the payment of a contributions levy and / or construction of community and/or physical infrastructure.

7.7 Funds Administration

The administration of contributions made under the North Sale Infrastructure Funding Arrangement will be transparent and demonstrate: -

- > amount and timing of funds collected;
- > the source of funds collected;
- > amount and timing of expenditure;
- > the purpose for which the expenditure was made; and
- > all transactions will be clearly identified in Council records and kept in accordance with the Local Government Act 1989.

7.7.1 Indexation

In order to ensure that the estimated cost of each infrastructure project remains reasonably accurate, the construction cost of all projects included in Table 6 will be indexed annually by Council in July for inflation. Table 7 below sets out the indexation method to be applied to the respective infrastructure categories.

Table 7: Indexation and Timing

Infrastructure Type	Method of Indexation	Timing of Indexation
Roads, drainage and shared paths	Australian Bureau of Statistics Producer Price Indexes Road & Bridge Construction Index, Victoria (Catalogue 6427.0, Table 17 Output of the Construction Industries)	July 1
Land	Consumer Price Index (All Groups Melbourne)	July 1

7.7.2 Review Period

The North Sale Infrastructure Funding Arrangement will operate for a period of 5 years, at which time it will be reviewed. It is expected that most infrastructure projects in the current funding arrangement will be rolled over into a revised funding arrangement.

7.7.3 Adjustment to the scope of infrastructure projects

The infrastructure projects in the Infrastructure Funding Arrangement have been costed to a sufficient level of detail, however all of the projects will require a detailed design process prior to construction. As part of detailed design, the Council or a development proponent with the consent of the Council may amend or modify some aspects of projects, so long as they are still generally in accordance with the DP and any direction regarding the scope outlined in the Infrastructure Funding Arrangement.

Where the Council or another agency seeks to change the scope of a Infrastructure Funding Arrangement infrastructure item to meet changing standards imposed by adopted policy or a public regulatory agency, such changes of standards and the resulting cost changes should normally be made through a change to the Infrastructure Funding Arrangement at the time of a regular review of the document.

7.8 Implementation Strategy

As set out at the beginning of this document, the primary purpose of the North Sale Infrastructure Funding Arrangement is to ensure that the necessary infrastructure is delivered in a timely and efficient way. This section provides further details regarding how Council intends to implement the North Sale Infrastructure Funding Arrangement.

7.8.1 Implementation Strategy Rationale

This Implementation Strategy has been incorporated into the North Sale Infrastructure Funding Arrangement to provide certainty to both Council and development proponents. The Implementation Strategy recognises the complexities associated with infrastructure provision and funding and seeks to minimise risk to the Council, development proponents and the community. The Implementation Strategy has been formulated by:

- > Assessing the risk posed by the infrastructure projects (identifying high risk items);
- > Having regard to the development context;
- > Assessing the need for finance requirements – upfront financing and pooling of funds;
- > Agreeing the land value and indexing it appropriately;
- > Seeking direct delivery of infrastructure and land by development proponents where appropriate;
- > Identifying preferred implementation mechanisms to achieve the above outcomes and reducing the risk associated with the North Sale Infrastructure Funding Arrangement to ensure that it will be delivered as intended, and
- > Providing adequate resources to administer the North Sale Infrastructure Funding Arrangement.

7.8.2 Preferred Implementation Mechanism

As set out in Section 7.3 for some infrastructure projects, it may be possible for a development proponent to carry out the works or provide land in lieu of making a cash contribution. However, this will only be possible where the Council agrees to this and there is agreement reached on the standard and timing of the works.

The provision of infrastructure projects as works in kind is encouraged under this funding arrangement, however it is acknowledged that due to the current ownership pattern and development scale there may be instances where Council is best suited to deliver nominated projects. Council acknowledge their development coordination role and will actively monitor the level and location of growth within the North Sale DP area to ensure the timely delivery of the shared infrastructure projects.

Option C - End of point treatment of drainage with council delivering North Sale Basin treatment

Table 1: North Sale Calculation of Contributions - Option C end of point treatment with council delivering North Sale Basin treatment

Notes: CDP road, NDA & projects already directly delivered by Glenbrook & Coburns Estate & deals with Greyhound race track separately
Source: March, 15 November 2022

Project Number	Project Description	Estimated Land Cost as at 2015	Construction Cost 2015	Total Cost of Project 2015	Estimated External Usage/External Funding %	Total Cost Attributable to Main Catchment Area	Main Catchment Area (MCA)	Development Types/Rateable Contribution	Number of Net Developable Hectares in MCA	Contribution per Net Developable Hectare
ROADS										
RD_01	Coburns Road widening - 10m road widening to the north of Coburns Road. A total of 2.6 hectares of land is required	\$700,000	\$0	\$700,000	0%	\$700,000	NS DP	Res	157.06	\$4,457
Sub-Total		\$700,000	\$0	\$700,000		\$700,000				\$4,457
INTERSECTIONS										
IT_01	Mulla-Sale Road/Black Mulla Road Roundabout	\$0	\$2,401,729	\$2,401,729	0%	\$2,401,729	NS DP	Res	157.06	\$15,292
IT_02	Mulla-Sale Road/Woodville Boulevard Roundabout	\$0	\$1,834,881	\$1,834,881	0%	\$1,834,881	NS DP	Res	157.06	\$12,319
IT_03	Prince Highway/Cattwell Drive Signalised Intersection	\$0	\$2,292,686	\$2,292,686	30%	\$1,398,818	NS DP	Res	157.06	\$8,936
IT_04	Pedestrian Signals - Prince Highway	\$0	\$926,049	\$926,049	0%	\$926,049	NS DP	Res	157.06	\$3,586
IT_05	Prince Highway/Coburns Road Roundabout	\$0	\$1,750,000	\$1,750,000	94%	\$106,313	NS DP	Res	157.06	\$677
Sub-Total		\$0	\$9,065,344	\$9,065,344		\$6,487,789				\$41,189
BRIDGES										
BR_01	Bridge over Main Sale Channel at Greenfield Lane	\$0	\$270,000	\$270,000	0%	\$270,000	NS DP	Res	157.06	\$1,719
BR_02	Bridge over Main West Channel on northern edge of GRSC	\$0	\$1,000,000	\$1,000,000	0%	\$1,000,000	NS DP	Res	157.06	\$6,367
BR_03	Construction of footbridge over Main West Channel	\$0	\$40,000	\$40,000	0%	\$40,000	NS DP	Res	157.06	\$255
Sub-Total		\$0	\$1,310,000	\$1,310,000		\$1,310,000				\$8,341
DRAINAGE										
DR_01	Area C North Wetland. Total land area of 2.62ha is required. Construction cost includes construction of outlet.	\$609,000	\$1,801,619	\$2,420,619	0%	\$2,420,619	NS DP	Res	151.17	\$16,046
DR_02	Area C South Wetland. Total land area of 1.27ha is required. Construction cost includes construction of outlet from GRV land to Flooding Creek.	\$317,500	\$468,727	\$786,227	50%	\$393,114	NS DP	Res	151.17	\$2,600
DR_03	Area B North Retention & Recharging Basin. Total land area of 0.54ha is required.	\$735,000	\$180,360	\$915,360	0%	\$915,360	NS DP	Res	151.17	\$2,086
DR_04	Area B South Retention & Recharging Basin. Total land area of 1.52ha is required.	\$380,000	\$706,034	\$1,086,034	0%	\$1,086,034	NS DP	Res	151.17	\$7,184
DR_05	Area A North Wetland. Total land area of 2.4ha is required.	\$600,000	\$1,305,168	\$1,905,168	60%	\$762,075	NS DP	Res	151.17	\$5,041
DR_06	Area A East Wetland. Total land area of 3.4ha is required. However the wetland is to be located within the future separation of the GRSC Reserve which cannot have already occurred so there is no land cost to developers.	\$0	\$3,529,565	\$3,529,565	0%	\$3,529,565	NS DP	Res	151.17	\$23,348
DR_07	Area A South Wetland. Total land area of 0.4 ha is required.	\$100,000	\$210,754	\$310,754	0%	\$310,754	NS DP	Res	151.17	\$2,056
DR_08	Construction of the rising main from the GRSC to the Main North Sale Retarding Basin	\$0	\$1,174,041	\$1,174,041	0%	\$1,174,041	NS DP	Res	151.17	\$7,766
DR_09	Area A West construction of outlet to the Main North Sale Retarding Basin	\$0	\$663,131	\$663,131	0%	\$663,131	NS DP	Res	151.17	\$4,387
DR_10	Payment to WVICMA to mitigate removal of declared watercourses through the DP area.	\$0	\$258,000	\$258,000	0%	\$258,000	NS DP	Res	151.17	\$1,707
DR_11	North Sale Wetland (end of point option)	\$0	\$2,365,000	\$2,365,000	100%	\$0	NS DP	Res	151.17	\$0
Sub-Total		\$2,037,500	\$12,781,419	\$14,818,919		\$16,917,893				\$72,221
OFF-ROAD PEDESTRIAN & CYCLE TRAILS										
PC-01	Construction of shared path along the western, southern and western edge of the GRSC, along to the western boundary of Pedestrian Training (Opponent Technical College). The total length of PC01 is 1.97km.	\$0	\$584,896	\$584,896	0%	\$584,896	NS DP	Res	157.06	\$3,724
PC-02	Construction of shared path along Main Sale Channel between Coburns Estate and Coburns Road. The total length of PC02 is 967m.	\$0	\$286,232	\$286,232	0%	\$286,232	NS DP	Res	157.06	\$1,822
PC-03	Construction of shared path along Main Sale Channel between western edge of DP to railway line. The total length of PC03 is 1.35km.	\$0	\$360,600	\$360,600	0%	\$360,600	NS DP	Res	157.06	\$2,544
Sub-Total		\$0	\$1,231,728	\$1,231,728		\$1,231,728				\$8,091
TOTAL		\$2,797,500	\$24,367,491	\$27,164,991		\$33,666,216				\$26,091
Charge per MCHs for General Residential Zone										\$134,260.04
Charge per MCHs for Low Density Residential Zone										\$25,862

	Res & com	Residential only	Commercial only	Drainage Only
Cost per hect	257.3	202.160	16.960	
CDP 6000				
Drainage	157.06	157.0600	0	151.1700
Cost per ha of land	257.3000000			

Amount apportioned to MCA

\$1,298,818.00

\$895,868.00

\$1,388,818.00

\$1,063,868.00

\$563.13 contribution from existing payments on our SCS report

Coburns estate is required to directly deliver the drainage infrastructure required, however this wetland extends into the neighbouring property which will create implementation issues. Refer to email from Lucy Spower to Jack O'Donovan 05.11.2022 with justification for 40% to Coburns Estate

\$1,343,132.80

\$22,347

check of charge per Dng

\$11,260.04

\$1,172.40

Option C: End of point treatment of drainage**Table 3: North Sale DP Schedule of Charges**

Source: Mesh, 15 November 2022

Project Type	Total Project Cost to DP Area	Charge Per Ha Rate
ROADS	\$700,000	\$4,457
INTERSECTIONS	\$6,467,789	\$41,180
BRIDGES	\$1,310,000	\$8,341
DRAINAGE	\$10,917,693	\$72,221
OFF-ROAD PEDESTRIAN & CYCLE TRAILS	\$1,270,728	\$8,091
Total	\$20,666,210	

Charge per NDHa for General Residential Zone	\$134,290
Charge per NDHa for Low Density Residential Zone	\$25,862

15.5. INTRODUCTION OF 24-HOUR CAT CURFEW

ACTION OFFICER: GENERAL MANAGER DEVELOPMENT

PURPOSE

For Council to introduce a 24-Hour Cat Curfew and approve the Victorian Government Gazette order as attached.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

RECOMMENDATION

That Council;

- 1. Make an order under section 25 of the Domestic Animals Act 1994 namely requiring all owners of a cat to keep that cat securely confined at all times to the owner's property or where they are being kept for the time being, unless effectively contained or controlled and not allow the cat to wander at large outside the owner's premises or where they are being kept for the time being. This order covers all areas of the municipality;***
- 2. From the date of the order being in effect for a six-month period, that there will be an amnesty where fines for breaching this order will not be issued rather warnings and educational information provided to cat owners;***
- 3. Approve the publishing of this order in the Victorian Government Gazette, Council's website and local newspaper also stating the objectives and effect of this order including the six-month amnesty period.***

BACKGROUND

In the 2021-2025 Domestic Animal Management Plan (DAM Plan), Wellington Shire Council resolved to conduct a review of cat containment rules with a view to considering the introduction of a cat curfew.

On 17 October 2022, the 24-Hour Cat Curfew proposal was released for public consultation via the 'Your Wellington Your Say' website. The plan was publicised in local newspapers and on Council's website.

Public submissions were invited in the form of a short survey. Council received 1628 submissions to the proposal, of which 68% were in support of the introduction of a cat curfew and 32% were against.

The proposed 24-Hour Cat Curfew was advertised as being available for public comment from 17 October to 7 November 2022, and council received and considered submissions at a Workshop on 15 November 2022.

It is proposed that a six-month amnesty be put in place while an advisory and educational campaign is promoted, aimed specifically at cat owners. This amnesty essentially pushes back the enforcement. This enables Council to adequately communicate the new curfew requirements to cat owners and residents and allow for further messaging to go out in the pet registration renewal letters to be sent in February 2023 (for payment in April 2023).

ATTACHMENTS

Nil

OPTIONS

Council has the following options available:

1. To:
 - a. Introduce a 24-Hour Cat Curfew;
 - b. Publish via the Victorian Government Gazette the introduction of a 24-Hour Cat Curfew; and
 - c. Publish a notice on Council's website stating the objectives of the 24-Hour Cat Curfew; or
2. Not to:
 - a. Introduce the 24-Hour Cat Curfew; or
 - b. Publish via the Victorian Government Gazette the introduction of a 24-Hour Cat Curfew; or
 - c. Publish a notice on Council's website stating the objectives of the 24-Hour Cat Curfew.

PROPOSAL

That Council introduce a 24-Hour Cat Curfew.

CONFLICT OF INTEREST

No staff and/or contractors involved in the compilation of this report have declared a conflict of interest.

FINANCIAL IMPACT

This impact has been assessed and there is no effect to consider at this time.

COMMUNICATION IMPACT

Following adoption, information on the 24-Hour Cat Curfew will be available on Council's website. Local Laws officers will provide an educational role in their day-to-day interactions with the community.

LEGISLATIVE IMPACT

Wellington Shire Council is committed to upholding the Human Rights principles as outlined in the *Charter of Human Rights and Responsibilities Act 2006* (Vic) and referred to in the Council's Human Rights Policy.

COUNCIL POLICY IMPACT

This impact has been assessed and there is no effect to consider at this time.

COUNCIL PLAN IMPACT

The Council Plan 2021-25 Theme 3 “Liveability and Wellbeing” states the following strategic outcome:

Strategic Outcome 3.2: *"An actively engaged community."*

This report supports the above Council Plan strategic outcome.

RESOURCES AND STAFF IMPACT

This impact has been assessed and there is no effect to consider at this time.

COMMUNITY IMPACT

This impact has been assessed and there is no effect to consider at this time.

ENVIRONMENTAL IMPACT

This impact has been assessed and there is no effect to consider at this time.

ENGAGEMENT IMPACT

This impact has been assessed and there is no effect to consider at this time.

RISK MANAGEMENT IMPACT

This impact has been assessed and there is no effect to consider at this time.

16. GENERAL MANAGER BUILT AND NATURAL ENVIRONMENT

16.1. SPECIAL CHARGE SCHEME INTENTION TO DECLARE - LONGFORD CENTRAL TOWNSHIP

ACTION OFFICER: MANAGER BUILT ENVIRONMENT

PURPOSE

The purpose of this report is for Council to consider its 'intention to declare' the proposed Longford Central Township Special Charge Street Construction Scheme Number 2203 as a Special Charge Scheme for its construction.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

RECOMMENDATION

That:

- 1. Council commence the statutory process under the Local Government Act 1989 (the Act) to declare a Special Charge Scheme for the purposes of constructing certain streets within the Longford Central Township (being those streets listed and shown on the plan which is attached to and forms part of the Proposed Declaration of Special Charge Scheme 2203) and provision of ancillary works including drainage and vehicle crossings; and*
- 2. Council in accordance with sections 163(1A) and 163B(3) of the Act, direct that a public notice be given in the Gippsland Times newspaper and on Council's website of the intention of Council to declare the scheme at its ordinary meeting to be held on 18 April 2023 in accordance with the Proposed Declaration of Special Charge Scheme Number 2203; and*
- 3. Council direct that in accordance with section 163(1C) of the Act, separate letters enclosing a copy of the public notice be sent to the owners of the properties referred to and set out in the schedule of properties forming a part of the Proposed Declaration of Special Charge, advising of the intention of Council to declare the Special Charge at its ordinary meeting to be held on 18 April 2023, the basis of the calculation and distribution of the Special Charge and notifying such persons that submissions and/or objections in writing in relation to the Proposed Declaration of Special Charge will be considered and/or taken into account by Council in accordance with sections 163A, 163B and 223 of the Act; and*
- 4. Council appoint three Councillors as determined by Council plus an alternative representative to form the 'Longford Central Township Special Charge Scheme Submissions Committee' that is established by Council under section 223(1)(b)(i) of the Act, to consider written submissions/objections and to hear any persons who in their written submissions under Section 223 of the Act have requested that they are heard in support of their submissions; and*
- 5. The Chief Executive Officer or the person for the time being acting in that position, be authorised to give public notice of the Proposed Declaration of Special Charge in accordance with Sections 163B and 223 of the Local Government Act 1989; and*
- 6. The Chief Executive Officer, the General Manager Built & Natural Environment or the Manager Assets and Projects (or any person for the*

time being acting in any of those positions), each be authorised to carry out any and all other administrative procedures necessary to enable Council to carry out its functions under section 163A and sections 163(1A), (1B) and (1C) and sections 163B and 223 of the Act.

BACKGROUND

The Longford township is located in central Wellington Shire on the southern side of the Latrobe River. The township is located on the South Gippsland Highway approximately 10 kilometres south of Sale. The central area of the township being located on the eastern side of this highway. The township and rural residential areas of Longford serve as home to growing number of property owners who enjoy a rural atmosphere and open space.

All streets within Longford central township area are unsealed. The streets are of formed gravel formations of variable widths with irregular or no tables drains. There is no formalised underground drainage system serving this area. The streets are managed and maintained by Wellington Shire Council.

The initial investigation of a special charge scheme was commenced following ongoing property owner concerns in relation to dust, rutting and the maintenance grading regime and has included preparation of concept design and a cost estimation. A public meeting was held with property owners on 7 July 2021 which included an outline of the special charge methodology in order to undertake improvements to whole of the Longford Township in line with the Residential Road and Street Construction Plan 2019.

A follow up survey with property owners was mailed out on 12 October 2021 to determine the level of interest in such a proposal for a whole of town basis. The whole of township scheme was not supported by a sufficient number of property owners. Subsequent requests from property owners and further analysis of the results by Council Officers saw the conceptual design and cost estimation amended for a smaller scheme for the Central township area, being the east side of the South Gippsland Highway where a higher level of interest was shown.

The proposed Longford Central Township Construction Scheme would provide for the construction and sealing of the road to a six metre width including formed table drains, driveway crossovers and kerbing at intersections. A court bowl for turning traffic would also be provided at the western end of Clifford Street as part of the proposed works.

The construction and sealing of Longford Central Township would reduce Council's need for maintenance intervention, while providing a higher level of service and safety for these adjacent properties.

It is considered that the properties which abut this section of Longford Central Township will derive a special benefit by the proposed upgrade works, as a result of:

- reduction in dust;
- enhance the amenity of the area;
- creation of improved riding surfaces;
- improved access and egress from properties;
- improved drainage.

Following further investigation of potential methods to facilitate construction works in Longford Central Township, it was concluded that a Special Charge Scheme, generally in

line with Council's Residential Road and Street Construction Plan, was the preferred approach, as this process requires public advertising and is a transparent process that informs the community of Council's contribution.

A public meeting was held initially for the whole of Longford township on 7 July 2021 to outline the proposal. Subsequently a follow up letter and survey form was sent to each property owner within the revised scheme for Longford Central Township, along with an information pamphlet and property apportionment cost to assess support for, or objection to, the revised scheme this was mailed out on 5 August 2022.

Results of the survey:

All of the property owners who replied to the survey were;

	SUPPORT SCHEME		OPPOSE SCHEME		DID NOT REPLY	
Property Owners (33)	25	76%	3	9%	5	15%
Properties (34)	26	76%	3	9%	5	15%

One property owner owns two properties in the scheme. There are two Council or exempt non-rateable properties.

Based on the survey results, the level of support for the Longford Avenue scheme exceeds the 60% threshold acceptance level outlined in the Residential Road and Construction Plan 2019 and therefore it is considered that there is sufficient support for the proposed Special Charge Scheme for Longford Central Scheme in Longford

ATTACHMENTS

1. Proposed Declaration of Special Charge [**16.1.1** - 7 pages]
2. Maximum Total Levy [**16.1.2** - 8 pages]

OPTIONS

Council has the following options available:

1. Progress the proposed special charge scheme through a full cost recovery apportionment method, by advertising the intention to declare the Special Charge Scheme; or
2. Having trialed and considered other methods of apportionment, progress the proposed scheme through the 'fixed fee method' as outlined in Council's Residential Road and Street Construction Plan, by advertising the intention to declare the Special Charge Scheme; or
3. Not progress the intention to declare the Special Charge Scheme.

PROPOSAL

That Council progress the proposed scheme through the funding framework generally outlined in Council's Residential Road and Street Construction Plan and advertise its

intention to declare a Special Charge Scheme for the construction of Longford Central Township in Longford for the provision of road construction and ancillary works as outlined.

CONFLICT OF INTEREST

No staff and/or contractors involved in the compilation of this report have declared a conflict of interest.

FINANCIAL IMPACT

Total costs applicable to the Special Charge Scheme are estimated to be \$740,000. The amount to be recovered under the scheme does not include GST.

Based on the funding framework within the Residential Road and Street Construction Plan and as otherwise considered by Council officers to be fair and reasonable based on total special benefits and community benefits to be provided by the works, \$122,400 of the costs are to be apportioned to properties within the Special Charge scheme, with the balance funded by Council.

Amount apportioned to properties within scheme:	\$740,000
Portion of cost to be recovered from Council as direct costs:	\$617,600
Total estimated cost of scheme:	\$122,400

There is one multiple property owner. There are two non-rateable or exempt properties located within the scheme boundary.

The resultant financial impact is a cost to Council estimated at \$617,600 to be funded through the Roads to Recovery Program.

The method of apportioning the costs for this scheme is uniform and is based on access.

To confirm the reasonableness, fairness and appropriateness of the funding framework outlined in Council's Residential Road and Street Construction Plan and otherwise (as being the fairest and most reasonable method of distributing the proposed Special Charge amongst all of the property owners in the Scheme), Council Officers first trialed and considered a number of different methods of apportionment of the **Proposed Declaration of Special Charge - Schedule 2 (Methods 1 & 2)**, and this has included the completion of a property apportionment based on access only and a combination of access and frontage to the Maximum Total Levy Amount as calculated using the Benefit Ratio calculated for this proposed special charge scheme – **see attached Maximum Total Levy**

On this basis, the cost per property under such apportionment methods would have been between either \$13,495 and \$24,185 or, \$17,629 considerably more on an average per property owner basis than the method of distribution which is being proposed for Council's present consideration. Accordingly, and in light of this 'comparative' work undertaken by Council officers, it is recommended to Council that the method of distributing the Special Charge amongst the property owners, as set out in this report (**Method 3 in Schedule 2 of Proposed Declaration of Special Charge**), is considered to be fair and reasonable.

Property owners liable to pay under the Special Charge scheme will only be invoiced following satisfactory completion of works. Options for payment include full payment within

45 days or 20 quarterly instalments (over five years), including an interest component aligned to Council's cost of finance. In the event that *the Local Government Act 2022* comes into effect prior to scheme being declared, invoices will be issued within 12 months of the scheme declaration.

COMMUNICATION IMPACT

A comprehensive public consultation process has been entered into with affected property owners including information letters, surveys and meetings. If the scheme progresses, then ongoing communication will continue with the recommendations of this report.

LEGISLATIVE IMPACT

This scheme has been prepared in accordance with Section 163, 163A, 163B of the *Local Government Act 1989*. Public notification will be in accordance with Sections 163 and 223 of the *Local Government Act 1989*. Submissions and objections to the scheme will be considered in accordance with Sections 163A, 163B and 223 of the *Local Government Act 1989*.

Section (2) of Section 163 of the *Local Government Act 1989* requires Council to determine:

- (a) The total amount of the Special Charge to be levied; and
- (b) The criteria to be used as the basis for declaring the special charge.

Section (2A) of Section 163 of the *Local Government Act 1989* provides that for the purpose of Section (2) (a) the total amount of the Special Charge to be levied must not exceed the amount "S" where $S = R \times C$ and;

S = is the maximum total amount that may be levied from all the persons who are liable to pay the special rates or special charges.

R = is the benefit ratio determined by the Council in accordance with sub-section (2B).

C = is the total cost of the performance of the function or the exercise of the power under sub-section (1).

A determination for the purposes of complying with the requirements of sections 163(2)(a), (2A) and (2B) of the *Local Government Act 1989* (which also satisfies the requirements of the Ministerial Guidelines) is included in this report as **Maximum Total Levy**.

COUNCIL POLICY IMPACT

The scheme has been prepared in accordance with Council's Special Charge Schemes – Roads, Street and Drainage Development Policy 4.2.4 and the 2019 Residential Road and Street Construction Plan.

COUNCIL PLAN IMPACT

The Council Plan 2021-25 Theme 4 “Services and Infrastructure” states the following strategic outcome:

Strategic Outcome 4.3: *"Well planned and sustainable towns, facilities, and infrastructure that service community need."*

This report supports the above Council Plan strategic outcome.

RESOURCES AND STAFF IMPACT

Implementation of the scheme can be undertaken within the resources of the Assets and Projects unit with the assistance of external contract engineering support for the survey and design of the scheme. In the event the scheme is adopted by Council, construction will be carried out by an approved contractor via a tender process.

COMMUNITY IMPACT

Implementation of this scheme will have a general positive community impact as it will result in the unsealed streets in Longford Central Township being fully sealed in line with current service standards. Community benefit is reflected in Council contribution toward the works outcome.

ENVIRONMENTAL IMPACT

Implementation of this scheme will have a positive environmental impact arising from the reduction of dust generated by vehicles as well as improved quality of storm water runoff.

ENGAGEMENT IMPACT

A comprehensive public consultation process has been entered into with affected property owners including:

- Information letter advising property owners of street works proposal for whole of Longford Township on 15 June 2021
- Public meeting held at Sale Golf Course on 7 July 2021
- Mail out survey of all property owners whole of Longford Township, 12 October 2021
- Letter sent advising whole of township scheme would not proceed
- Mail out survey of all property owners (Longford Central), 5 August 2022
- Follow up phone calls and emails requesting replies to the survey.

Ongoing consultation will be carried out through recommendations 2 and 3 of this report.

RISK MANAGEMENT IMPACT

Implementation of the scheme will produce a substantial reduction in risk to motorists, cyclists and other road users through improved visibility (reduction of dust), improved road surfacing, properly identified through lanes and markings.

PROPOSED DECLARATION OF SPECIAL CHARGE

‘Longford Central Township- Special Charge Street Construction Scheme Number 2103’

1. Wellington Shire Council (**Council**) proposes to declare a Special Charge (**Special Charge** or **Scheme**) under section 163(1) of the *Local Government Act 1989* (**Act**) for the purpose of defraying any expenses or repaying (with interest) any advance made to or any debt incurred or loan to be raised by Council in relation to the preparation, forming and sealing of certain streets in the Longford Central Township as those streets and roads set out in paragraph 2 of this Proposed Declaration and as they are otherwise shown on the plan which is attached and which forms a part of the Proposed Declaration of Special Charge Scheme Number 2103 (**Scheme Plan**) and for provision all and any necessary ancillary works associated with the construction of the Road, including table drainage, driveway crossover and culverts (from road edge to building line). The Scheme, if declared, is to be known as the ‘Longford Central Township - Special Charge Street Construction Scheme Number 2103’.

2. The streets and the roads to be constructed are (under Council’s Road Management Plan) all designated by Council as (or will become) ‘Local Access B’ roads and are set out as follows –
 - (a) Arden Street;
 - (b) Audley Street (CH100 - CH300);
 - (c) Clifford Street
 - (d) High Street (for 20m north of Spencer St);
 - (e) Madeline Street
 - (f) Spencer Street

3. The criteria which will form the basis of the proposed declaration of the Special Charge are the ownership of rateable properties in the area of the Scheme (being properties within the Township of Coongulla as shown on the Scheme Plan) and, based on the application of access benefit units, including having regard to the driveway access of those properties in the Scheme to streets and roads to be formed and sealed (as the properties are set out in paragraphs 8 and 9 of the proposed declaration), the overall benefits which it is considered the properties in the Scheme (based on the physical and other benefits) will receive from the works to be provided under the Scheme.

4. In proposing the declaration of the Special Charge, Council is performing functions and exercising powers in relation to the peace, order and good government of the municipal district of the Shire of Wellington, in particular the provision of proper, safe and suitable roads and property services within the area for which the proposed Special Charge is to be declared (**Works**).

5. The total cost of the performance of the function and the exercise of the power by Council (in relation to the Works) is \$740,000 and this amount is the total estimated cost of the Works to be undertaken by the Scheme.

6. The total amount to be levied under the Scheme as the Special Charge is \$122,400
7. The Special Charge will commence on the date on which it is levied by Council and will remain in force for a period of 5 years.
8. The area for which the proposed Special Charge is to be declared is all of the land shown on the plan set out in the Schedule forming a part of this proposed declaration (being **Schedule 1**).
9. The land in relation to which the proposed Special Charge is to be declared is all that rateable land described in the listing of rateable properties set in the Schedule forming a part of this proposed declaration of Special Charge (being **Schedule 2**).
10. The proposed Special Charge will be assessed and levied in accordance with the amounts set out alongside each property in the Schedule forming a part of this proposed declaration (being **Schedule 2**), such amounts having been assessed and determined by Council as (and are based on) a fixed charge for each property having regard to access, including and in particular driveway access. Properties which have a shared driveway access to the street to be constructed via common property will have their access benefits calculated on the basis of 100% for the first property and 50% for each additional property (with access being apportioned to each of the properties so as to equal the sum of the percentages divided by the number of properties with common property access), and any other benefits.
11. Subject to any further resolution of Council, the Special Charge will be levied by Council sending a notice in the prescribed form to the owners of the properties in the Scheme by which the Special Charge is to be paid –
 - (a) In full amount within 45 days of the notice; or
 - (b) By way of quarterly instalments in the manner set out in paragraph 12.
 - (c) Subject to the Local Government Act 3033 coming into effect quarterly installments invoicing will commence within 12 months of the scheme declaration.
12. Because the performance of the function and the exercise of the power in respect of which the proposed Special Charge is to be declared and levied relates substantially to the provision of capital works, special ratepayers will be given an instalment plan under which –
 - (a) Quarterly instalments are to be paid over a 5 year period, or other such period as negotiated; and
 - (b) Quarterly instalments will include a component for reasonable interest costs, the total of which will not exceed the estimated borrowing costs of Council in respect of the construction of the Road by more than 1 per cent.
 - (c) Quarterly installments invoicing will commence within 12 months of the scheme declaration.
13. Council will consider cases of financial and other hardship, and may consider other payment options for the Special Charge.

14. No incentives will be given for the payment of the Special Charge before the due date for payment.
15. Council considers that there will be a special benefit to the persons required to pay the Special Charge because there will be a benefit to those persons over and above, or greater than, the benefit that is available to persons who are not subject to the proposed Special Charge, and directly and indirectly as a result of the expenditure proposed by the Special Charge, the value and the use, occupation and enjoyment of the properties included in the Scheme will be maintained or enhanced through the provision of proper, safe and suitable roads and property services. Without limitation, Council considers that the Works will –
 - (a) Reduce dust;
 - (b) Enhance the amenity and character of the land, and local area;
 - (c) Create improved riding surfaces for the roads;
 - (d) Improve access and egress from properties;
 - (e) Improve road drainage; and
 - (f) Improve road safety for motorists, cyclists.
16. For the purposes of having determined the total amount of the Special Charge to be levied under the Scheme, Council further considers and formally determines for the purposes of sections 163(2)(a), (2A) and (2B) of the Act that the estimated proportion of the total benefits of the Scheme to which the performance of the function and the exercise of the power relates (including all special and community benefits) that will accrue as special benefits to all persons who are liable to pay the Special Charge is in a ratio of 0.81 or 81%, noting however that, in the exercise of its discretions, Council has chosen to make a further contribution to the cost of the Works so as to arrive at a Revised Maximum Total Levy Amount of \$122,400.

SCHEDULES TO DECLARATION

Schedule 1 - Scheme plan area

Schedule 2 - Listing of all properties with amount of special charges payable and showing manner of calculation of special charge apportionment;

Method 1 - Maximum Levy at 50% Access Benefit & 50% Frontage

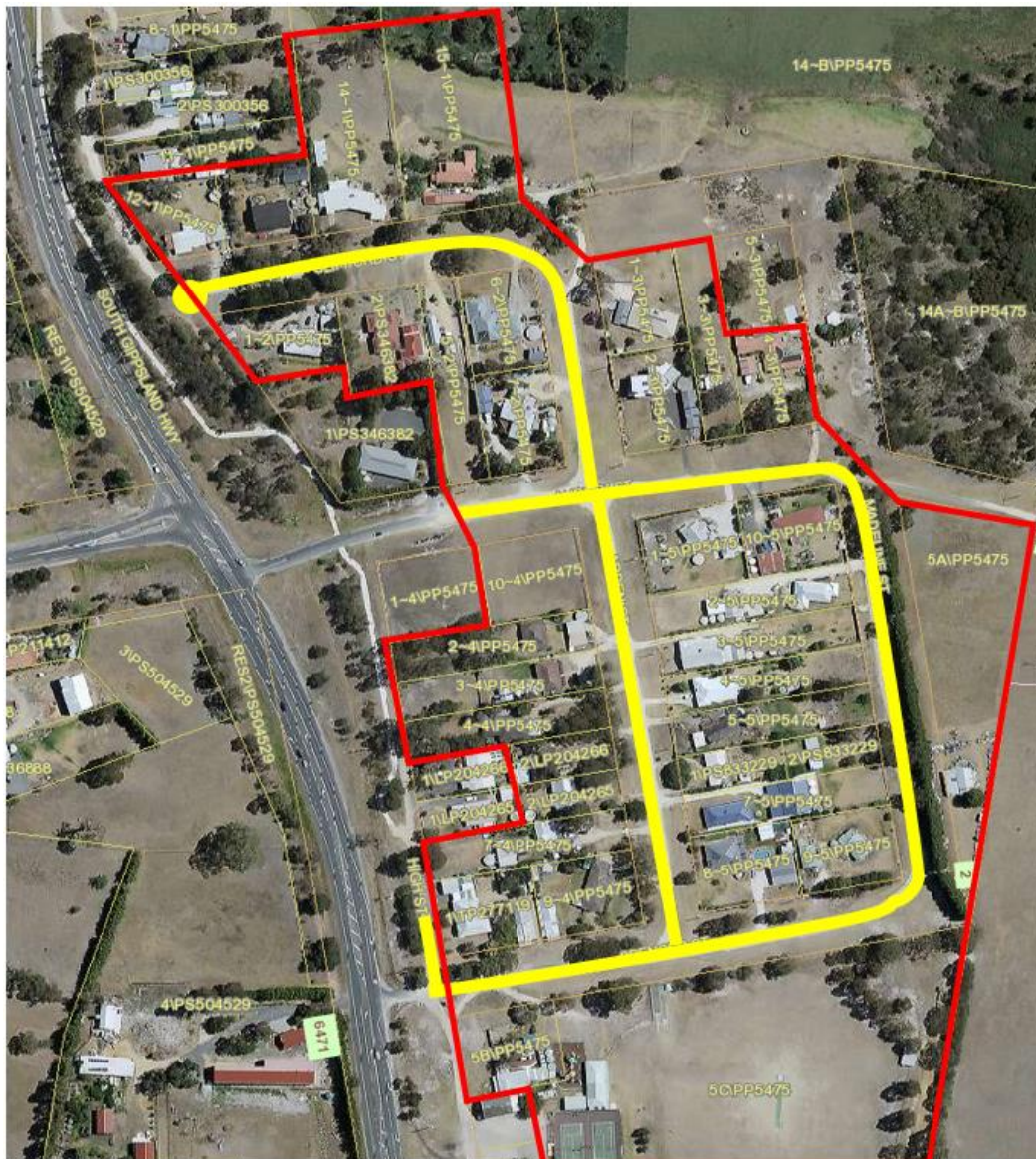
Method 2 - Maximum Levy at 100% Access Benefit

Method 3 - Fixed Fee

Schedule 1

LONGFORD CENTRAL TOWNSHIP
PLAN OF SPECIAL CHARGE SCHEME AREA.

Scheme Boundary 



Schedule 2

Method 1 - Maximum Levy at 50% Access Benefit & 50% Frontage

WELLINGTON SHIRE COUNCIL

LONGFORD CENTRAL TOWNSHIP CONSTRUCTION SCHEME - APPORTIONMENT OF COST - MAX. LEVY AMOUNT - 50% ACCESS & 50% FRONTAGE

ASSESS NO.	PARCEL NO.	TITLE DETAILS	STREET ADDRESS OF PROPERTY	ACCESS BENEFIT (AB)	FRONTAGE (F)	SIDEAGE & REARAGE (S&R)	TOTAL APPORTIONED LENGTH (AL=F+0.35&R)	SCHEME AMOUNT DUE (=ABxR + ALxR)
ARDEN STREET								
1	9373	185264 CA: 7 SEC: 5	6 Arden ST, LONGFORD	1	20.1	0	20.1	\$13,495.37
2	62284	452904 LOT: 1 PS: 833229V	8 Arden ST, LONGFORD	1	20.1	0	20.1	\$13,495.37
3	9375	185280 CA: 5 SEC: 5	10 Arden ST, LONGFORD	1	20.1	0	20.1	\$13,495.37
4	9376	185298 CA: 4 SEC: 5	12 Arden ST, LONGFORD	1	20.1	0	20.1	\$13,495.37
5	9377	185306 CA: 3 SEC: 5	14 Arden ST, LONGFORD	1	20.1	0	20.1	\$13,495.37
6	9381	185330 CA: 1 SEC: 3	26-28 Arden ST, LONGFORD	1	50.3	0	50.3	\$20,528.01
7	9387	185389 CA: 7 SEC: 2	21-23 Arden ST, LONGFORD	1	50.3	40.2	62.36	\$23,336.41
8	9364	185173 CA: 10 SEC: 4	17-19 Arden ST, LONGFORD	1	40.2	50.3	55.29	\$21,690.03
9	9365	185181 CA: 2 SEC: 4	15 Arden ST, LONGFORD	1	20.1	0	20.1	\$13,495.37
10	9366	185199 CA: 3 SEC: 4	13 Arden ST, LONGFORD	1	20.1	0	20.1	\$13,495.37
11	9367	185207 CA: 4 SEC: 4	11 Arden ST, LONGFORD	1	20.1	0	20.1	\$13,495.37
12	9368	185223 LOT: 2 PS: 204266	7-9 Arden ST, LONGFORD	1	20.1	0	20.1	\$13,495.37
13	9369	185223 LOT: 2 PS: 204265	7 Arden ST, LONGFORD	1	20.1	0	20.1	\$13,495.37
14	9370	185231 CA: 7 SEC: 4	5 Arden ST, LONGFORD	1	20.1	0	20.1	\$13,495.37
15	9371	185249 CA: 9 SEC: 4	3 Arden ST, LONGFORD	1	20.1	0	20.1	\$13,495.37
AUDLEY ST								
16	9380	185322 CA: 1 SEC: 5	10-12 Audley ST, LONGFORD	1	50.3	40.2	62.36	\$23,336.41
17	9382	185348 CA: 10 SEC: 5	14-16 Audley ST, LONGFORD	1	50.3	40.2	62.36	\$23,336.41
18	9383	185355 CA: 4 SEC: 3	19 Audley ST, LONGFORD	1	40.2	0	40.2	\$18,176.04
19	9385	185363 CA: 3 SEC: 3	15 Audley ST, LONGFORD	1	20.1	0	20.1	\$13,495.37
20	9386	185371 CA: 2 SEC: 3	11-13 Audley ST, LONGFORD	1	40.2	50.3	55.29	\$21,690.03
CLIFFORD ST								
21	47619	378513 CA: 1 SEC: 2	2-4 Clifford ST, LONGFORD	1	61.2	0	61.2	\$23,066.29
22	9422	185710 LOT: 2 PS: 346382C	6-8 Clifford ST, LONGFORD	1	40.2	0	40.2	\$18,176.04
23	9423	185736 CA: 5 SEC: 2	10 Clifford ST, LONGFORD	1	20.1	20.1	26.13	\$14,899.57
24	9424	185744 CA: 6 SEC: 2	12-14 Clifford ST, LONGFORD	1	40.2	50.3	55.29	\$21,690.03
25	9418	185678 CA: 15 SEC: 1	13-15 Clifford ST, LONGFORD	1	50.3	0	50.3	\$20,528.01
26	9419	185686 CA: 14 SEC: 1	9-11 Clifford ST, LONGFORD	1	40.2	0	40.2	\$18,176.04
27	9420	185694 CA: 13 SEC: 1	5-7 Clifford ST, LONGFORD	1	45.6	0	45.6	\$19,433.53
HIGH ST								
28	9448	186007 CA: 5B	6-8 High ST, LONGFORD		exempt property			
29	9449	186015 LOT: 1 TP: 277119	10-12 High ST, LONGFORD	1	40.2	50.3	55.29	\$21,690.03
30	9453	186056 CA: 12 SEC: 1	40-42 High ST, LONGFORD	1	32.4		32.4	\$16,359.66
LONGFORD LOCH SPORT RD								
31	48295	186262 CA: 5C	7 Longford-Loch Sport RD, LONGFORD		exempt property			
MADLINE ST								
32	9504	186445 CA: 5A	2 Madeline ST, LONGFORD	1	0	220	66	\$24,184.06
33	62285	452912 LOT: 2 PS: 833229V	7 Madeline ST, LONGFORD	1	20.1	0	20.1	\$13,495.37
34	9378	185314 CA: 2 SEC: 5	15 Madeline ST, LONGFORD	1	20.1	0	20.1	\$13,495.37
SPENCER ST								
35	9372	185256 CA: 8 SEC: 5	9-11 Spencer ST, LONGFORD	1	50.3	40.2	62.36	\$23,336.41
36	9519	186601 CA: 9 SEC: 5	13-15 Spencer ST, LONGFORD	1	50.3	40.2	62.36	\$23,336.41
TOTALS				34	1094.3	642.3	1287.0	\$599,400.00
TOTAL ESTIMATED COST OF SCHEME					\$ 740,000			
COUNCIL CONTRIBUTION					\$ 140,600			
APPORTIONED AMOUNT					\$ 599,400			
AMOUNT APPORTIONED TO ACCESS - 50%					\$ 299,700			
AMOUNT APPORTIONED TO FRONTAGE 50%					\$ 299,700			
Apportionment Rate - (Access Benefit Units)					\$ 8,814.71	per ABU (R)		
Apportionment Rate - (Abuttal Length)					\$ 232.87	per m (R)		

Method 2 - Maximum Levy at 100% Access Benefit

WELLINGTON SHIRE COUNCIL

LONGFORD CENTRAL TOWNSHIP STREET CONSTRUCTION SCHEME - APPORTIONMENT OF COST - MAXIMUM LEVY - ACCESS ONLY

PARCEL NO.	ASSES. NO.	TITLE DETAILS	STREET ADDRESS OF PROPERTY	ACCESS BENEFIT	ACCESS BENEFIT FACTOR APPLIED FOR COMMON PROP.	APPORTIONED ACCESS BENEFIT (AAB)	FIXED RATE CONTRIBUTION (FRC)	SCHEME AMOUNT DUE (= AAB x FRC)
ARDEN STREET								
1	9373	185264 CA: 7 SEC: 5	6 Arden ST, LONGFORD	1	1	1	\$17,629.41	\$17,629.41
2	62284	452904 LOT: 1 PS: 833229V	8 Arden ST, LONGFORD	1	1	1	\$17,629.41	\$17,629.41
3	9375	185280 CA: 5 SEC: 5	10 Arden ST, LONGFORD	1	1	1	\$17,629.41	\$17,629.41
4	9376	185298 CA: 4 SEC: 5	12 Arden ST, LONGFORD	1	1	1	\$17,629.41	\$17,629.41
5	9377	185306 CA: 3 SEC: 5	14 Arden ST, LONGFORD	1	1	1	\$17,629.41	\$17,629.41
6	9381	185330 CA: 1 SEC: 3	26-28 Arden ST, LONGFORD	1	1	1	\$17,629.41	\$17,629.41
7	9387	185389 CA: 7 SEC: 2	21-23 Arden ST, LONGFORD	1	1	1	\$17,629.41	\$17,629.41
8	9364	185173 CA: 10 SEC: 4	17-19 Arden ST, LONGFORD	1	1	1	\$17,629.41	\$17,629.41
9	9365	185181 CA: 2 SEC: 4	15 Arden ST, LONGFORD	1	1	1	\$17,629.41	\$17,629.41
10	9366	185199 CA: 3 SEC: 4	13 Arden ST, LONGFORD	1	1	1	\$17,629.41	\$17,629.41
11	9367	185207 CA: 4 SEC: 4	11 Arden ST, LONGFORD	1	1	1	\$17,629.41	\$17,629.41
12	9368	185223 LOT: 2 PS: 204266	7-9 Arden ST, LONGFORD	1	1	1	\$17,629.41	\$17,629.41
13	9369	185223 LOT: 2 PS: 204265	7 Arden ST, LONGFORD	1	1	1	\$17,629.41	\$17,629.41
14	9370	185231 CA: 7 SEC: 4	5 Arden ST, LONGFORD	1	1	1	\$17,629.41	\$17,629.41
15	9371	185249 CA: 9 SEC: 4	3 Arden ST, LONGFORD	1	1	1	\$17,629.41	\$17,629.41
AUDLEY ST								
16	9380	185322 CA: 1 SEC: 5	10-12 Audley ST, LONGFORD	1	1	1	\$17,629.41	\$17,629.41
17	9382	185348 CA: 10 SEC: 5	14-16 Audley ST, LONGFORD	1	1	1	\$17,629.41	\$17,629.41
18	9383	185355 CA: 4 SEC: 3	19 Audley ST, LONGFORD	1	1	1	\$17,629.41	\$17,629.41
19	9385	185363 CA: 3 SEC: 3	15 Audley ST, LONGFORD	1	1	1	\$17,629.41	\$17,629.41
20	9386	185371 CA: 2 SEC: 3	11-13 Audley ST, LONGFORD	1	1	1	\$17,629.41	\$17,629.41
CLIFFORD ST								
21	47619	378513 CA: 1 SEC: 2	2-4 Clifford ST, LONGFORD	1	1	1	\$17,629.41	\$17,629.41
22	9422	185710 LOT: 2 PS: 346382C	6-8 Clifford ST, LONGFORD	1	1	1	\$17,629.41	\$17,629.41
23	9423	185736 CA: 5 SEC: 2	10 Clifford ST, LONGFORD	1	1	1	\$17,629.41	\$17,629.41
24	9424	185744 CA: 6 SEC: 2	12-14 Clifford ST, LONGFORD	1	1	1	\$17,629.41	\$17,629.41
25	9418	185678 CA: 15 SEC: 1	13-15 Clifford ST, LONGFORD	1	1	1	\$17,629.41	\$17,629.41
26	9419	185686 CA: 14 SEC: 1	9-11 Clifford ST, LONGFORD	1	1	1	\$17,629.41	\$17,629.41
27	9420	185694 CA: 13 SEC: 1	5-7 Clifford ST, LONGFORD	1	1	1	\$17,629.41	\$17,629.41
HIGH ST								
28	9448	186007 CA: 5B	6-8 High ST, LONGFORD		exempt property			
29	9449	186015 LOT: 1 TP: 277119	10-12 High ST, LONGFORD	1	1	1	\$17,629.41	\$17,629.41
30	9453	186056 CA: 12 SEC: 1	40-42 High ST, LONGFORD	1	1	1	\$17,629.41	\$17,629.41
LONGFORD LOCH SPORT RD								
31	48295	186262 CA: 5C	7 Longford-Loch Sport RD, LONGFORD		exempt property			
MADLINE ST								
32	9504	186445 CA: 5A	2 Madeline ST, LONGFORD	1	1	1	\$17,629.41	\$17,629.41
33	62285	452912 LOT: 2 PS: 833229V	7 Madeline ST, LONGFORD	1	1	1	\$17,629.41	\$17,629.41
34	9378	185314 CA: 2 SEC: 5	15 Madeline ST, LONGFORD	1	1	1	\$17,629.41	\$17,629.41
SPENCER ST								
35	9372	185256 CA: 8 SEC: 5	9-11 Spencer ST, LONGFORD	1	1	1	\$17,629.41	\$17,629.41
36	9519	186601 CA: 9 SEC: 5	13-15 Spencer ST, LONGFORD	1	1	1	\$17,629.41	\$17,629.41
TOTALS				34		34		\$599,400.00
TOTAL ESTIMATED COST OF SCHEME					\$740,000			
COUNCIL CONTRIBUTION					\$140,600			
APPORTIONED AMOUNT					\$599,400			

ABU FACTOR CALCULATION FOR COMMON PROPERTY

Calculation - First property at 100% with 50% for each additional property divided by number of properties

Address Factor

Nil

Method 3 – Fixed Fee - Access Benefit (Revised Maximun Levy)**WELLINGTON SHIRE COUNCIL**

LONGFORD CENTRAL TOWNSHIP STREET CONSTRUCTION SCHEME - APPORTIONMENT OF COST - REVISED MAXIMUM LEVY - ACCESS ONLY

PARCEL NO.	ASSES. NO.	TITLE DETAILS	STREET ADDRESS OF PROPERTY	ACCESS BENEFIT	ACCESS BENEFIT FACTOR APPLIED FOR COMMON PROP.	APPORTIONED ACCESS BENEFIT (AAB)	FIXED RATE CONTRIBUTION (FRC)	SCHEME AMOUNT DUE (= AAB x FRC)
ARDEN STREET								
1	9373	185264 CA: 7 SEC: 5	6 Arden ST, LONGFORD	1	1	1	\$3,600.00	\$3,600.00
2	62284	452904 LOT: 1 PS: 833229V	8 Arden ST, LONGFORD	1	1	1	\$3,600.00	\$3,600.00
3	9375	185280 CA: 5 SEC: 5	10 Arden ST, LONGFORD	1	1	1	\$3,600.00	\$3,600.00
4	9376	185298 CA: 4 SEC: 5	12 Arden ST, LONGFORD	1	1	1	\$3,600.00	\$3,600.00
5	9377	185306 CA: 3 SEC: 5	14 Arden ST, LONGFORD	1	1	1	\$3,600.00	\$3,600.00
6	9381	185330 CA: 1 SEC: 3	26-28 Arden ST, LONGFORD	1	1	1	\$3,600.00	\$3,600.00
7	9387	185389 CA: 7 SEC: 2	21-23 Arden ST, LONGFORD	1	1	1	\$3,600.00	\$3,600.00
8	9364	185173 CA: 10 SEC: 4	17-19 Arden ST, LONGFORD	1	1	1	\$3,600.00	\$3,600.00
9	9365	185181 CA: 2 SEC: 4	15 Arden ST, LONGFORD	1	1	1	\$3,600.00	\$3,600.00
10	9366	185199 CA: 3 SEC: 4	13 Arden ST, LONGFORD	1	1	1	\$3,600.00	\$3,600.00
11	9367	185207 CA: 4 SEC: 4	11 Arden ST, LONGFORD	1	1	1	\$3,600.00	\$3,600.00
12	9368	185223 LOT: 2 PS: 204266	7-9 Arden ST, LONGFORD	1	1	1	\$3,600.00	\$3,600.00
13	9369	185223 LOT: 2 PS: 204265	7 Arden ST, LONGFORD	1	1	1	\$3,600.00	\$3,600.00
14	9370	185231 CA: 7 SEC: 4	5 Arden ST, LONGFORD	1	1	1	\$3,600.00	\$3,600.00
15	9371	185249 CA: 9 SEC: 4	3 Arden ST, LONGFORD	1	1	1	\$3,600.00	\$3,600.00
AUDLEY ST								
16	9380	185322 CA: 1 SEC: 5	10-12 Audley ST, LONGFORD	1	1	1	\$3,600.00	\$3,600.00
17	9382	185348 CA: 10 SEC: 5	14-16 Audley ST, LONGFORD	1	1	1	\$3,600.00	\$3,600.00
18	9383	185355 CA: 4 SEC: 3	19 Audley ST, LONGFORD	1	1	1	\$3,600.00	\$3,600.00
19	9385	185363 CA: 3 SEC: 3	15 Audley ST, LONGFORD	1	1	1	\$3,600.00	\$3,600.00
20	9386	185371 CA: 2 SEC: 3	11-13 Audley ST, LONGFORD	1	1	1	\$3,600.00	\$3,600.00
CLIFFORD ST								
21	47619	378513 CA: 1 SEC: 2	2-4 Clifford ST, LONGFORD	1	1	1	\$3,600.00	\$3,600.00
22	9422	185710 LOT: 2 PS: 346382C	6-8 Clifford ST, LONGFORD	1	1	1	\$3,600.00	\$3,600.00
23	9423	185736 CA: 5 SEC: 2	10 Clifford ST, LONGFORD	1	1	1	\$3,600.00	\$3,600.00
24	9424	185744 CA: 6 SEC: 2	12-14 Clifford ST, LONGFORD	1	1	1	\$3,600.00	\$3,600.00
25	9418	185678 CA: 15 SEC: 1	13-15 Clifford ST, LONGFORD	1	1	1	\$3,600.00	\$3,600.00
26	9419	185686 CA: 14 SEC: 1	9-11 Clifford ST, LONGFORD	1	1	1	\$3,600.00	\$3,600.00
27	9420	185694 CA: 13 SEC: 1	5-7 Clifford ST, LONGFORD	1	1	1	\$3,600.00	\$3,600.00
HIGH ST								
28	9448	186007 CA: 5B	6-8 High ST, LONGFORD		exempt property			
29	9449	186015 LOT: 1 TP: 277119	10-12 High ST, LONGFORD	1	1	1	\$3,600.00	\$3,600.00
30	9453	186056 CA: 12 SEC: 1	40-42 High ST, LONGFORD	1	1	1	\$3,600.00	\$3,600.00
LONGFORD LOCH SPORT RD								
31	48295	186262 CA: 5C	7 Longford-Loch Sport RD, LONGFORD		exempt property			
MADLINE ST								
32	9504	186445 CA: 5A	2 Madeline ST, LONGFORD	1	1	1	\$3,600.00	\$3,600.00
33	62285	452912 LOT: 2 PS: 833229V	7 Madeline ST, LONGFORD	1	1	1	\$3,600.00	\$3,600.00
34	9378	185314 CA: 2 SEC: 5	15 Madeline ST, LONGFORD	1	1	1	\$3,600.00	\$3,600.00
SPENCER ST								
35	9372	185256 CA: 8 SEC: 5	9-11 Spencer ST, LONGFORD	1	1	1	\$3,600.00	\$3,600.00
36	9519	186601 CA: 9 SEC: 5	13-15 Spencer ST, LONGFORD	1	1	1	\$3,600.00	\$3,600.00
TOTALS				34		34		\$122,400.00
TOTAL ESTIMATED COST OF SCHEME					\$740,000.00			
COUNCIL CONTRIBUTION					\$617,600.00			
APPORTIONED AMOUNT					\$122,400.00			

ABU FACTOR CALCULATION FOR COMMON PROPERTY

Calculation - First property at 100% with 50% for each additional property divided by number of properties

Address Factor

Nil

LONGFORD CENTRAL TOWNSHIP STREET CONSTRUCTION SCHEME SPECIAL CHARGE SCHEME NUMBER 2203

Determination under Sections 163(2)(a), (2A) and (2B) of the *Local Government Act 1989* – Calculation of Total Amount of Special Charges to be Levied ('Maximum Total Levy')

Introduction

Wellington Shire Council (**Council**) has a legacy of being required to deal with a number of issues associated with sub-standard roads and streets throughout the Shire. A key objective of Council is to renew and improve roads and streets within residential environments with a view to providing proper community infrastructure and improved amenity and liveability, and overall resident satisfaction.

Council has (following a review of its 'Residential Road and Street Construction Plan 2014') adopted the 'Residential Road and Street Construction Plan 2019' (**Plan**). As a strategic policy document, the Plan seeks to provide a sustainable budgetary response to the renewal and improvement of sub-standard roads and streets within residential environments throughout the Shire.

The proposed special charge scheme for part of the Longford Township (to be known as the 'Longford Central Township Street Construction Scheme Number 2203') (**Special Charge or Scheme**) is consistent with, and otherwise supports, the Plan.

This determination is made by Council under and for the purposes of sections 163(2)(a), (2A) and (2B) of the *Local Government Act 1989* (**Act**). It addresses the calculation of the 'benefit ratio' in order to determine the total amount of the special charges that may be levied on those property owners who it is considered will receive a benefit from the proposed works through the imposition of the Special Charge (**'Maximum Total Levy'**).

The calculation of the Maximum Total Levy requires Council to –

- Calculate the total cost of the works; and
- Calculate the 'benefit ratio' based on reasonable estimates being made of –
 - i. The 'total special benefits' to the properties included in the Scheme (TSB (in));
 - ii. The 'total special benefits' to the properties not included in the Scheme (if any) (TSB (out)); and
 - iii. The 'total community benefits' (if any) to be provided by the Scheme (TCB).

A. Define Purpose

The purpose of the Special Charge Scheme is to defray an expense or to repay (with interest) an advance made to or a debt or loan to be raised by Council in connection with the construction, improvement and surface drainage of specified streets and roads within parts of the Township of Longford (collectively, **Streets**).

The Streets are all located within the Township of Longford and are otherwise located in a residential area, and currently consist of formed (but unsealed) gravel pavements of approximately 1250 metres in length (Arden Street 350m, Audley Street 200m (from CH100), Clifford Street 200m, High Street (20m north of Spencer St), Madeline Street 230m, Spencer St 250m), with irregular table drains. The streets are primarily rural-type roads (servicing the Township of Longford), with unsealed sections extending for the full length of the streets as detailed above. The streets are managed and maintained by Council.

A formal investigation of the proposed Special Charge Scheme was commenced following ongoing property owner concerns and complaints in relation to Council's maintenance grading regime, which had applied to the streets. The initial work undertaken by Council in response to these concerns included, the preparation of concept designs and an estimate of costs. Property owners were advised that, if implemented, the Scheme would provide for the construction and sealing of the streets to a 6.0m width, with kerbing being proposed at intersections of streets, and improved surface drainage and stormwater management, and other improvements.

The construction and sealing of the Streets will reduce Council's need for ongoing maintenance intervention, while providing, in the context and for the benefit of the of the Township overall, a higher level of service for property owners and occupiers, and the general public. Under Council's Road Management Plan, the Streets are designated as 'Local Access B Roads' and (as required by the Plan) 60% or more of property owners have expressed support for the construction and improvement of the Streets. 34 rateable properties (being 36 total properties, less 2 non-rateable properties) which it is proposed will be included in the Scheme (and the general public) will benefit from the proposed works in the following ways –

- Improved amenity and liveability for residents and the local community through quality infrastructure and streetscape;
- Removal of dust and health related issues currently experienced in unsealed streets;
- Improved safety for motorists and pedestrians with modern road and path infrastructure, that is less exposed to rapid degradation;
- Decreased maintenance costs incurred by Council, through reduced demand associated with upkeep of poorly constructed roads, streets, drains and paths;
- Increased community satisfaction via the provision of property infrastructure that meets expectations;
- Improved high density development opportunities in existing urban environments.

Following further investigation of potential methods to facilitate the construction works in the Scheme, a further consideration of survey results and further meetings with property owners

(who continue to show support for the Scheme), it has been concluded that a Special Charge Scheme, generally in accordance with and supported by the Plan, is the preferred approach to facilitate the project outcomes.

B. Ensure Coherence

The proposed road and drainage improvement works to be located within the Scheme area will provide a special benefit to the rateable property owners located within the Scheme boundaries, and are otherwise physically connected to the purpose set out in A.

C. Calculate Total Costs

The implementation of the Special Charge is regulated by section 163 of Act. Ministerial Guidelines made pursuant to the Act require Councils to be transparent about how they calculate the 'Maximum Total Levy'.

For this project, the Maximum Total Levy has been calculated in accordance with the Act and the Guidelines. The Maximum Total Levy, and other relevant information, is summarised in the table below.

Total Scheme Cost	\$740,000
'Benefit Ratio' Determination	0.81 or 81%
Maximum Total Levy Amount	\$599,400
Further Council Contribution	\$477,000
Revised Maximum Total Levy Amount	\$122,400

D. Identify Special Beneficiaries

It is considered that all 34 rateable properties in the Scheme (as they are listed in the apportionment spreadsheet) will receive both road and surface drainage related special benefits from the proposed works.

The relevant special benefits which it is considered each property will receive are –

- Reduction in dust;
- Enhancement of the amenity and character of the land and local area;
- Creation of improved riding surfaces for the street;
- Improvement in access and egress from properties;
- Improved road drainage; and

- Improved road safety for motorists and cyclists.

The Scheme area (showing the 34 rateable and chargeable properties and the location of the Streets to be constructed) is shown on the plan below.



E. Determine Properties to Include

For the purposes of calculating the Benefit Ratio, a notional benefit value – to be called a Benefit Unit (BU) – will be used. A BU is a deemed benefit equal to the *average* benefit for each and every property included in the Scheme. This average benefit is considered to comprise *both* access and amenity benefits.

It is considered that that all of the properties included within the Scheme will receive a benefit from the works to be provided under the Scheme (that is, and being 1 BU for each property), regardless (for the purposes of calculating the Benefit Ratio, but not for the purposes of the final distribution of the Special Charge amongst the Special Charge contributors) of whether or not particular properties have subdivision or other development potential (or, in some cases, further subdivision or development potential). The BU so chosen has been broken up equally into both access benefits and amenity benefits (viz., 0.5 BU for 'improved access' and 0.5 BU for 'improved amenity').

F. Estimate Total Special Benefits

Total Special Benefit Units are defined as follows –

Total Special Benefits = Total Special Benefits _(in) + Total Special Benefits _(Out), that is –

$$(TSB = TSB_{(in)} + TSB_{(out)})$$

TSB _(in) has been calculated as follows –

Total Special Benefit Units In (TSB _(in))	Access (50%)	Amenity (50%)
Total number of Rateable Properties in Scheme receiving Special Benefit and being required to pay the Special Charge (92)	0.5 x 34 = 17 BU	0.5 x 34 = 17BU
TSB _(in) =	34 BU	

There are 2 non-rateable parcels of land in the Scheme (being Council land used for various municipal purposes). These properties are considered to be receiving a special benefit but are not required to pay the Special Charge.

These properties are referred to as **TSB** _(out) properties.

TSB _(out) has been calculated as follows –

Total Special Benefit Units Out (TSB _(out))	Access (50%)	Amenity (50%)
Total number of Non-rateable Properties in Scheme receiving Special Benefit and not being required to pay the Special Charge (3)	0.5 x 2 = 1 BU	0.5 x 2 = 1BU
TSB_(out) =	2 BU	

G. Estimate Total Community Benefit

In addition to establishing the Total Special Benefits for the Scheme, an assessment of any Community Benefit is also required to be undertaken in order to calculate the Maximum Total Levy.

It is considered that the Community Benefit attributable to the proposed Scheme works will be generated from the broader community receiving some benefits, which benefits (in the interest of fairness and equity) Council should be paying for (and not the Special Charge contributors).

The community benefits are considered to be –

- General improvement in township amenity and liveability;
- General improvement in trafficability of roads serving the Township;
- General improvement in drainage and water quality; and
- Reduced ongoing maintenance costs for Council.

Improved township amenity

The sealing of the roads and the other works to be provided will result in an overall improvement in the amenity and liveability of the Longford Central Township. Whilst this benefit is very difficult to quantify, it is recommended that **2 BU** be allowed for this benefit, which is however considered to be a general benefit in circumstances where it is otherwise considered that most of the benefits of the works will be received by the abutting properties owners and occupiers, and their visitors.

$$TCB_{\text{township amenity}} = 2$$

Improved trafficability of roads

It is anticipated that there will be some wider community benefit attributable to persons who are not accessing or servicing the properties within the Scheme boundary (but who will nevertheless use the roads for wider access purposes) and in particular Spencer Street, as the principal access to the Public Hall & Kindergarten

Despite this, and on the basis that the roads to be improved only service the movement of local traffic within the Township (and do not in any real sense connect into the wider network of public (through) roads for which Council is responsible), the benefits attributable to any broader traffic use of the roads, (over the summer & Easter school holidays) is considered marginal and generally only occurs during these holiday periods.

For this reason, officers have carried out limited traffic studies. It is otherwise considered reasonable for Council to rely on, and be guided by, its own estimates based on Council's own local knowledge and experience.

On this basis, it is recommended that an allowance be made for what may be some increase in traffic movements during holiday periods, accordingly, any projected increase in external traffic will account for the Total Community Benefit, and this will result in the calculation of the following **2 BU's** for any such traffic by the broader community.

Total Community Benefit Units for any broader traffic use of the road is estimated as follows—

$$TCB_{\text{traffic}} = 2$$

Improved drainage and water quality

Sealing of the roads will result in improved surface drainage and better water quality: It is recommended therefore that **1 BU** be allowed for this benefit, which is however considered to be a marginal benefit.

$$TCB_{\text{drainage}} = 1$$

Reduced ongoing maintenance costs

There will be less ongoing maintenance costs for Council in having to care for and manage sealed roads, rather than unsealed roads: It is recommended therefore that **1 BU** be allowed for this benefit, which is considered to be a marginal benefit.

$$TCB_{\text{maintenance}} = 1$$

Therefore,

$$\begin{aligned} TCB_{\text{total}} &= TCB_{\text{township amenity}} + TCB_{\text{traffic}} + TCB_{\text{drainage}} + TCB_{\text{maintenance}} \\ &= 2 + 2 + 1 + 1 \end{aligned}$$

$$TCB_{\text{total}} = 6$$

It is otherwise noted that the Township has a public hall and sporting oval that supports various community activities. The public hall is located within the main park/public reserve within the Township, which also includes tennis courts, barbeque facilities and public toilets.

I. Calculating the 'Benefit Ratio'

The Benefit Ratio is calculated as follows –

$$\begin{aligned}
 R &= \frac{\text{TSB}_{(in)}}{\text{TSB}_{(in)} + \text{TSB}_{(out)} + \text{TCB}} \\
 &= 34 / (34 + 2 + 6) \\
 &= 34 / 42
 \end{aligned}$$

Benefit Ratio = 0.81 or 81%

J. Calculating the Maximum Total Levy

The following formula, as set out in the Act, is used to determine the Maximum Total Levy –

$$R \times C = S$$

where –

R is the Benefit Ratio determined by Council;

C is the total Scheme cost; and

S is the Maximum Total Levy

Maximum Total Levy Amount (R x C = S)
0.81 x \$740,000 = \$599,400

Council may levy up to 81% of total costs, or \$599,400

K. Other relevant considerations

Council notes that if it levies the Maximum Total Levy Amount of \$599,400 the special charge contributors would be required to pay by way of special charges amounts which exceed the amounts set out in Council's Residential Road and Street Construction Plan 2019¹.

In the exercise of its discretions, and otherwise in accordance with the Plan (and the objectives which the Plan seeks to achieve), Council chooses to allocate a further amount of \$477,000 in and towards the cost of the Scheme works, meaning that the Maximum Levy Amount to be charged to the Scheme will be \$122,400 (***Revised Maximum Total Levy Amount***).

The Revised Maximum Total Levy Amount is to be apportioned amongst the property owners within the scheme area in accordance with the method of distribution of the Special Charge to be determined by Council in the declaration of the Special Charge.

¹ Refer to section 6.2 of the Plan by which a fixed rate contribution model of \$3,600 has been proposed and adopted by Council for Small and Coastal Towns where sealed roads are to be provided.

16.2. SPECIAL CHARGE SCHEME INTENTION TO DECLARE - ELLEN AVENUE, SEASPRAY

ACTION OFFICER: MANAGER BUILT ENVIRONMENT

PURPOSE

The purpose of this report is for Council to consider its 'intention to declare' the proposed Ellen Avenue Special Charge Street Construction Scheme Number 2204 as a Special Charge Scheme for the construction of Ellen Avenue including a connecting section of Davies Street in Seaspray.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

RECOMMENDATION

That:

- 1. Council commence the statutory process under the Local Government Act 1989 (the Act) to declare a Special Charge Scheme for the purposes of constructing Ellen Avenue (CH00–CH450) and Davies Street (CH350–CH470) in Seaspray and the provision of improved road drainage including vehicle crossings and culverts (from road edge to building line); and***
- 2. Council in accordance with sections 163(1A) and 163B(3) of the Act, direct that a public notice be given in the Gippsland Times newspaper and on Council's website of the intention of Council to declare the scheme at its ordinary meeting to be held on 18 April 2023 in accordance with the Proposed Declaration of Special Charge Scheme Number 2204 in the form of the attachment to this report for the construction of Ellen Avenue (CH00–CH450) and Davies Street (CH350–CH470) in Seaspray; and***
- 3. Council direct that in accordance with section 163(1C) of the Act, separate letters enclosing a copy of the public notice be sent to the owners of the properties referred to and set out in the schedule of properties forming a part of the Proposed Declaration of Special Charge, advising of the intention of Council to declare the Special Charge at its ordinary meeting to be held on 18 April 2023, the basis of the calculation and distribution of the Special Charge and notifying such persons that submissions and/or objections in writing in relation to the Proposed Declaration of Special Charge will be considered and/or taken into account by Council in accordance with sections 163A, 163B and 223 of the Act; and***
- 4. Council appoint three Councillors as determined by Council plus an alternative representative to form the 'Ellen Avenue Special Charge Scheme Submissions Committee' that is established by Council under section 223(1)(b)(i) of the Act, to consider written submissions/objections and to hear any persons who in their written submissions under Section 223 of the Act have requested that they are heard in support of their submissions; and***
- 5. The Chief Executive Officer or the person for the time being acting in that position, be authorised to give public notice of the Proposed Declaration of Special Charge in accordance with Sections 163B and 223 of the Local Government Act 1989; and***
- 6. The Chief Executive Officer, the General Manager Built & Natural Environment or the Manager Assets and Projects (or any person for the***

time being acting in any of those positions), each be authorised to carry out any and all other administrative procedures necessary to enable Council to carry out its functions under section 163A and sections 163(1A), (1B) and (1C) and sections 163B and 223 of the Act.

BACKGROUND

Ellen Avenue and a connecting section of Davies Street are located within the residential area of Seaspray. Ellen Avenue extends from Main Road to Davies Street and the connecting section of Davies Street from Ellen Avenue to Main Street, these streets consist of a formed and unsealed gravel pavement of approximately 450 metres and 120 metres in length respectively. The full length of streets are of variable width with irregular table drains and surface drainage, there is a formalised underground drainage system serving this area.

The streets are primarily of a rural type road in appearance, the unsealed section extending for its full length of Ellen Avenue and similarly for the connecting section of Davies Street. The streets are managed and maintained by Wellington Shire Council.

A formal investigation of a special charge scheme for Seaspray Township was commenced following ongoing property owner concerns in relation to dust, rutting and the maintenance grading regime. The whole of township street sealing scheme was not supported by a sufficient number of property owners and the conceptual design and a cost estimation was amended to form a smaller scheme consisting of Ellen Avenue along with the connecting section of Davies Street, where a higher interest of support was shown.

The proposed Ellen Avenue Construction Scheme would provide for the construction and sealing of these streets to a six-metre width and includes forming table drains, driveways crossovers and kerbing at intersections as part of the proposed works.

The construction and sealing of the Ellen Avenue street scheme would reduce Council's need for maintenance intervention, while providing a higher level of service and safety for these adjacent properties.

It is considered that the properties which abut this section of Ellen Avenue and the connecting section of Davies Street will derive a special benefit by the proposed upgrade works, as a result of:

- reduction in dust;
- enhance the amenity of the area;
- creation of improved riding surfaces;
- Improved road safety for users;
- improved access and egress from properties;
- improved road surface drainage.

Following further investigation of potential methods to facilitate street construction works in Ellen Avenue it was concluded that a Special Charge Scheme, generally in line with Council's Residential Road and Street Construction Plan, was the preferred approach, as this process requires public advertising and is a transparent process that informs the community of Council's contribution.

A public meeting was held initially for the whole of Seaspray township on 4 August 2021 to outline the proposal. Subsequently a follow up letter and survey form was sent to each

property owner within the revised scheme for Ellen Avenue, along with an information pamphlet and property apportionment cost to assess support for, or objection to, the scheme this was mailed out on 8 August 2022.

Results of the survey:

All of the property owners replied to the survey were;

	SUPPORT SCHEME		OPPOSE SCHEME		DID NOT REPLY	
Property Owners (37)	23	62%	6	16%	8	22%
Properties (37)	23	62%	6	16%	8	22%

There are no property owners in the scheme who own multiple properties. There are no Council or exempt non-rateable properties.

Based on the survey results, the level of support for the Ellen Avenue scheme exceeds the 60% threshold acceptance level outlined in the Residential Road and Construction Plan 2019 and therefore it is considered that there is sufficient support for the proposed Special Charge Scheme for **Ellen Avenue and the connecting section of Davies Street** in Seaspray

ATTACHMENTS

1. Maximun Total Levy [**16.2.1** - 8 pages]
2. Proposed Declaration of Special Charge [**16.2.2** - 7 pages]

OPTIONS

Council has the following options available:

1. Progress the proposed special charge scheme through a full cost recovery apportionment method, by advertising the intention to declare the Special Charge Scheme; or
2. Having trialled and considered other methods of apportionment, progress the proposed scheme through the 'fixed fee method' as outlined in Council's Residential Road and Street Construction Plan, by advertising the intention to declare the Special Charge Scheme; or
3. Not progress the intention to declare the Special Charge Scheme.

PROPOSAL

That Council progress the proposed scheme through the funding framework generally outlined in Council's Residential Road and Street Construction Plan and advertise its intention to declare a Special Charge Scheme for the construction of Ellen Avenue and a connecting section of Davies Street in Seaspray for the provision of road construction and ancillary works as outlined.

CONFLICT OF INTEREST

No staff and/or contractors involved in the compilation of this report have declared a conflict of interest.

FINANCIAL IMPACT

Total costs applicable to the Special Charge Scheme are estimated to be \$395,000. The amount to be recovered under the scheme does not include GST.

Based on the funding framework within the Residential Road and Street Construction Plan and as otherwise considered by Council officers to be fair and reasonable based on total special benefits and community benefits to be provided by the works, \$113,200 of the costs are to be apportioned to properties within the Special Charge scheme, with the balance funded by Council.

Amount apportioned to properties within scheme:	\$395,000
Portion of cost to be recovered from Council as direct costs:	\$281,800
Total estimated cost of scheme:	\$113,200

There are no multiple property owners. There is no Crown Land or other non-rateable land located within the scheme boundary.

The resultant financial impact is a cost to Council estimated at \$281,800 to be funded through the Roads to Recovery Program.

The method of apportioning the costs for this scheme is uniform and is based on access.

To confirm the reasonableness, fairness and appropriateness of the funding framework outlined in Council's Residential Road and Street Construction Plan and otherwise (as being the fairest and most reasonable method of distributing the proposed Special Charge amongst all of the property owners in the Scheme), Council Officers first trialled and considered a number of different methods of apportionment of the **Proposed Declaration of Special Charge - Schedule 2 (Methods 1 & 2)**, and this has included the completion of a property apportionment based on access only and a combination of access and frontage to the Maximum Total Levy Amount as calculated using the Benefit Ratio calculated for this proposed special charge scheme – **see attached Maximum Total Levy**.

On this basis, the cost per property under such apportionment methods would have been between either \$7,172 and \$19,484 or, \$9,074 considerably more on an average per property owner basis than the method of distribution which is being proposed for Council's present consideration. Accordingly, and in light of this 'comparative' work undertaken by Council officers, it is recommended to Council that the method of distributing the Special Charge amongst the property owners, as set out in this report (**Method 3 in Schedule 2 of Proposed Declaration of Special Charge**), is considered to be fair and reasonable.

Property owners liable to pay under the Special Charge scheme will only be invoiced following satisfactory completion of works. Options for payment include full payment within 45 days or 20 quarterly instalments (over five years), including an interest component aligned to Council's cost of finance. In the event that *the Local Government Act 2022* comes into effect prior to scheme being declared, invoices will be issued within 12 months of the scheme declaration.

COMMUNICATION IMPACT

A comprehensive public consultation process has been entered into with affected property owners including information letters, surveys and meetings. If the scheme progresses, then ongoing communication will continue with the recommendations of this report.

LEGISLATIVE IMPACT

This scheme has been prepared in accordance with Section 163, 163A, 163B of the *Local Government Act 1989*. Public notification will be in accordance with Sections 163 and 223 of the *Local Government Act 1989*. Submissions and objections to the scheme will be considered in accordance with Sections 163A, 163B and 223 of the *Local Government Act 1989*.

Section (2) of Section 163 of the *Local Government Act 1989* requires Council to determine:

- (a) The total amount of the Special Charge to be levied; and
- (b) The criteria to be used as the basis for declaring the special charge.

Section (2A) of Section 163 of the *Local Government Act 1989* provides that for the purpose of Section (2) (a) the total amount of the Special Charge to be levied must not exceed the amount "S" where $S = R \times C$ and;

S = is the maximum total amount that may be levied from all the persons who are liable to pay the special rates or special charges.

R = is the benefit ratio determined by the Council in accordance with sub-section (2B).

C = is the total cost of the performance of the function or the exercise of the power under sub-section (1).

A determination for the purposes of complying with the requirements of sections 163(2)(a), (2A) and (2B) of the Act (which also satisfies the requirements of the Ministerial Guidelines) is included in this report as **Maximum Total Levy**.

COUNCIL POLICY IMPACT

The scheme has been prepared in accordance with Council's Special Charge Schemes – Roads, Street and Drainage Development Policy 4.2.4 and the 2019 Residential Road and Street Construction Plan.

COUNCIL PLAN IMPACT

The Council Plan 2021-25 Theme 4 "Services and Infrastructure" states the following strategic outcome:

Strategic Outcome 4.3: *"Well planned and sustainable towns, facilities, and infrastructure that service community need."*

This report supports the above Council Plan strategic outcome.

RESOURCES AND STAFF IMPACT

Implementation of the scheme can be undertaken within the resources of the Assets and Projects unit with the assistance of external contract engineering support for the survey and design of the scheme. In the event the scheme is adopted by Council, construction will be carried out by an approved contractor via a tender process.

COMMUNITY IMPACT

Implementation of this scheme will have a general positive community impact as it will result in Ellen Avenue and the connecting section of Davis Street in Seaspray being fully sealed in line with current service standards. Community benefit is reflected in Council contribution toward the works outcome.

ENVIRONMENTAL IMPACT

Implementation of this scheme will have a positive environmental impact arising from the reduction of dust generated by vehicles as well as improved quality of storm water runoff.

ENGAGEMENT IMPACT

A comprehensive public consultation process has been entered into with affected property owners including:

- Information letter advising property owners of street works proposal for whole of Seaspray Township on 15 June 2021
- Public meeting held at Seaspray Surf Lifesaving Club 4 August 2021
- Mail out survey of all property owners whole of Seaspray Township, 2 December 2021
- Letter sent advising whole of township scheme would not proceed
- Mail out survey of all property owners (Ellen Avenue), 8 August 2022
- Follow up phone calls and emails requesting replies to the survey.

Ongoing consultation will be carried out through recommendations 2 and 3 of this report.

RISK MANAGEMENT IMPACT

Implementation of the scheme will produce a substantial reduction in risk to motorists, cyclists and other road users through improved visibility (reduction of dust), improved road surfacing, properly identified through lanes and markings.

ELLEN AVENUE, SEASPRAY – SPECIAL CHARGE STREET CONSTRUCTION SCHEME NUMBER 2204

Determination under Sections 163(2)(a), (2A) and (2B) of the *Local Government Act 1989* – Calculation of Total Amount of Special Charges to be Levied (‘Maximum Total Levy’)

Introduction

Wellington Shire Council (**Council**) has a legacy of being required to deal with a number of issues associated with sub-standard roads and streets throughout the Shire. A key objective of Council is to renew and improve roads and streets within residential environments with a view to providing proper community infrastructure and improved amenity and liveability, and overall resident satisfaction.

Council has (following a review of its ‘Residential Road and Street Construction Plan 2014’) adopted the ‘Residential Road and Street Construction Plan 2019’ (**Plan**). As a strategic policy document, the Plan seeks to provide a sustainable budgetary response to the renewal and improvement of sub-standard roads and streets within residential environments throughout the Shire.

The proposed special charge scheme for the construction and improvement of Ellen Avenue (450m) along with a connecting section of Davies Street (120m) in Seaspray (to be known as the ‘Ellen Avenue - Special Charge Street Construction Scheme Number 2204’) (**Special Charge** or **Scheme**) is consistent with, and otherwise supports, the Plan.

This determination is made by Council under and for the purposes of sections 163(2)(a), (2A) and (2B) of the *Local Government Act 1989* (**Act**). It addresses the calculation of the ‘benefit ratio’ in order to determine the total amount of the special charges that may be levied on those property owners who it is considered will receive a benefit from the proposed works through the imposition of the Special Charge (**‘Maximum Total Levy’**).

The calculation of the Maximum Total Levy requires Council to –

- Calculate the total cost of the works; and
- Calculate the ‘benefit ratio’ based on reasonable estimates being made of –
 - i. The ‘total special benefits’ to the properties included in the Scheme (TSB(in));
 - ii. The ‘total special benefits’ to the properties not included in the Scheme (if any) (TSB(out)); and
 - iii. The ‘total community benefits’ (if any) to be provided by the Scheme (TCB).

A. Define Purpose

The purpose of the Special Charge Scheme is to defray an expense or to repay (with interest) an advance made to or a debt or loan to be raised by Council in connection with the construction & sealing improvement of Ellen Avenue and a connecting section of Davies Street, Seaspray

Ellen Avenue and Davies Street located within the residential area of Seaspray and currently they consists of a formed (but unsealed) gravel pavement of approximately 4 to 4.5m width and around a total of 570m in length with irregular surface drains. The road is primarily a rural type road, with the unsealed section extending for its full length. The road is managed and maintained by Council.

A formal investigation of the proposed Special Charge Scheme was commenced following ongoing property owner concerns and complaints in relation to dust, potholing, surface water drainage and Council's maintenance grading regime, which applied to the road. The initial work undertaken by Council in response to these concerns included the preparation of concept plan and an estimate of costs. Property owners were advised that, if implemented, the Scheme would provide for the construction and sealing of the road to a 6m width, with kerbing at the intersection, and improved road surface drainage and driveway crossovers.

The construction and sealing of Ellen Avenue and the connecting section of Davies Street will reduce Council's need for ongoing maintenance intervention, while providing a higher level of service for property owners and the general public. Under Council's Road Management Plan, Ellen Avenue and Davies Street are designated as a 'Local Access B Road' respectively and (as required by the Plan), 62% or more of property owners have expressed support for its construction.

Consistent with the Plan, it is considered that the 37 ratable properties which it is proposed will be included in the Scheme (and the general public) will benefit from the proposed works in the following ways –

- Improved amenity and liveability for residents and community through quality infrastructure and streetscape;
- Removal of dust and health related issues currently experienced in unsealed streets;
- Improved safety for motorists with modern road infrastructure, that is less exposed to rapid degradation;
- Decreased maintenance costs incurred by Council, through reduced demand associated with upkeep of poorly constructed roads, streets & drains;
- Increased community satisfaction via the provision of infrastructure that meets expectations;

Following further investigation of potential methods to facilitate the construction works in Ellen Avenue and Davies Street, a further consideration of survey results and further discussions with property owners (who continue to show support for the Scheme), it has

been concluded that a Special Charge Scheme, generally in accordance with and supported by the Plan, is the preferred approach to facilitate the project outcomes.

B. Ensure Coherence

The proposed road and surface drainage improvement works to be located within the Scheme area will provide a special benefit to the 37 rateable property owners located within the Scheme boundary, and are otherwise physically connected to the purpose set out in A.

C. Calculate Total Costs

The implementation of the Special Charge is regulated by section 163 of Act. Ministerial Guidelines made pursuant to the Act require Councils to be transparent about how they calculate the 'Maximum Total Levy'.

For this project, the Maximum Total Levy has been calculated in accordance with the Act and the Guidelines. The Maximum Total Levy, and other relevant information, is summarised in the table below.

Total Scheme Cost	\$395,000
'Benefit Ratio' Determination	0.85 or 85%
Maximum Total Levy Amount	\$ 335,750
Further Council Contribution	\$ 202,550
Revised Maximum Total Levy Amount	\$ 133,200

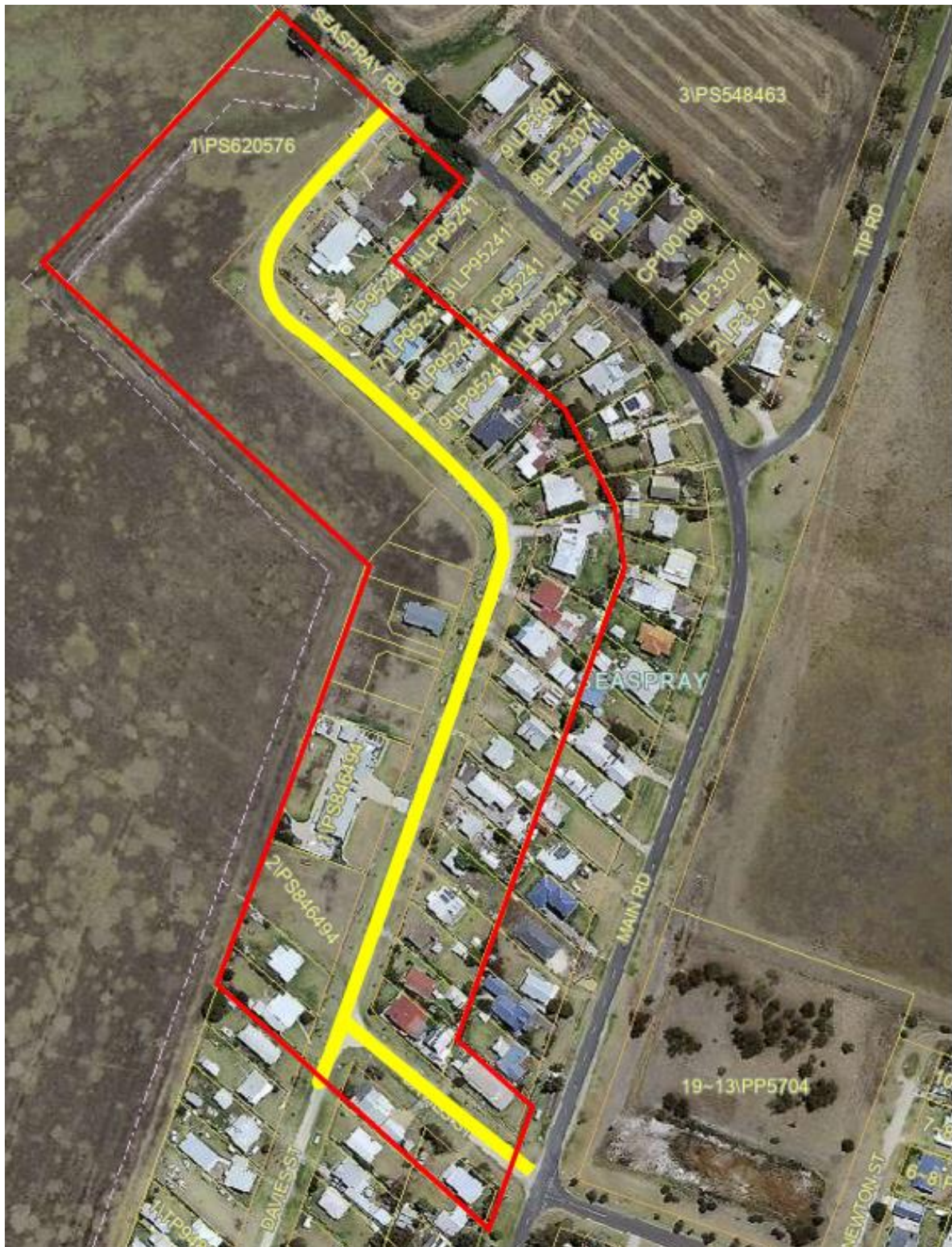
D. Identify Special Beneficiaries

It is considered that all 37 rateable properties in the Scheme (as they are listed in the apportionment spreadsheet) will receive both road- and drainage-related special benefits from the proposed works.

The relevant special benefits which it is considered each property will receive are –

- Reduction in dust;
- Enhancement of the amenity and character of the land and local area;
- Creation of improved riding surfaces for the street;
- Improvement in access and egress from properties;
- Improved road drainage; and
- Improved road safety for motorists and cyclists.

The Scheme area (showing the 37 properties and the location of the roads to be constructed) is shown in on the plan below.



E. Determine Properties to Include

For the purposes of calculating the Benefit Ratio, a notional benefit value – to be called a Benefit Unit (BU) – will be used. A BU is a deemed benefit equal to the *average* benefit for each and every property included in the Scheme. This average benefit is considered to comprise *both* access and amenity benefits.

It is considered that that all of the properties included within the Scheme will receive a benefit from the works to be provided under the Scheme (being 1 BU for each property), regardless (for the purposes of calculating the Benefit Ratio but not for the purposes of the final distribution of the Special Charge amongst the Special Charge contributors) and regardless of whether or not particular properties have subdivision or other development potential (or, in some cases, further subdivision or development potential). The BU so chosen has been broken up equally into both access benefit and amenity benefit (viz., 0.5 BU for ‘improved access’ and 0.5 BU for ‘improved amenity’).

F. Estimate Total Special Benefits

Total Special Benefit Units are defined as follows –

Total Special Benefits = Total Special Benefits In + Total Special Benefits Out, that is –

$$(TSB = TSB_{(in)} + TSB_{(out)})$$

$TSB_{(in)}$ has been calculated as follows –

Total Special Benefit Units In ($TSB_{(in)}$)	Access (50%)	Amenity (50%)
Total number of Rateable Properties in Scheme receiving Special Benefit and being required to pay the Special Charge	0.5 x 37 = 18.5 BU	0.5 x 37 = 18.5 BU
$TSB_{(in)} =$	37 BU	

$TSB_{(out)}$ has been calculated as follows –

Because –

- All of the properties in the Scheme (including common property) are rateable; and
- There are no properties in the Scheme receiving a special benefit which are not required to pay the Special Charge –

there are no $TSB_{(out)}$ properties. $TSB_{(out)} = 0$

G. Estimate Total Community Benefit

In addition to establishing the Total Special Benefits for the Scheme, an assessment of any Community Benefit is also required to be undertaken in order to calculate the Maximum Total Levy.

In terms of assessing the level of any Community Benefit, it is generally considered that the works included in the Scheme will primarily benefit only those properties which are included within the Scheme boundary, and that accordingly the level of benefit to the broader community will be limited.

It is considered that the Community Benefit attributable to the proposed Scheme works will be generated from the broader community receiving some benefits and which benefits (in the interest of fairness and equity) Council should be pay for (and not the special charge contributors).

The community benefits are considered to be –

- A wider use of Ellen Avenue following its construction;
- Improved drainage and water quality; and
- Reduced ongoing maintenance costs for Council.

Broader traffic use

To calculate the level of Community Benefit which it is considered will be attributable to persons who are not accessing or servicing the properties within the Scheme boundary (but who will nevertheless use the road for wider access purposes), an assessment of vehicle movements has been undertaken. From a traffic count in October 2022 it is estimated that there are 50 vehicle movements per day on the street (in its present form).

Based on these traffic movements, it is considered that the most of these vehicle movements relate to use by persons who are accessing or servicing the Special Benefit properties in the scheme (based on an average of 2 vehicle movements per day).

Therefore, the Total Special Benefits for 'road access' by the Special Benefit (in) properties is determined to be 18.5 BU (this is based on approximately 40 vehicle movements per day).

Based on current traffic volumes (and any projected increases in traffic following construction of the road by persons not receiving special benefits), it is anticipated that the overall traffic along Ellen Avenue would not significantly increase, meaning that it is anticipated that there will be little additional vehicle movements per day following construction of the roads. The increase in traffic of the summer and easter holiday periods is considered marginal and generally only occurs in these holiday periods.

Despite this, an allowance is made for what may be some increase in traffic movements and, accordingly, any projected increase in external traffic will account for the Total Community Benefit, and this will result in the calculation of the following BU's for any such traffic by the broader community.

Total Community Benefit Units for any broader traffic use of the road is calculated as follows—

$$\begin{aligned}\text{TCB}_{\text{traffic}} &= 18.5 \times (1 - (40 / 50)) \\ &= 18.5 \times 0.20 \\ \text{TCB}_{\text{traffic}} &= 2.7\end{aligned}$$

Improved drainage and water quality

Sealing of the roads will result in improved road drainage and better water quality: It is recommended therefore that **2.0 BU** be allowed for this benefit, which is however considered to be a marginal benefit.

$$\text{TCB}_{\text{drainage}} = 2.0$$

Reduced ongoing maintenance costs

There will be less ongoing maintenance costs for Council in having to care for and manage a sealed road, rather than an unsealed road: It is recommended therefore that **2.0 BU** be allowed for this benefit, which again is considered to be a marginal benefit.

$$\text{TCB}_{\text{maintenance}} = 2.0$$

Therefore,

$$\begin{aligned}\text{TCB}_{\text{total}} &= \text{TCB}_{\text{traffic}} + \text{TCB}_{\text{drainage}} + \text{TCB}_{\text{maintenance}} \\ &= 2.7 + 2 + 2 \\ \text{TCB}_{\text{total}} &= 6.7\end{aligned}$$

H. Calculating the 'Benefit Ratio'

The Benefit Ratio is calculated as follows –

$$\begin{aligned}R &= \frac{\text{TSB}_{(\text{in})}}{\text{TSB}_{(\text{in})} + \text{TSB}_{(\text{out})} + \text{TCB}} \\ &= 37 / (37 + 0 + 6.7) \\ &= 37 / 43.7\end{aligned}$$

$$\text{Benefit Ratio (R)} = 0.85$$

I. Calculating the Maximum Total Levy

The following formula, as set out in the Act, is used to determine the Maximum Total Levy–

$$R \times C = S$$

where –

R is the Benefit Ratio determined by Council;

C is the Total Scheme cost; and

S is the Maximum Total Levy

Maximum Total Levy Amount (R x C = S)
0.85 x \$395,000 = \$335,750

Council may levy up to **85%** of total costs, or **\$335,750**

J. Other relevant considerations

Council notes that if it levies the Maximum Total Levy Amount of \$133,200 the special charge contributors would be required to pay by way of special charges amounts which exceed the amounts set out in Council's Residential Road and Street Construction Plan 2019¹.

In the exercise of its discretions, and otherwise in accordance with the Plan (and the objectives which the Plan seeks to achieve), Council chooses to allocate a further amount of \$202,550 in and towards the cost of the Scheme works, meaning that the Maximum Levy Amount to be charged to the Scheme will be \$133,200 (***Revised Maximum Total Levy Amount***).

The Revised Maximum Total Levy Amount is to be apportioned amongst the property owners within the scheme area in accordance with the method of distribution of the Special Charge to be determined by Council in the declaration of the Special Charge.

¹ Refer to section 6.2 of the Plan by which a fixed rate contribution model of \$3,600 has been proposed and adopted by Council for Small & Coastal Towns where sealed roads are to be provided.

PROPOSED DECLARATION OF SPECIAL CHARGE

‘Ellen Avenue, Seaspray - Special Charge Street Construction Scheme Number 2204’

1. Wellington Shire Council (**Council**) proposes to declare a Special Charge (**Special Charge** or **Scheme**) under section 163(1) of the *Local Government Act 1989* (**Act**) for the purpose of defraying any expenses or repaying (with interest) any advance made to or any debt incurred or loan to be raised by Council in relation to the construction of Ellen Avenue (and a connecting section of Davies St) in Seaspray (**Street**) and for providing all and any necessary ancillary works associated with the construction of the road, including road drainage and crossovers. The Scheme, if declared, is to be known as the ‘Ellen Avenue - Special Charge Street Construction Scheme Number 2204’.
2. The criteria which will form the basis of the proposed declaration of the Special Charge are the ownership of rateable properties in the area of the Scheme (being properties within the ‘residential area’ of Seaspray) and based on the application of access benefit units, including having regard to the driveway access of those properties in the Scheme to Ellen Avenue and a connecting section of Davies Street (as the properties are set out in paragraphs 7 and 8 of the proposed declaration), the overall benefits which it is considered the properties in the Scheme (based on the physical and other benefits) will receive from the works to be provided under the Scheme.
3. In proposing the declaration of the Special Charge, Council is performing functions and exercising powers in relation to the peace, order and good government of the municipal district of the Shire of Wellington, in particular the provision of proper, safe and suitable roads and property services within the area for which the proposed Special Charge is to be declared (**Works**).
4. The total cost of the performance of the function and the exercise of the power by Council (in relation to the Works) is \$395,000 and this amount is the total estimated cost of the Works to be undertaken by the Scheme.
5. The total amount to be levied under the Scheme as the Special Charge is \$133,200
6. The Special Charge will commence on the date on which it is levied by Council and will remain in force for a period of 5 years.
7. The area for which the proposed Special Charge is to be declared is all of the land shown on the plan set out in the Schedule forming a part of this proposed declaration (being **Schedule 1**).
8. The land in relation to which the proposed Special Charge is to be declared is all that rateable land described in the listing of rateable properties set in the Schedule forming a part of this proposed declaration of Special Charge (being **Schedule 2**).

9. The proposed Special Charge will be assessed and levied in accordance with the amounts set out alongside each property in the Schedule forming a part of this proposed declaration (being **Schedule 2**), such amounts having been assessed and determined by Council as (and are based on) a fixed charge for each property having regard to access, including and in particular driveway access. Properties which have a shared driveway access to the street to be constructed via common property will have their access benefits calculated on the basis of 100% for the first property and 50% for each additional property (with access being apportioned to each of the properties so as to equal the sum of the percentages divided by the number of properties with common property access), and any other benefits.

(More particularly, the Special Charge is to be apportioned to properties included in the Scheme on the basis of each property having a driveway access to the street to be constructed under the Scheme being apportioned one (1) Access Benefit Unit (ABU) and properties within an Owners Corporation with a shared driveway access to the street via common property being apportioned an Access Benefit Unit calculated on the basis of 100% for the first property and 50% for each additional property. The Access Benefit Unit is otherwise to be apportioned to each of these properties equaling the sum of the percentages divided by the number of properties with common property access.)

10. Subject to any further resolution of Council, the Special Charge will be levied by Council sending a notice in the prescribed form to the owners of the properties in the Scheme by which the Special Charge is to be paid –
- (a) In full amount within 45 days of the notice; or
 - (b) By way of quarterly instalments in the manner set out in paragraph 11.
11. Because the performance of the function and the exercise of the power in respect of which the proposed Special Charge is to be declared and levied relates substantially to the provision of capital works, special ratepayers will be given an instalment plan under which –
- (a) Quarterly instalments are to be paid over a 5 year period, or other such period as negotiated; and
 - (b) Quarterly instalments will include a component for reasonable interest costs, the total of which will not exceed the estimated borrowing costs of Council in respect of the construction of the Road by more than 1 per cent; and
 - (c) Subject to the Local Government Act 2022 coming into effect quarterly installments invoicing will commence within 12 months of the scheme declaration.
12. Council will consider cases of financial and other hardship, and may consider other payment options for the Special Charge.
13. No incentives will be given for the payment of the Special Charge before the due date for payment.

14. Council considers that there will be a special benefit to the persons required to pay the Special Charge because there will be a benefit to those persons over and above, or greater than, the benefit that is available to persons who are not subject to the proposed Special Charge, and directly and indirectly as a result of the expenditure proposed by the Special Charge, the value and the use, occupation and enjoyment of the properties included in the Scheme will be maintained or enhanced through the provision of proper, safe and suitable roads and property services. Without limitation, Council considers that the Works will –
- (a) Reduce dust;
 - (b) Enhance the amenity and character of the land, and local area;
 - (c) Create improved riding surfaces for the roads;
 - (d) Improve access and egress from properties;
 - (e) Improve road drainage; and
 - (f) Improve road safety for motorists, cyclists.
15. For the purposes of having determined the total amount of the Special Charge to be levied under the Scheme, Council further considers and formally determines for the purposes of sections 163(2)(a), (2A) and (2B) of the Act that the estimated proportion of the total benefits of the Scheme to which the performance of the function and the exercise of the power relates (including all special and community benefits) that will accrue as special benefits to all persons who are liable to pay the Special Charge is in a ratio of 0.65 or 65%, noting however that, in the exercise of its discretions, Council has chosen to make a further contribution to the cost of the Works so as to arrive at a Revised Maximum Total Levy Amount of \$133,200.

SCHEDULES TO DECLARATION

Schedule 1 - Scheme plan area

Schedule 2 - Listing of all properties with amount of special charges payable and showing manner of calculation of special charge apportionment;

Method 1 - Maximum Levy at 50% Access Benefit & 50% Frontage

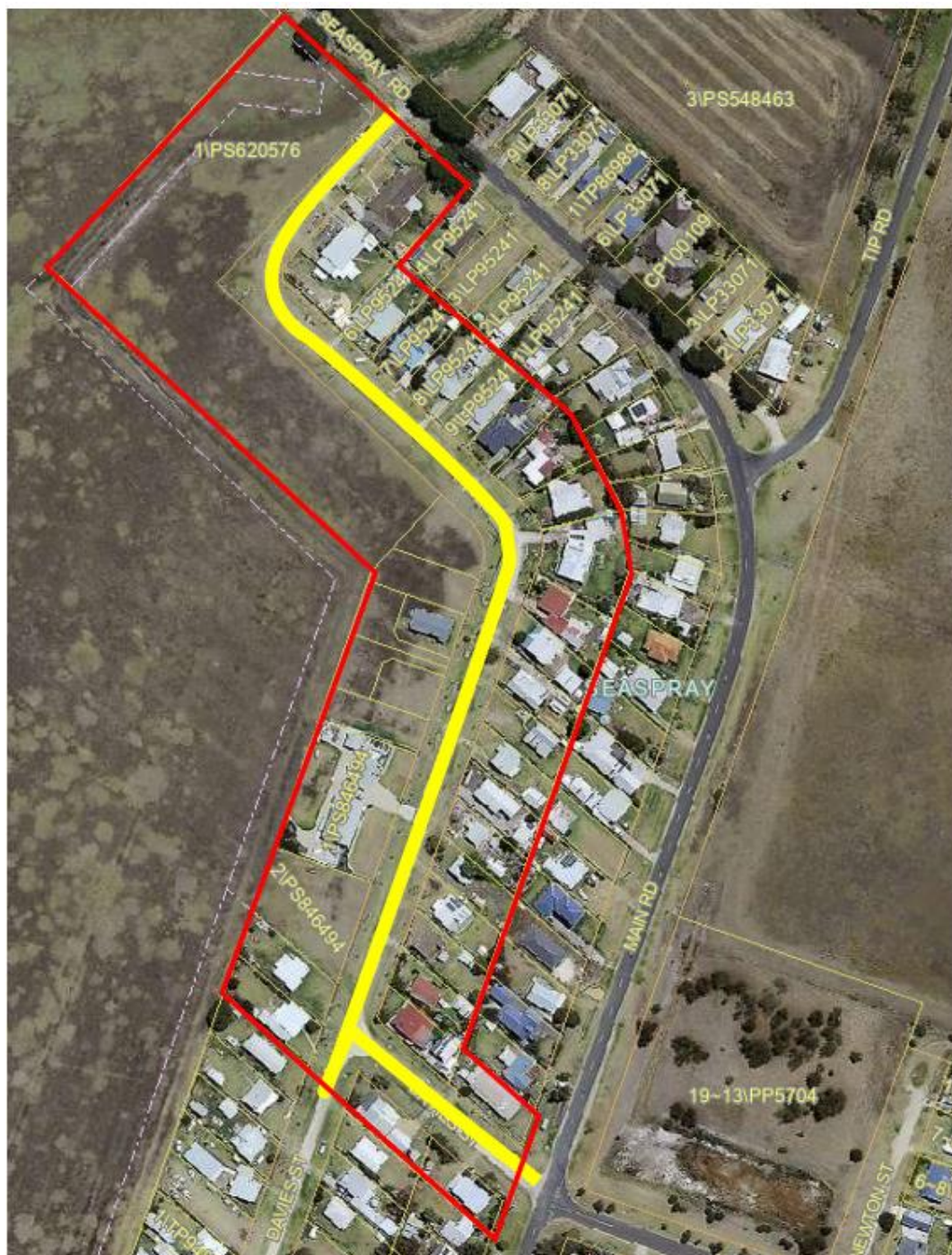
Method 2 - Maximum Levy at 100% Access Benefit

Method 3 - Fixed Fee

Schedule 1

**ELLEN AVENUE – SEASPRAY
PLAN OF SPECIAL CHARGE SCHEME AREA.**

Scheme Boundary



Schedule 2

Method 1 - Maximum Levy at 50% Access Benefit & 50% Frontage

WELLINGTON SHIRE COUNCIL

ELLEN AVE CONSTRUCTION SCHEME - APPORTIONMENT OF COST - MAX. LEVY AMOUNT - 50% ACCESS & 50% FRONTAGE

ASSESS NO.	PARCEL NO.	TITLE DETAILS	STREET ADDRESS OF PROPERTY	ACCESS BENEFIT (AB)	FRONTAGE (F)	SIDEAGE & REARAGE (S&R)	TOTAL APPORTIONED LENGTH (AL=F+0.3S&R)	SCHEME AMOUNT DUE (=ABxR + ALxR)
DAVIES STREET								
1	10386	195040 LOT: 18 LP: 44533	35 Davies ST, SEASPRAY	1	16.5	0	16.5	\$8,142.91
2	10387	195057 LOT: 17 LP: 44533	33 Davies ST, SEASPRAY	1	16.5	0	16.5	\$8,142.91
3	10385	195032 LOT: 19 LP: 34328	32 Davies ST, SEASPRAY	1	16.5	40.2	28.56	\$10,778.39
ELLEN AVE								
4	63010	456301 LOT: 2 PS: 846494C	3 Ellen AVE, SEASPRAY	1	45	0	45	\$14,371.03
5	63009	456293 LOT: 1 PS: 846494C	7 Ellen AVE, SEASPRAY	1	56	0	56	\$16,774.86
6	57478	453126 LOT: 1 PS: 811653F	13 Ellen AVE, SEASPRAY	1	15.2	0	15.2	\$7,858.82
7	57479	453134 LOT: 2 PS: 811653F	15 Ellen AVE, SEASPRAY	1	19	0	19	\$8,689.24
8	57480	454744 LOT: 3 PS: 811653F	17 Ellen AVE, SEASPRAY	1	4	0	4	\$5,411.28
9	57481	453142 LOT: 4 PS: 811653F	19 Ellen AVE, SEASPRAY	1	4	0	4	\$5,411.28
10	57482	453159 LOT: 5 PS: 811653F	21 Ellen AVE, SEASPRAY	1	19	0	19	\$8,689.24
11	57483	453167 LOT: 6 PS: 811653F	23 Ellen AVE, SEASPRAY	1	16	0	16	\$8,033.65
12	57484	453175 LOT: 7 PS: 811653F	25 Ellen AVE, SEASPRAY	1	41.5	0	41.5	\$13,606.17
13	10408	195222 LOT: 37 LP: 44581	2 Ellen AVE, SEASPRAY	1	16.5	0	16.5	\$8,142.91
14	10409	195230 LOT: 36 LP: 44581	4 Ellen AVE, SEASPRAY	1	16.5	0	16.5	\$8,142.91
15	10410	195248 LOT: 35 LP: 44581	6 Ellen AVE, SEASPRAY	1	16.5	0	16.5	\$8,142.91
16	10411	195255 LOT: 34 LP: 44581	8 Ellen AVE, SEASPRAY	1	16.5	0	16.5	\$8,142.91
17	10412	195263 LOT: 33 LP: 44581	10 Ellen AVE, SEASPRAY	1	16.5	0	16.5	\$8,142.91
18	10413	195271 LOT: 32 LP: 44581	12 Ellen AVE, SEASPRAY	1	16.5	0	16.5	\$8,142.91
19	10414	195289 LOT: 31 LP: 44581	14 Ellen AVE, SEASPRAY	1	16.5	0	16.5	\$8,142.91
20	10415	195297 LOT: 30 LP: 44581	16 Ellen AVE, SEASPRAY	1	16.5	0	16.5	\$8,142.91
21	10416	195305 LOT: 29 LP: 44581	18 Ellen AVE, SEASPRAY	1	16.5	0	16.5	\$8,142.91
22	10417	195313 LOT: 28 LP: 44581	20 Ellen AVE, SEASPRAY	1	16.5	0	16.5	\$8,142.91
23	10418	195321 LOT: 27 LP: 44581	22 Ellen AVE, SEASPRAY	1	16.5	0	16.5	\$8,142.91
24	10419	195339 LOT: 26 LP: 44581	24 Ellen AVE, SEASPRAY	1	16.5	0	16.5	\$8,142.91
25	10420	195347 LOT: 25 LP: 44581	26 Ellen AVE, SEASPRAY	1	18	0	18	\$8,470.71
26	10421	195354 LOT: 24 LP: 44581	28 Ellen AVE, SEASPRAY	1	16	0	16	\$8,033.65
27	10422	195362 LOT: 23 LP: 44581	30 Ellen AVE, SEASPRAY	1	15.2	0	15.2	\$7,858.82
28	10423	195370 LOT: 22 LP: 44581	32 Ellen AVE, SEASPRAY	1	15.2	0	15.2	\$7,858.82
29	10424	195388 LOT: 9 LP: 95241	34 Ellen AVE, SEASPRAY	1	17.8	0	17.8	\$8,427.00
30	10425	195396 LOT: 8 LP: 95241	36 Ellen AVE, SEASPRAY	1	18.5	0	18.5	\$8,579.97
31	10426	195404 LOT: 7 LP: 95241	38 Ellen AVE, SEASPRAY	1	18.5	0	18.5	\$8,579.97
32	10427	195412 LOT: 6 LP: 95241	40 Ellen AVE, SEASPRAY	1	18.5	0	18.5	\$8,579.97
33	10428	195420 LOT: 2 LP: 121522	42 Ellen AVE, SEASPRAY	1	34.6	40.2	46.66	\$14,733.79
34	10529	196410 LOT: 1 LP: 121522	44 Ellen AVE, SEASPRAY	1	0	40.2	12.06	\$7,172.64
MAIN ROAD								
35	10554	196642 LOT: 20 LP: 34328	31 Main RD, SEASPRAY	1	0	40.2	12.06	\$7,172.64
36	10553	196634 LOT: 1 LP: 44581	33 Main RD, SEASPRAY	1	0	40.2	12.06	\$7,172.64
37	56030	195438 LOT: 1 PS: 620576L	85 Main RD, SEASPRAY	1	0	228	68.4	\$19,484.64
TOTALS				37	639.5	429.0	768.2	\$335,750.00
TOTAL ESTIMATED COST OF SCHEME				\$ 395,000				
COUNCIL CONTRIBUTION				\$ 59,250				
APPORTIONED AMOUNT				\$ 335,750				
AMOUNT APPORTIONED TO ACCESS - 50%				\$ 167,875				
AMOUNT APPORTIONED TO FRONTAGE 50%				\$ 167,875				
Apportionment Rate - (Access Benefit Units)				\$ 4,537.16 per ABU (R)				
Apportionment Rate - (Abuttal Length)				\$ 218.53 per m (R)				

Method 2 - Maximum Levy at 100% Access Benefit

WELLINGTON SHIRE COUNCIL

ELLEN AVENUE STREET CONSTRUCTION SCHEME - APPORTIONMENT OF COST - MAXIMUM LEVY - ACCESS ONLY

PARCEL NO.	ASSES. NO.	TITLE DETAILS	STREET ADDRESS OF PROPERTY	ACCESS BENEFIT	ACCESS BENEFIT FACTOR APPLIED FOR COMMON PROP.	APPORTIONED ACCESS BENEFIT (AAB)	FIXED RATE CONTRIBUTION (FRC)	SCHEME AMOUNT DUE (= AAB x FRC)
DAVIES STREET								
1	10386	195040 LOT: 18 LP: 44533	35 Davies ST, SEASPRAY	1	1	1	\$9,074.32	\$9,074.32
2	10387	195057 LOT: 17 LP: 44533	33 Davies ST, SEASPRAY	1	1	1	\$9,074.32	\$9,074.32
3	10385	195032 LOT: 19 LP: 34328	32 Davies ST, SEASPRAY	1	1	1	\$9,074.32	\$9,074.32
ELLEN AVE								
4	63010	456301 LOT: 2 PS: 846494C	3 Ellen AVE, SEASPRAY	1	1	1	\$9,074.32	\$9,074.32
5	63009	456293 LOT: 1 PS: 846494C	7 Ellen AVE, SEASPRAY	1	1	1	\$9,074.32	\$9,074.32
6	57478	453126 LOT: 1 PS: 811653F	13 Ellen AVE, SEASPRAY	1	1	1	\$9,074.32	\$9,074.32
7	57479	453134 LOT: 2 PS: 811653F	15 Ellen AVE, SEASPRAY	1	1	1	\$9,074.32	\$9,074.32
8	57480	454744 LOT: 3 PS: 811653F	17 Ellen AVE, SEASPRAY	1	1	1	\$9,074.32	\$9,074.32
9	57481	453142 LOT: 4 PS: 811653F	19 Ellen AVE, SEASPRAY	1	1	1	\$9,074.32	\$9,074.32
10	57482	453159 LOT: 5 PS: 811653F	21 Ellen AVE, SEASPRAY	1	1	1	\$9,074.32	\$9,074.32
11	57483	453167 LOT: 6 PS: 811653F	23 Ellen AVE, SEASPRAY	1	1	1	\$9,074.32	\$9,074.32
12	57484	453175 LOT: 7 PS: 811653F	25 Ellen AVE, SEASPRAY	1	1	1	\$9,074.32	\$9,074.32
13	10408	195222 LOT: 37 LP: 44581	2 Ellen AVE, SEASPRAY	1	1	1	\$9,074.32	\$9,074.32
14	10409	195230 LOT: 36 LP: 44581	4 Ellen AVE, SEASPRAY	1	1	1	\$9,074.32	\$9,074.32
15	10410	195248 LOT: 35 LP: 44581	6 Ellen AVE, SEASPRAY	1	1	1	\$9,074.32	\$9,074.32
16	10411	195255 LOT: 34 LP: 44581	8 Ellen AVE, SEASPRAY	1	1	1	\$9,074.32	\$9,074.32
17	10412	195263 LOT: 33 LP: 44581	10 Ellen AVE, SEASPRAY	1	1	1	\$9,074.32	\$9,074.32
18	10413	195271 LOT: 32 LP: 44581	12 Ellen AVE, SEASPRAY	1	1	1	\$9,074.32	\$9,074.32
19	10414	195289 LOT: 31 LP: 44581	14 Ellen AVE, SEASPRAY	1	1	1	\$9,074.32	\$9,074.32
20	10415	195297 LOT: 30 LP: 44581	16 Ellen AVE, SEASPRAY	1	1	1	\$9,074.32	\$9,074.32
21	10416	195305 LOT: 29 LP: 44581	18 Ellen AVE, SEASPRAY	1	1	1	\$9,074.32	\$9,074.32
22	10417	195313 LOT: 28 LP: 44581	20 Ellen AVE, SEASPRAY	1	1	1	\$9,074.32	\$9,074.32
23	10418	195321 LOT: 27 LP: 44581	22 Ellen AVE, SEASPRAY	1	1	1	\$9,074.32	\$9,074.32
24	10419	195339 LOT: 26 LP: 44581	24 Ellen AVE, SEASPRAY	1	1	1	\$9,074.32	\$9,074.32
25	10420	195347 LOT: 25 LP: 44581	26 Ellen AVE, SEASPRAY	1	1	1	\$9,074.32	\$9,074.32
26	10421	195354 LOT: 24 LP: 44581	28 Ellen AVE, SEASPRAY	1	1	1	\$9,074.32	\$9,074.32
27	10422	195362 LOT: 23 LP: 44581	30 Ellen AVE, SEASPRAY	1	1	1	\$9,074.32	\$9,074.32
28	10423	195370 LOT: 22 LP: 44581	32 Ellen AVE, SEASPRAY	1	1	1	\$9,074.32	\$9,074.32
29	10424	195388 LOT: 9 LP: 95241	34 Ellen AVE, SEASPRAY	1	1	1	\$9,074.32	\$9,074.32
30	10425	195396 LOT: 8 LP: 95241	36 Ellen AVE, SEASPRAY	1	1	1	\$9,074.32	\$9,074.32
31	10426	195404 LOT: 7 LP: 95241	38 Ellen AVE, SEASPRAY	1	1	1	\$9,074.32	\$9,074.32
32	10427	195412 LOT: 6 LP: 95241	40 Ellen AVE, SEASPRAY	1	1	1	\$9,074.32	\$9,074.32
33	10428	195420 LOT: 2 LP: 121522	42 Ellen AVE, SEASPRAY	1	1	1	\$9,074.32	\$9,074.32
34	10529	196410 LOT: 1 LP: 121522	44 Ellen AVE, SEASPRAY	1	1	1	\$9,074.32	\$9,074.32
MAIN ROAD								
35	10554	196642 LOT: 20 LP: 34328	31 Main RD, SEASPRAY	1	1	1	\$9,074.32	\$9,074.32
36	10553	196634 LOT: 1 LP: 44581	33 Main RD, SEASPRAY	1	1	1	\$9,074.32	\$9,074.32
37	56030	195438 LOT: 1 PS: 620576L	85 Main RD, SEASPRAY	1	1	1	\$9,074.32	\$9,074.32
TOTALS				37		37		\$335,750.00
TOTAL ESTIMATED COST OF SCHEME					\$395,000			
COUNCIL CONTRIBUTION					\$59,250			
APPORTIONED AMOUNT					\$335,750			

ABU FACTOR CALCULATION FOR COMMON PROPERTY

Calculation - First property at 100% with 50% for each additional property divided by number of properties

Address	Factor
Nil	

Method 3 – Fixed Fee - Access Benefit (Revised Maximun Levy)**WELLINGTON SHIRE COUNCIL****ELLEN AVENUE STREET CONSTRUCTION SCHEME - APPORTIONMENT OF COST - REVISED MAXIMUM LEVY - ACCESS ONLY**

PARCEL NO.	ASSES. NO.	TITLE DETAILS	STREET ADDRESS OF PROPERTY	ACCESS BENEFIT	ACCESS BENEFIT FACTOR APPLIED FOR COMMON PROP.	APPORTIONED ACCESS BENEFIT (AAB)	FIXED RATE CONTRIBUTION (FRC)	SCHEME AMOUNT DUE (= AAB x FRC)
DAVIES STREET								
1	10386	195040 LOT: 18 LP: 44533	35 Davies ST, SEASPRAY	1	1	1	\$3,600.00	\$3,600.00
2	10387	195057 LOT: 17 LP: 44533	33 Davies ST, SEASPRAY	1	1	1	\$3,600.00	\$3,600.00
3	10385	195032 LOT: 19 LP: 34328	32 Davies ST, SEASPRAY	1	1	1	\$3,600.00	\$3,600.00
ELLEN AVE								
4	63010	456301 LOT: 2 PS: 846494C	3 Ellen AVE, SEASPRAY	1	1	1	\$3,600.00	\$3,600.00
5	63009	456293 LOT: 1 PS: 846494C	7 Ellen AVE, SEASPRAY	1	1	1	\$3,600.00	\$3,600.00
6	57478	453126 LOT: 1 PS: 811653F	13 Ellen AVE, SEASPRAY	1	1	1	\$3,600.00	\$3,600.00
7	57479	453134 LOT: 2 PS: 811653F	15 Ellen AVE, SEASPRAY	1	1	1	\$3,600.00	\$3,600.00
8	57480	454744 LOT: 3 PS: 811653F	17 Ellen AVE, SEASPRAY	1	1	1	\$3,600.00	\$3,600.00
9	57481	453142 LOT: 4 PS: 811653F	19 Ellen AVE, SEASPRAY	1	1	1	\$3,600.00	\$3,600.00
10	57482	453159 LOT: 5 PS: 811653F	21 Ellen AVE, SEASPRAY	1	1	1	\$3,600.00	\$3,600.00
11	57483	453167 LOT: 6 PS: 811653F	23 Ellen AVE, SEASPRAY	1	1	1	\$3,600.00	\$3,600.00
12	57484	453175 LOT: 7 PS: 811653F	25 Ellen AVE, SEASPRAY	1	1	1	\$3,600.00	\$3,600.00
13	10408	195222 LOT: 37 LP: 44581	2 Ellen AVE, SEASPRAY	1	1	1	\$3,600.00	\$3,600.00
14	10409	195230 LOT: 36 LP: 44581	4 Ellen AVE, SEASPRAY	1	1	1	\$3,600.00	\$3,600.00
15	10410	195248 LOT: 35 LP: 44581	6 Ellen AVE, SEASPRAY	1	1	1	\$3,600.00	\$3,600.00
16	10411	195255 LOT: 34 LP: 44581	8 Ellen AVE, SEASPRAY	1	1	1	\$3,600.00	\$3,600.00
17	10412	195263 LOT: 33 LP: 44581	10 Ellen AVE, SEASPRAY	1	1	1	\$3,600.00	\$3,600.00
18	10413	195271 LOT: 32 LP: 44581	12 Ellen AVE, SEASPRAY	1	1	1	\$3,600.00	\$3,600.00
19	10414	195289 LOT: 31 LP: 44581	14 Ellen AVE, SEASPRAY	1	1	1	\$3,600.00	\$3,600.00
20	10415	195297 LOT: 30 LP: 44581	16 Ellen AVE, SEASPRAY	1	1	1	\$3,600.00	\$3,600.00
21	10416	195305 LOT: 29 LP: 44581	18 Ellen AVE, SEASPRAY	1	1	1	\$3,600.00	\$3,600.00
22	10417	195313 LOT: 28 LP: 44581	20 Ellen AVE, SEASPRAY	1	1	1	\$3,600.00	\$3,600.00
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25	10420	195347 LOT: 25 LP: 44581	26 Ellen AVE, SEASPRAY	1	1	1	\$3,600.00	\$3,600.00
26	10421	195354 LOT: 24 LP: 44581	28 Ellen AVE, SEASPRAY	1	1	1	\$3,600.00	\$3,600.00
27	10422	195362 LOT: 23 LP: 44581	30 Ellen AVE, SEASPRAY	1	1	1	\$3,600.00	\$3,600.00
28	10423	195370 LOT: 22 LP: 44581	32 Ellen AVE, SEASPRAY	1	1	1	\$3,600.00	\$3,600.00
29	10424	195388 LOT: 9 LP: 95241	34 Ellen AVE, SEASPRAY	1	1	1	\$3,600.00	\$3,600.00
30	10425	195396 LOT: 8 LP: 95241	36 Ellen AVE, SEASPRAY	1	1	1	\$3,600.00	\$3,600.00
31	10426	195404 LOT: 7 LP: 95241	38 Ellen AVE, SEASPRAY	1	1	1	\$3,600.00	\$3,600.00
32	10427	195412 LOT: 6 LP: 95241	40 Ellen AVE, SEASPRAY	1	1	1	\$3,600.00	\$3,600.00
33	10428	195420 LOT: 2 LP: 121522	42 Ellen AVE, SEASPRAY	1	1	1	\$3,600.00	\$3,600.00
34	10529	196410 LOT: 1 LP: 121522	44 Ellen AVE, SEASPRAY	1	1	1	\$3,600.00	\$3,600.00
MAIN ROAD								
35	10554	196642 LOT: 20 LP: 34328	31 Main RD, SEASPRAY	1	1	1	\$3,600.00	\$3,600.00
36	10553	196634 LOT: 1 LP: 44581	33 Main RD, SEASPRAY	1	1	1	\$3,600.00	\$3,600.00
37	56030	195438 LOT: 1 PS: 620576L	85 Main RD, SEASPRAY	1	1	1	\$3,600.00	\$3,600.00
TOTALS				37		37		\$133,200.00
TOTAL ESTIMATED COST OF SCHEME					\$395,000.00			
COUNCIL CONTRIBUTION					\$261,800.00			
APPORTIONED AMOUNT					\$133,200.00			

ABU FACTOR CALCULATION FOR COMMON PROPERTY

Calculation - First property at 100% with 50% for each additional property divided by number of properties

Address Factor

Nil

16.3. SEASPRAY LEVEE BANK UPGRADE WORKS

ACTION OFFICER: MANAGER ASSETS AND PROJECTS

PURPOSE

The purpose of this report is for Council to consider entering into a contract for the Seaspray Levee Bank Upgrade Works.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

RECOMMENDATION

That:

- 1. Council adopt the recommendations contained in the attached confidential Tender Evaluation Report of the Council Meeting Agenda for Contract 2023-037 Seaspray Levee Bank Upgrade Works; and***
- 2. The information contained in the confidential attachment Contract 2023-037 Seaspray Levee Bank Upgrade Works and designated confidential under Section 3(1) Confidential Information of the Local Government Act 2020 by the General Manager Built and Natural Environment on 9 December 2022 because it relates to the following grounds: (g)(ii) private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage; be designated confidential information under Section 3(1) Confidential Information of the Local Government Act 2020, except that once this recommendation has been adopted the name of the successful tenderer can be made public.***

BACKGROUND

In 2016, Wellington Shire in conjunction with the West Gippsland Catchment Management Authority commissioned a study to define the characteristics of flooding around Seaspray, to enable emergency management and future planning decisions to be soundly based and to allow measures to be put in place to minimise the flood risk to the community. The study identified areas within the Seaspray township that were high flood risk and targeted raising of the levees where required to provide protection from a 1% Annual Exceedance Probability (AEP) event (what was previously called a 1 in 100, year event).

In 2019, funding was successfully sought through the Natural Disaster Resilience Grant Scheme to undertake a functional and then detailed design of the levee upgrade with the design being completed in early 2020. The works will include an increase in wall height of approximately 300mm along the 4.3km length to approximately 0.7m Australian Height Datum (AHD). The levee wall will also be extended alongside Merrimans Creek to the north of the Seaspray township and will include a gravel access track and an informal walking track along the public sections of the levee wall.

In 2022, Wellington Shire obtained further funding through the Bushfire Recovery Grant Scheme to implement works. Accordingly, a tender was advertised for these works and has been evaluated and a contract has now been prepared for Council's consideration.

ATTACHMENTS

1. Confidential Header Seaspray Levee Bank Upgrade Works [**16.3.1** - 1 page]
2. CONFIDENTIAL REDACTED - 2023-037 Tender Evaluation Report V 3 [**16.3.2** - 5 pages]

OPTIONS

Council has the following options available:

1. Adopt the recommendations contained in the attached confidential Tender Evaluation Report for Contract 2023-037 Seaspray Levee Bank Upgrade Works; or
2. Not enter into a contract and not proceed with these works at this time.

PROPOSAL

That Council adopt the recommendations contained in the attached confidential Tender Evaluation Report for Contract 2023-037 Seaspray Levee Bank Upgrade Works.

CONFLICT OF INTEREST

No staff and/or contractors involved in the compilation of this report have declared a conflict of interest.

COLLABORATION

Pursuant to section 109(2) of the *Local Government Act 2020*, no collaborative opportunities have been identified for this one-off project.

FINANCIAL IMPACT

These works have been budgeted for under the 2022-2023 capital works program with funding being secured from the Bushfire Recovery Grant Scheme.

COMMUNICATION IMPACT

This impact has been assessed and there is no effect to consider at this time.

LEGISLATIVE IMPACT

Wellington Shire Council is committed to ensuring the Contract tendering process complies with the *Local Government Act 1989*, *Local Government Act 2020* and the Victorian Local Government Code of Tendering.

COUNCIL POLICY IMPACT

These works are in line with Council's policies of maintaining and enhancing Council's infrastructure.

COUNCIL PLAN IMPACT

The Council Plan 2021-25 Theme 4 “Services and Infrastructure” states the following strategic outcome:

Strategic Outcome 4.3: *"Well planned and sustainable towns, facilities, and infrastructure that service community need."*

This report supports the above Council Plan strategic outcome.

RESOURCES AND STAFF IMPACT

This project will be undertaken with the resources of the Assets and Projects unit.

COMMUNITY IMPACT

These works will have a positive community impact as floods below because they will mitigate floods below the 1% AEP.

ENVIRONMENTAL IMPACT

This impact will have minimal environmental impact, with the contractors providing an Environmental Management Plan which will be strictly monitored.

ENGAGEMENT IMPACT

Wellington Shire Council's standard consultation practices will be implemented on this project.

RISK MANAGEMENT IMPACT

It is considered that the proposed contract works will not expose Wellington Shire Council to any significant risks. All Occupational Health and Safety risks will be discussed with the contractor and allocated to the party in the best position to manage each risk.



WELLINGTON

SHIRE COUNCIL

The Heart of Gippsland

ORDINARY COUNCIL MEETING 20 DECEMBER 2022

On this day, 9 December 2022, in accordance with Section 3(1) of the *Local Government Act 2020*; I, Chris Hastie, General Manager Built and Natural Environment declare that the information contained in the attached **CONTRACT 2023-037 SEASPRAY LEVEE BANK UPGRADE WORKS** is confidential because it relates to the following grounds under Section 3(1) of the *Local Government Act 2020*:

- (g) private commercial information, being information provided by a business, commercial or financial undertaking that —*
- (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage;*

.....
CHRIS HASTIE, GENERAL MANAGER BUILT AND NATURAL ENVIRONMENT

16.4. PAVEMENT REPAIR WORKS PANEL TENDER

ACTION OFFICER: MANAGER BUILT ENVIRONMENT

PURPOSE

The purpose of this report is for Council to consider entering into a Schedule of Rates Panel Tender contract 2022-090 for Pavement Repair Works.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

RECOMMENDATION

That Council:

- 1. Receives and considers this report and all attachments pertaining to this report; and***
- 2. Accepts the Schedule of Rates for Pavement Repair Works for a two-year term with two extension options of twelve months to be made available solely at Council's discretion as outlined in the Confidential Attachment and as submitted by:***
 - SuperSealing Pty Ltd***
 - Tiber Bond Pty Ltd***
 - Cranes Asphaltting and Bitumen Sealing Pty Ltd***
 - McInnes Earthmoving Pty Ltd***
 - Fowlers Asphaltting Pty Ltd***
- 3. The information contained in the confidential attachment Contract 2022-090 Tender Evaluation Pavement Repair Works Schedule of Rates and designated confidential under Section 3(1) Confidential Information of the Local Government Act 2020 by the General Manager Built and Natural Environment on 6 December 2022 because it relates to the following grounds: (g) (ii) private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage; be designated confidential information under Section 3(1) Confidential Information of the Local Government Act 2020, except that once this recommendation has been adopted the name of the successful tenderer can be made public.***

BACKGROUND

Council provides road services across the entire municipality. The Pavement Repair Works contract seeks to establish a panel of suitably qualified private contractors and suppliers for sealed road pavement repair works, including rehabilitation, asphalt deep lift, regulation and crack sealing. Successful tenderers are to be included in a panel of contractors to provide civil pavement repair works to all locations within Wellington Shire.

ATTACHMENTS

1. Confidential Header Pavement Repair Works Panel Tender 2022 090 [16.4.1 - 1 page]
2. CONFIDENTIAL REDACTED - 2022 090 Tender Evaluation Report Pavement Repair Works [16.4.2 - 6 pages]

OPTIONS

Council has the following options available:

1. Receives and considers this report and all attachments pertaining to this report, and accepts the Schedule of Rates for Pavement Repair Works for a two-year term with two extension options of twelve months to be made available solely at Council's discretion as outlined in the Confidential Attachment and as submitted by:
 - SuperSealing Pty Ltd
 - Tiber Bond Pty Ltd
 - Cranes Asphaltting and Bitumen Sealing Pty Ltd
 - McInnes Earthmoving Pty Ltd
 - Fowlers Asphaltting Pty Ltd; or
2. Not approve the Panel Contract at this time and seek further information at a future Council meeting.

PROPOSAL

That Council receives and considers this report and all attachments pertaining to this report, and accepts the Schedule of Rates for Pavement Repair Works for a two-year term with two extension options of twelve months to be made available solely at Council's discretion as outlined in the Confidential Attachment and as submitted by:

- SuperSealing Pty Ltd
- Tiber Bond Pty Ltd
- Cranes Asphaltting and Bitumen Sealing Pty Ltd
- McInnes Earthmoving Pty Ltd
- Fowlers Asphaltting Pty Ltd

CONFLICT OF INTEREST

No staff and/or contractors involved in the compilation of this report have declared a conflict of interest.

COLLABORATION

Tender collaboration is not considered to be appropriate for the Pavement Repair Works Panel Tender. The Pavement Repair Works tender specification has been specifically tailored for pavement repair works within the Wellington Shire municipality. Delivery to other municipalities may not be feasible for tenderers or rates may change depending on location which would not provide value for money in this situation.

FINANCIAL IMPACT

Budget allowance for pavement repair works is contained within Council's forward operating budgets.

COMMUNICATION IMPACT

This impact has been assessed and there is no effect to consider at this time.

LEGISLATIVE IMPACT

Wellington Shire Council is committed to ensuring the Contract tendering process complies with the *Local Government Act 1989*, *Local Government Act 2020* and the Victorian Local Government Code of Tendering.

COUNCIL POLICY IMPACT

These works are within Council's policies of maintaining Council's infrastructure.

COUNCIL PLAN IMPACT

The Council Plan 2021-25 Theme 4 "Services and Infrastructure" states the following strategic outcome:

Strategic Objective 4.2: *"Services deliver operating efficiencies and best value."*

This report supports the above Council Plan strategic outcome.

RESOURCES AND STAFF IMPACT

This contract will be primarily managed with the resources of the Built Environment unit; however, other Council business units may engage contractors via this panel and will therefore be required to provide their own resources and staff as required.

COMMUNITY IMPACT

The service provides the community with a well-managed road network in line with Council's Road Management Plan.

ENVIRONMENTAL IMPACT

This impact has been assessed and there is no effect to consider at this time.

ENGAGEMENT IMPACT

This impact has been assessed and there is no effect to consider at this time.

RISK MANAGEMENT IMPACT

It is considered that the proposed contract works will not expose Wellington Shire Council to any significant risks. All OH&S risks will be discussed with the contractor and allocated to the party in the best position to manage each risk.



WELLINGTON

SHIRE COUNCIL

The Heart of Gippsland

ORDINARY COUNCIL MEETING 20 DECEMBER 2022

On this day, 06 December 2022, in accordance with Section 3(1) of the *Local Government Act 2020*; I, Chris Hastie, General Manager Built and Natural Environment declare that the information contained in the attached **CONTRACT 2022-090 PAVEMENT REPAIR WORKS PANEL TENDER** is confidential because it relates to the following grounds under Section 3(1) of the *Local Government Act 2020*:

- (g) private commercial information, being information provided by a business, commercial or financial undertaking that —*
- (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage;*

.....
CHRIS HASTIE, GENERAL MANAGER BUILT AND NATURAL ENVIRONMENT

16.5. CAPITAL WORKS ADJUSTED BUDGET NOVEMBER UPDATE

ACTION OFFICER: MANAGER ASSETS AND PROJECTS

PURPOSE

The purpose of this report is to provide Council with an update and seek approval of the changes to the Capital Works Program to date for the 2022/2023 financial year.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

RECOMMENDATION

That Council approve changes to the 2022/2023 Adopted Capital Works Budget of \$43,608,240 resulting in an Adjusted Capital Works Budget of \$49,424,286 as described below:

- 1. Approve the Budget Changes to the current Adjusted Capital Works Budget 2022/2023 as shown in Attachment One; and***
- 2. Remove projects that are to be deferred or removed for reasons as per Attachment Two.***

BACKGROUND

Council adopts a program of capital works and budgets accordingly for these works every year. The initial budget for these works is known as the Adopted Budget and this is the figure that Council is required to report against.

When projects are added due to carry forwards from the previous year, new grants or for other reasons such as emergency works or when projects are deferred or deleted due to changing circumstances or market forces throughout the year, the budget is modified. This modified budget is known as the Adjusted Budget and in most years is several million dollars higher than the Adopted Budget. A factor to take into account when adding budget and projects throughout the year, is that focus and resources are taken away from the original program and impact on the original project program is inevitable. Adding resources when new projects are added helps, however planning/designs are usually not immediately available and new staff take time to recruit.

This report is intended to inform Council of the changes made to the Adjusted Capital Works Budget since the start of the financial year. There are six projects described in Attachment Two, that will not be undertaken in this financial year for various reasons, including funding submissions not being successful for projects, negotiations with external parties taking longer to progress than expected and projects being deferred due to market conditions amongst others.

ATTACHMENTS

1. 202212 Attachment One Project Budget Changes [**16.5.1** - 1 page]
2. 202212 Attachment Two Amber Red Projects [**16.5.2** - 1 page]

OPTIONS

Council has the following options available:

1. Accept the recommendations, noting the Adjusted Budget is now \$49,424,286; or
2. Not accept the recommendations.

PROPOSAL

That Council approve changes to the 2022/2023 Adopted Capital Works Budget of \$43,608,240 resulting in an Adjusted Capital Works Budget of \$49,424,286 as described below:

1. Approve the Budget Changes to the current Adjusted Capital Works Budget 2022/2023 as shown in Attachment One; and
2. Remove projects that are to be deferred or removed for reasons as per Attachment Two.

CONFLICT OF INTEREST

No staff and/or contractors involved in the compilation of this report have declared a conflict of interest.

FINANCIAL IMPACT

The Adjusted Budget presented is the total of the Adopted Budget plus carry forward funds from the previous year's budget plus any additional grants received less projects cancelled throughout the year to date. All of the projects shown on the modified Adjusted Budget are funded this financial year.

COMMUNICATION IMPACT

Any impact associated with the budget changes detailed in this report will be communicated as required.

LEGISLATIVE IMPACT

This impact has been assessed and there is no effect to consider at this time.

COUNCIL POLICY IMPACT

This report does not impact on any Council Policy.

COUNCIL PLAN IMPACT

The Council Plan 2021-25 Theme 4 “Services and Infrastructure” states the following strategic outcome:

Strategic Outcome 4.3: *"Well planned and sustainable towns, facilities, and infrastructure that service community need."*

This report supports the above Council Plan strategic outcome.

RESOURCES AND STAFF IMPACT

This impact has been assessed and there is no effect to consider at this time.

COMMUNITY IMPACT

This impact has been assessed and there is no effect to consider at this time.

ENVIRONMENTAL IMPACT

This impact has been assessed and there is no effect to consider at this time.

ENGAGEMENT IMPACT

This impact has been assessed and there is no effect to consider at this time.

RISK MANAGEMENT IMPACT

This impact has been assessed and there is no effect to consider at this time.

Attachment One

Project Budget Changes

Wellington Shire Council*
Sub Account Details
For Period December

Sub Account	2022/23 Adopted Budget	2022/23 Adjusted Budget	Difference Between Adopted & Adjusted Budgets	Comment
3045. Plant Purchases	0	1,668,650	1,668,650	Carried Forward from 21/22
3738. Stephenson's Park Pavilion & Changerooms	0	870,062	870,062	Carried Forward from 21/22
3106. Sale CBD Renewal Program (York Street)	3,045,000	3,686,289	641,289	Carried Forward from 21/22
3799. Ross Road, Winnindoo/Mawhinneys Road	0	366,367	366,367	Additional Funding sourced by LRCIP
3889. Sth Gippy Highway Crossing and Boardwalk	0	323,101	323,101	Carried Forward from 21/22
4325. Abels & Boyle Longford	0	262,310	262,310	Carried Forward from 21/22
4218. Town Entry Improvement Program	100,000	343,690	243,690	Carried Forward from 21/22
3141. Footpath Renewals	350,000	553,135	203,135	Carried Forward from 21/22
3172. YA - Perimeter Fencing	0	180,000	180,000	Carried Forward from 21/22
3124. Maffra Library Roof Renewal	0	178,667	178,667	Carried Forward from 21/22
3876. Swing Bridge - Downstream Drive Refur	0	166,276	166,276	Carried Forward from 21/22
3164. Shelter and BBQ renewal program	125,000	286,599	161,599	Carried Forward from 21/22
4266. Solar PV Installation Program	75,000	230,944	155,944	Carried Forward from 21/22
4271. Com Facilities Accessibility Improvement	0	114,977	114,977	Carried Forward from 21/22
4407. Stephenson Park Croquet Amenities	0	112,814	112,814	Carried Forward from 21/22
3541. Kindergarten Maintenance & Accessibility	0	104,458	104,458	Carried Forward from 21/22
3430. Major Culvert Renewals	0	101,037	101,037	Carried Forward from 21/22
3748. George Street Drainage Renewal Maffra	0	100,000	100,000	Carried Forward from 21/22
3687. Victoria Park Rotunda Heritage Renewal	0	89,052	89,052	Carried Forward from 21/22
3048. Port of Sale Mooring Access Project	2,000,000	2,073,183	73,183	Carried Forward from 21/22
3102. Heyfield Recycling facility Upgrade	0	60,005	60,005	Carried Forward from 21/22
3614. Reseals - Off Street Parking	0	48,514	48,514	Carried Forward from 21/22
3733. Maffra - Cameron Rec Reserve Cricket Net	0	40,000	40,000	Carried Forward from 21/22
3029. Waste Minor Capital Works	0	35,800	35,800	Additional Funding sourced Waste Reserve
3887. Kilmany Landfill - Boundary Fence	0	34,000	34,000	Carried Forward from 21/22
3101. Kilmany Landfill Cell 3	0	25,000	25,000	Additional Funding sourced Waste Reserve
3281. Settlement Road North Stratford	25,000	50,000	25,000	Additional Funding sourced by LRCIP
4214. Heyfield Tennis Pav Minor Refurbishment	0	24,000	24,000	Carried Forward from 21/22
3565. Yarram Trans Station - Hardstand Renewal	30,000	50,000	20,000	Carried Forward from 21/22
3886. North Sale Development Works - Design	0	7,682	7,682	Carried Forward from 21/22
4395. Stephenson Pk Main Oval Storage (bunker)	0	2,800	2,800	Carried Forward from 21/22

*Report Contains Filters

Attachment Two

Deferred / Cancelled Projects

Wellington Shire Council*
Sub Account Details
For Period December

Sub Account	2022/23 Adopted Budget	2022/23 Adjusted Budget	Comment
3254. YA- Eastern Hangar Development	60,000	64,880	Project deferred until lease agreements signed
3289. Yarram Depot Renewal Works	96,000	96,000	Project deferred due to cost increases
3602. Lansdowne St & Macarthur St Roundabout	1,000,000	1,000,000	Not currently funded
3947. Rodgers Street Yarram - Reconstruction	200,000	200,000	Project deferred pending renewal of water main
4400. Education Department Land - Raymond St	10,000	10,000	On hold pending further negotiations
4410. Acquisition of Former Police Station	10,000	10,000	On hold pending further negotiations
Grand Total	1,376,000	1,380,880	

*Report Contains Filters

16.6. AQUA ENERGY REDEVELOPMENT

ACTION OFFICER: MANAGER ASSETS AND PROJECTS

PURPOSE

The purpose of this report is for Council to consider the tenders received for the redevelopment of Aqua Energy, Sale.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

RECOMMENDATION

That:

- 1. Council adopt the recommendations contained in the attached confidential Tender Evaluation Report of the Council Meeting Agenda for Contract 2023-029 Aqua Energy Redevelopment and not award a contract at this time; and***
- 2. The information contained in the confidential attachment Contract 2023-029 Aqua Energy Redevelopment and designated confidential under Section 3(1) Confidential Information of the Local Government Act 2020 by the General Manager Built and Natural Environment on 6 December 2022 because it relates to the following grounds: (g)(ii) private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage;
be designated confidential information under Section 3(1) Confidential Information of the Local Government Act 2020, except that once this recommendation has been adopted the name of the successful tenderer can be made public.***

BACKGROUND

A business case was completed in 2018/19 to replace the almost 50-year-old, 25 metre indoor pool at Aqua Energy. This resulted in a plan which would achieve significant accessibility, utilisation, and programming benefits for users. A concept design was prepared and involved stakeholder and user consultation in 2019/20 and was adopted by Council.

Architects were appointed by Council in September 2021 to review the concept and to complete the detailed design. Following completion of the design the project was tendered in September 2022 for a period of eight weeks.

The tender evaluation is attached for Council's consideration.

ATTACHMENTS

1. Confidential Header Aqua Energy Redevelopment [**16.6.1** - 1 page]
2. CONFIDENTIAL REDACTED - 2023 029 Tender Evaluation Report 002 [**16.6.2** - 5 pages]

OPTIONS

Council has the following options available:

1. Adopt the recommendations contained in the attached confidential Tender Evaluation Report for Contract 2023-029 Aqua Energy Redevelopment and not award a contract at this time; or
2. Not adopt the recommendations at this time.

PROPOSAL

That Council adopt the recommendations contained in the attached confidential Tender Evaluation Report for Contract 2023-029 Aqua Energy Redevelopment and not award a contract at this time.

CONFLICT OF INTEREST

No staff and/or contractors involved in the compilation of this report have declared a conflict of interest.

COLLABORATION

Pursuant to section 109(2) of the *Local Government Act 2020*, no collaborative opportunities have been identified for this one-off project.

FINANCIAL IMPACT

These works have been budgeted for under the 2022-2023 and 2023-2024 capital works programs.

COMMUNICATION IMPACT

This impact has been assessed and there is no effect to consider at this time.

LEGISLATIVE IMPACT

Wellington Shire Council is committed to ensuring the Contract tendering process complies with the *Local Government Act 1989*, *Local Government Act 2020* and the Victorian Local Government Code of Tendering.

COUNCIL POLICY IMPACT

These works are in line with Council's policies of maintaining and enhancing Council's infrastructure.

COUNCIL PLAN IMPACT

The Council Plan 2021-25 Theme 4 “Services and Infrastructure” states the following strategic outcome:

Strategic Outcome 4.3: *"Well planned and sustainable towns, facilities, and infrastructure that service community need."*

This report supports the above Council Plan strategic outcome.

RESOURCES AND STAFF IMPACT

This project will be undertaken with the resources of the Assets and Projects unit.

COMMUNITY IMPACT

There will be little impact on the community with these works being postponed.

ENVIRONMENTAL IMPACT

This impact will have no environmental impact.

ENGAGEMENT IMPACT

Wellington Shire Council's standard consultation practices will be implemented on this project.

RISK MANAGEMENT IMPACT

The adoption of the recommendation to not proceed with a contract at this time will not change the current risk management impact.



WELLINGTON

SHIRE COUNCIL

The Heart of Gippsland

ORDINARY COUNCIL MEETING 20 DECEMBER 2022

On this day, 6 December 2022, in accordance with Section 3(1) of the *Local Government Act 2020*; I, Chris Hastie, General Manager Built and Natural Environment declare that the information contained in the attached **CONTRACT 2023-006 AQUA ENERGY REDEVELOPMENT (SALE AQUATICS FACILITY REDEVELOPMENT)** is confidential because it relates to the following grounds under Section 3(1) of the *Local Government Act 2020*:

(g) private commercial information, being information provided by a business, commercial or financial undertaking that —

(ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage;

.....
CHRIS HASTIE, GENERAL MANAGER BUILT AND NATURAL ENVIRONMENT

16.7. PROPOSED SALE OF ROAD AND LAND - 28 DESAILLY STREET, SALE

ACTION OFFICER: MANAGER ASSETS AND PROJECTS

PURPOSE

The purpose of this report is for Council to consider the proposed sale of land, being the road at the rear of 28 Desailly Street in Sale.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

RECOMMENDATION

That:

- 1. Pursuant to Section 114 of the Local Government Act 2020, Section 206(1) including Clause 3 of Schedule 10 and Section 223 of the Local Government Act 1989, Council resolve to advertise its intention to discontinue and to sell the road reserve abutting the rear of 28 Desailly St in Sale by private treaty; and***
- 2. Council place a public notice of the proposal, in a local newspaper and serve a copy of the notice on abutting property owners and statutory authorities; and***
- 3. Council appoint three Councillors plus an alternative representative to form the 'Road Discontinuance Committee – 28 Desailly Street' that is established by Council under section 223(1)(b)(i) of the Local Government Act 1989, to consider written submissions/objections and to hear any persons who in their written submission under section 223 of the Local Government Act 1989, have requested that they be heard in support of their submission/objection; and***
- 4. In the event of no objections, Council resolve to discontinue the road abutting the rear of 28 Desailly Street, Sale and place a notice in the Victoria Government Gazette; and***
- 5. Council authorise the Chief Executive Officer to sell the land to the abutting property owner at no less than current market value in accordance with the confidential attachment and Wellington Shire Council Policy 3.3.5 - Sale, Exchange and Acquisition of Land and to sign and seal any documents to facilitate the transfer of land.***

BACKGROUND

The owner(s) of the property at 28 Desailly Street, Sale have made application to Council regarding a proposal to acquire the abutting road reserve to the rear of their property, and for them to purchase this road and include their property(s).

The road reserve is a non-maintained road under Council's Road Management Plan and acts as a driveway providing the only formal vehicular access to the rear of both 28 Desailly Street and 119 Raymond Street. There is also a rear abutment to 123 Raymond Street. The three properties are held by the same owner.

The proposal is for the full width of the road reserve abutting at the rear of 28 Desailly Street to be closed and sold. The attached plan outlines the proposal. The road is the land described as Lot 3 (part) and Lot 4 on TP922462 and contained on Certificate of Title 942/301 is held in the name of Wellington Shire Council.

Following an internal review by Council Officers, the proposal is considered reasonable as the land is not required for current Council or community purposes in the immediate or foreseeable future. The land to be sold would be subject to its consolidation into the abutting land. It is proposed that approximately half the width of the road to be closed will be consolidated into 28 Desailly St and balance consolidated with 119 and 123 Raymond St to form one lot.

In proceeding with the proposal, a public notice will be placed in the local paper and copies of the public notice be served on adjacent property owners. It is proposed to notify relevant Statutory Authorities as a sewer line is contained within the road reserve and will likely require to be protected with an easement.

Subject to the consideration of public submissions and objections the section of road reserve will be discontinued, and the land sold to the abutting landowner(s) by private treaty at no less than the current market value in accordance Council Policy 3.3.5 - Sale, Exchange and Acquisition of Land.

ATTACHMENTS

1. Report Attachment [**16.7.1** - 2 pages]
2. Confidential Header Proposed Sale of Land Rear 28 Desailly Street Sale [**16.7.2** - 1 page]
3. CONFIDENTIAL REDACTED - Valuation Review Report [**16.7.3** - 4 pages]

OPTIONS

Council has the following options available:

1. Support the sale of road reserve at the rear of 28 Desailly St, Sale and confirm that the section of road is not required for public traffic pursuant to Section 114 of the *Local Government Act 2020* and Sections 206 and 223 and Schedule 10 of the *Local Government Act 1989*; or
2. Not agree to the sale and discontinuance and advise the property owners that the road reserve at the rear of 28 Desailly Street, Sale is required for public traffic.

PROPOSAL

That:

1. Pursuant to section 114 of the *Local Government Act 2020*, Section 206(1) including Clause 3 of schedule 10 and section 223 of the *Local Government Act 1989*, Council resolve to advertise its intention to discontinue and to sell the road reserve abutting the rear of 28 Desailly St in Sale by private treaty; and
2. Council place a public notice of the proposal, in a local newspaper and serve a copy of the notice on abutting property owners and statutory authorities; and
3. Council appoint three Councillors plus an alternative representative to form the 'Road Discontinuance Committee – 28 Desailly Street' that is established by Council under section 223(1)(b)(i) of the *Local Government Act 1989*, to consider written

- submissions/objections and to hear any persons who in their written submission under section 223 of the *Local Government Act 1989* have requested that they be heard in support of their submission/objection; and
4. In the event of no objections, Council resolve to discontinue the road abutting the rear of 28 Desailly Street, Sale and place a notice in the Victoria Government Gazette; and
 5. Council authorise the Chief Executive Officer to sell the land to the abutting property owner at no less than current market value in accordance with the confidential attachment and Wellington Shire Council Policy 3.3.5 - Sale, Exchange and Acquisition of Land and to sign and seal any documents to facilitate the transfer of land.

CONFLICT OF INTEREST

No staff and/or contractors involved in the compilation of this report have declared a conflict of interest.

FINANCIAL IMPACT

There are no costs to Council, with all costs borne by the property owner. Compensation for the land will be payable to Wellington Shire Council utilising a current market value prepared by an independent licenced valuer in accordance with the confidential attachment.

COMMUNICATION IMPACT

This impact has been assessed and there is no effect to consider at this time.

LEGISLATIVE IMPACT

Community engagement is being undertaken pursuant to Section 114 *Local Government Act 2020*. Any submissions will be considered under Section 223 of the *Local Government Act 1989*. The proposed road discontinuance is being undertaken pursuant to Section 206(1) of the *Local Government Act 1989* including Clause 3 of Schedule 10.

COUNCIL POLICY IMPACT

There is no Council policy on the closure of roads to public traffic, with each application being treated on merit. Council's policy on the Sale, Exchange and Acquisition of Land Council outlines the principles in dealing with land transactions.

COUNCIL PLAN IMPACT

This impact has been assessed and while it does not meet a specific Council Plan strategic outcome, it does align with Council's good governance framework.

RESOURCES AND STAFF IMPACT

This impact has been assessed and there is no effect to consider at this time.

COMMUNITY IMPACT

There will be no negative identifiable community impact. The road at the rear of 28 Desailly Steet is a non-maintained road under Council's Road Management Plan. The road forming the proposal is the only vehicular access to the property and remains unconstructed and there are no formalised footpaths.

ENVIRONMENTAL IMPACT

This impact has been assessed and there is no effect to consider at this time.

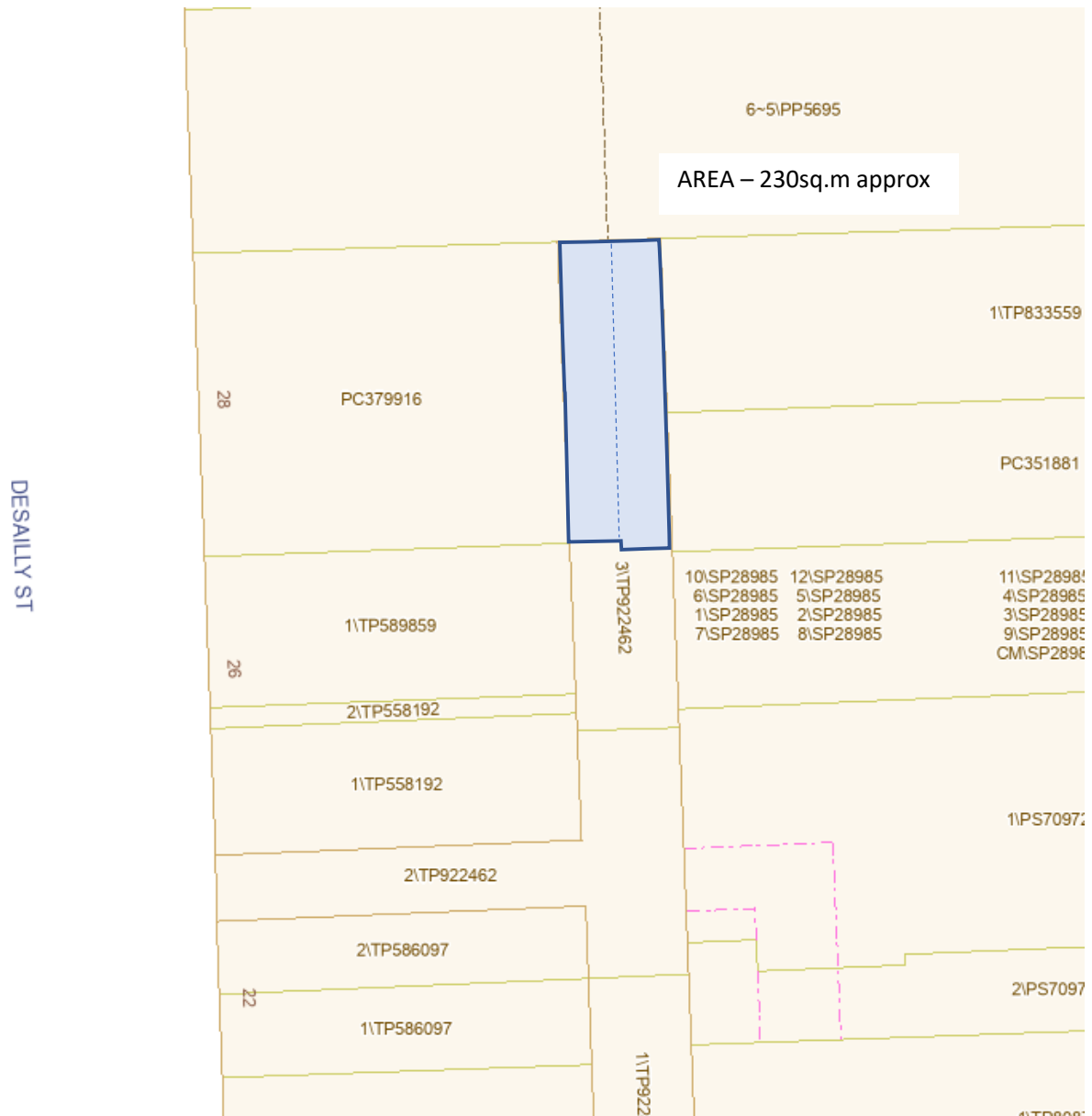
ENGAGEMENT IMPACT

A public notice will be published in the local newspapers and served on the abutting property owners and statutory authorities.

RISK MANAGEMENT IMPACT

This impact has been assessed and there is no effect to consider at this time.

**PROPOSED SALE OF LAND (ROAD)
REAR 28 DESAILLY STREET, SALE**



PROPOSED SECTION OF LAND (ROAD) TO BE CLOSED AND SOLD SHOWN –



NOTE – FINAL DIMENSIONS SUBJECT TO SURVEY



PROPOSED SECTION OF LAND (ROAD) TO BE CLOSED AND SOLD SHOWN -





WELLINGTON

SHIRE COUNCIL

The Heart of Gippsland

ORDINARY COUNCIL MEETING 20 DECEMBER 2022

On this day, 7 December, in accordance with Section 3 Clause (1) of the *Local Government Act 2020*; I, Chris Hastie, General Manager Built and Natural Environment declare that the information contained in the attached **PROPOSED SALE OF LAND (ROAD) – REAR 28 DESAILLY STREET, SALE** is confidential because it relates to the following grounds under Section 3(1) of the *Local Government Act 2020*:

- (f) *personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs*

.....
CHRIS HASTIE, GENERAL MANAGER BUILT AND NATURAL ENVIRONMENT

16.8. PORT OF SALE MOORINGS UPGRADE

ACTION OFFICER: MANAGER ASSETS AND PROJECTS

PURPOSE

The purpose of this report is for Council to consider entering into a contract for the Port of Sale Moorings upgrade works.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

RECOMMENDATION

That:

- 1. Council adopt the recommendations contained in the attached confidential Tender Evaluation Report of the Council Meeting Agenda for Contract 2022-081 Port of Sale Mooring Upgrade; and***
- 2. The information contained in the confidential attachment Contract 2022-081 Port of Sale Mooring Upgrade; and designated confidential under Section 3(1) Confidential Information of the Local Government Act 2020 by the General Manager Built and Natural Environment on 9 December 2022 because it relates to the following grounds: (g)(ii) private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage; be designated confidential information under Section 3(1) Confidential Information of the Local Government Act 2020, except that once this recommendation has been adopted the name of the successful tenderer can be made public.***

BACKGROUND

The Port of Sale Masterplan, adopted by Council on 19 October 2021, includes an upgrade to the moorings on the west bank of the port. The masterplan includes new mooring piles, the provision of finger jetties and the construction of a seawall with a shared path to cater for the existing leased moorings and to provide improved public spaces and pedestrian movement around the canal edges.

The contract being considered for award is for the design and construction of the mooring piles, finger jetties and seawall only and not the other elements of the masterplan.

A tender was advertised for these works on the west bank of the Port of Sale and a contract has been prepared for Council's consideration.

ATTACHMENTS

1. Confidential Header Contract 2022-081 Port of Sale Mooring Upgrade [**16.8.1** - 1 page]
2. CONFIDENTIAL REDACTED - 2022 081 Tender Evaluation Report Port Of Sale Moorings Upgrade [**16.8.2** - 5 pages]

OPTIONS

Council has the following options available:

1. Adopt the recommendations contained in the attached confidential Tender Evaluation Report for Contract 2022-081 Port of Sale Mooring Upgrade; or
2. Not enter into a contract and not proceed with these works at this time.

PROPOSAL

That Council adopt the recommendations contained in the attached confidential Tender Evaluation Report for Contract 2022-081 Port of Sale Moorings Upgrade.

CONFLICT OF INTEREST

No staff and/or contractors involved in the compilation of this report have declared a conflict of interest.

COLLABORATION

Pursuant to section 109(2) of the *Local Government Act 2020*, no collaborative opportunities have been identified for this one-off project.

FINANCIAL IMPACT

These works have been budgeted for under the 2022-2023 capital works program.

COMMUNICATION IMPACT

This impact has been assessed and there is no effect to consider at this time.

LEGISLATIVE IMPACT

Wellington Shire Council is committed to ensuring the Contract tendering process complies with the *Local Government Act 1989*, *Local Government Act 2020* and the Victorian Local Government Code of Tendering.

COUNCIL POLICY IMPACT

These works are in line with Council's policies of maintaining and enhancing Council's infrastructure.

COUNCIL PLAN IMPACT

The Council Plan 2021-25 Theme 4 “Services and Infrastructure” states the following strategic outcome:

Strategic Outcome 4.3: *"Well planned and sustainable towns, facilities, and infrastructure that service community need."*

This report supports the above Council Plan strategic outcome.

RESOURCES AND STAFF IMPACT

This project will be undertaken with the resources of the Assets and Projects unit.

COMMUNITY IMPACT

These works will have a positive community impact due to better access along the west bank of the port and increased amenity due to the upgrading of the infrastructure.

ENVIRONMENTAL IMPACT

This impact will have minimal environmental impact, with the contractors providing an Environmental Management Plan which will be strictly monitored.

ENGAGEMENT IMPACT

The Port of Sale Boat Club have been engaged throughout the development of this project and will be kept informed of progress throughout the design and construction phases of this project.

RISK MANAGEMENT IMPACT

It is considered that the proposed contract works will not expose Wellington Shire Council to any significant risks. All Occupational Health and Safety risks will be discussed with the contractor and allocated to the party in the best position to manage each risk.



WELLINGTON

SHIRE COUNCIL

The Heart of Gippsland

ORDINARY COUNCIL MEETING 20 DECEMBER 2022

On this day, 9 December 2022, in accordance with Section 3 Clause (1) of the *Local Government Act 2020*; I, Chris Hastie, General Manager Built and Natural Environment declare that the information contained in the attached **CONTRACT 2022-081 PORT OF SALE MOORING UPGRADE** is confidential because it relates to the following grounds under Section 3(1) of the *Local Government Act 2020*:

- (g) *private commercial information, being information provided by a business, commercial or financial undertaking that—*
 - (ii) *if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage;*

.....
CHRIS HASTIE, GENERAL MANAGER BUILT AND NATURAL ENVIRONMENT

17. GENERAL MANAGER COMMUNITY AND CULTURE

17.1. AQUA ENERGY - LAND ACQUISITION

ACTION OFFICER: GENERAL MANAGER COMMUNITY AND CULTURE

PURPOSE

To seek Council authorisation to complete the acquisition of 1,520 metres of vacant land situated adjacent to Aqua Energy, Sale, currently within property: 190 Foster Street, Sale (Sale Community Bowls Club Inc.). Noting the land is required for the Aqua Energy Redevelopment, including construction practices, improved amenity, and services, along with future proofing currently land locked land parcel, including space for planned environmental sustainability initiatives.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

RECOMMENDATION

That:

- 1. Council authorise the Chief Executive Officer to acquire 1,520 metres of vacant land as shown on draft plan situated adjacent to Aqua Energy, currently within property: 190 Foster Street, Sale (Sale Community Bowls Club Inc.) up to the value of \$425,000 (excluding GST.). Acknowledging the land is required for the Aqua Energy Redevelopment, including construction practices, improved amenity, and services, along with future proofing currently land locked land parcel, including space for planned environmental sustainability initiatives.***
- 2. Council utilise budget provision from available funds within 'Aqua Energy Land Purchase' and Aqua Energy Redevelopment budget in the 2022/23 Financial Year.***
- 3. The information contained in the confidential attachments; 'Valuation Reports; - 'Part 190 Foster Street, Sale' and 'Southwest Bowling Green, Part Lakeside Bowls Club' and designated confidential under Section 3(1) Confidential Information of the Local Government Act 2020 by the Chief Executive Officer on 8 December 2022 because it relates to the following grounds:
(a) Council Business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released; be designated confidential information under Section 3(1) Confidential Information of the Local Government Act 2020.***

BACKGROUND

Part 190 Foster Street, Sale is a parcel of land that adjoins the Council owned Aqua Energy Leisure Centre (refer Attachment 2). This premises has previously been identified by Council as strategically important to the provision of services from the Aqua Energy Leisure Centre.

There is a current support of agreement between Council and the owner of Part 190 Foster Street (Sale Community Bowls Club) for the progression of land purchase.

The Aqua Energy Leisure Centre currently delivers a range of services to the community which will be further enhanced by purchasing the proposed land. These benefits include improved accessibility and access to facility users, improved parking, and safety provisions. Throughout the Council adopted Aqua Energy Redevelopment Project, the land parcel will improve construction practices during construction phase, as well as offer improved amenity, and services within the design. The land will also enable future proofing of currently land locked land parcel, including space for planned environmental sustainability initiatives.

Following Council support to investigate the opportunity to purchase the proposed land at a Council Workshop on 17 May 2022, discussions regarding an acquisition have commenced and the landowner is receptive. Following initial engagement with Sale Community Bowling Club, both parties engaged an independent valuer to complete a valuation report of the site, which are both attached (Attachments 3 and 4).

The two independent land valuations were completed by Gippsland Property Valuations (engaged by Council) and Lee Property Valuers & Advisors (engaged by Sale Community Bowls Club) with the current market values determined; Gippsland Land Valuations: \$350,000 and Lee Property Valuers & Advisors: \$400,000. Following these valuation reports, Gippsland Property Valuations were re-engaged to confer with Lee Property Valuers & Advisors to review the differences in valuations.

Following this deliberation Gippsland Property Valuations have issued an updated valuation report (Attachment 5) to recognise the market value of the land as: \$375,000. Whilst also noting that through further analysis of market transactions, it is apparent that an adjoining owner may pay an additional 10-15% (\$412,500 – \$431,250) over the market value to secure adjacent land. By offering this premium it enables the adjoining owner to expand existing operations on a consolidated basis, rather than having scattered or dispersed land holdings.

Subject to formal resolution of Council, negotiations regarding an acquisition can be formally completed in accordance with the proposal outlined within this report.

A draft plan showing 1,520 metres of land proposed to be acquired is attached (Attachment 6 and 7).

ATTACHMENTS

1. Confidential Header Aqua Energy Sale of Land 2022 [**17.1.1** - 1 page]
2. CONFIDENTIAL REDACTED - Geo Image of Land Parcel [**17.1.2** - 1 page]
3. CONFIDENTIAL REDACTED - Lee Property Valuation - Part 190 Foster Street, Sale [**17.1.3** - 34 pages]
4. CONFIDENTIAL REDACTED - Valuation Report - Part 190 Foster Street, Sale [**17.1.4** - 35 pages]
5. CONFIDENTIAL REDACTED - Valuation Review - Part 190 Foster Street, Sale [**17.1.5** - 3 pages]
6. CONFIDENTIAL REDACTED - Land Survey - 2000659- Aqua Energy SAL E(v 3) [**17.1.6** - 1 page]
7. CONFIDENTIAL REDACTED - Proposed Land Use [**17.1.7** - 1 page]
8. CONFIDENTIAL REDACTED - Certificate of Valuation - Part 190 Foster Street, Sale [**17.1.8** - 3 pages]

OPTIONS

Council has the following options available:

1. Progress an acquisition of land for future development of the Aqua Energy Leisure Facility in Sale in accordance with this report's recommendations; or
2. Not progress any acquisition.

PROPOSAL

That Council authorise the Chief Executive Officer to complete the acquisition of 1,520 metres of vacant land situated adjacent to Aqua Energy, currently within property: 190 Foster Street, Sale (Sale Community Bowls Club Inc.) up to the value of **\$425,000 (Excl GST.)**. Noting the land is required for the Aqua Energy Redevelopment, including construction practices, improved amenity, and services, along with future proofing currently land locked land parcel, including space for planned environmental sustainability initiatives.

Utilise budget provision from available funds within 'Aqua Energy Land Purchase' and 'Aqua Energy Redevelopment' budgets in the 2022/23 Financial Year

CONFLICT OF INTEREST

No staff and/or contractors involved in the compilation of this report have declared a conflict of interest.

FINANCIAL IMPACT

Funds required for the purchase of the land at negotiated value are available from 'Aqua Energy Land Purchase' and 'Aqua Energy Redevelopment' budgets in the 2022/23 Financial Year. Additional costs include survey, legal and fencing of new title boundary.

The existing 'Aqua Energy Land Purchase' and 'Aqua Energy Redevelopment' budgets will be used for all costs associated with the acquisition.

COMMUNICATION IMPACT

This impact has been assessed and there is no effect to consider at this time.

LEGISLATIVE IMPACT

Acquisitions must be completed in accordance with relevant legislation namely the *Land Acquisition Compensation Act 1986* (Vic).

COUNCIL POLICY IMPACT

Wellington Shire Council's Policy for the Sale, Exchange, and Acquisition of Land accords with best practice guidelines. It states that transactions should be in the best interests of the community and provide the best result (financial and non-financial) for Council and the community, in this case monetary and social value return on investment are heavily considered and favourable for Council.

The policy states that, “as a general principle, Council should enter into discussions to explore the possibility of acquiring by negotiation. Any compulsory acquisition process should be initiated following a determination that circumstances justify acquisition by this method.” Accordingly, discussions with the adjacent landowner have been based on achieving an acquisition by agreement.

COUNCIL PLAN IMPACT

The Council Plan 2021-25 Strategic Directions, ‘**Liveability and Wellbeing**’ and ‘**Services and Infrastructure**’ states the following strategic outcomes:

Strategic Outcome 3.3: *“Opportunities for everyone to work, learn, create, plan and share”*

Strategic Outcome 4.3: *“Well-planned sustainable towns, facilities, and infrastructure that service community need.”*

This report supports the above Council Plan strategic outcomes.

RESOURCES AND STAFF IMPACT

The land purchase process has been managed using existing resources within the Built and Natural Environment and Community and Culture teams. The planning and development of the proposed Aqua Energy Facility will be managed internally through existing resources from the Leisure Services, Built Environment and Projects teams.

COMMUNITY IMPACT

The immediate land purchase has minimal impact on the community in general. The development of the proposed Aqua Energy Facility will present positive outcomes for the local community. These positive outcomes include improvement in service provision, enhanced safety, and access to additional services and overall experience.

ENVIRONMENTAL IMPACT

Future development of the site will ensure climate risk resilience in design consideration, including low energy and water use considerations for greenhouse gas emissions management. As well as opportunity to fulfil space required for planned environmental sustainability initiatives, such as alternative heating models, including heat pumps, and increased PV provision etc.

ENGAGEMENT IMPACT

In assessing the site for its suitability and external risk, the Land Use Planning and Economic Development Business Units were consulted to identify any conflicts with strategic planning outcomes for Sale. Along with consultation regarding planning permits, zoning and building code requirements for any proposed works.

The community will be informed through the overall Aqua Energy Redevelopment Communication and Engagement Plan, as developed internally by Leisure Services, in partnership with the Wellington Shire Media and Communications team.

RISK MANAGEMENT IMPACT

It is considered that progressing the purchase will limit risks to Council in terms of ensuring that there is sufficient land available for any future extension of the Aqua Energy Centre. Along with mitigating the escalating construction costs associated with the Aqua Energy Redevelopment Project.



WELLINGTON

SHIRE COUNCIL

The Heart of Gippsland

ORDINARY COUNCIL MEETING 20 DECEMBER 2022

On this day, 13 December 2022, in accordance with Section 3(1) of the *Local Government Act 2020*; I, David Morcom, Chief Executive Officer declare that the information contained in the attached **'VALUATION REPORTS; - 'PART 190 FOSTER STREET, SALE' AND 'SOUTHWEST BOWLING GREEN, PART LAKESIDE BOWLS CLUB'** is confidential because it relates to the following grounds under Section 3(1) of the *Local Government Act 2020*:

(a) Council Business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released;

.....
DAVID MORCOM, CHIEF EXECUTIVE OFFICER

18. FURTHER GALLERY AND ONLINE COMMENTS

Gallery comments are an opportunity for members of the public to raise any particular matter they wish. This allows those in the gallery to speak directly to Councillors but is not a forum designed for open discussion or debate. We will listen respectfully to what you have to say and make the commitment that if your query requires a written response, we will advise you that a response will be forthcoming, and a copy of that response will be circulated to all Councillors.

This is not a forum for members of the public to lodge complaints against individuals, including Councillors and staff, particularly as that individual gets no public right of reply to any matter raised. We take complaints seriously, and in line with the guidance from the Victorian Ombudsman and the local Government Inspectorate, we request that any specific complaint against an individual be put in writing. This way, your concern can be properly dealt with while ensuring fairness to all parties concerned.

If you wish to speak, we remind you that this part of the meeting is being recorded and broadcast on our website. Council's official Minutes will record that you have spoken to Council and the subject you spoke to Council about but will not record specific comments. We ask you to state your name in full, where you are from, and you have three minutes.

ONLINE COMMENTS -

FURTHER GALLERY COMMENTS -

Meeting declared closed at:

The live streaming of this Council meeting will now come to a close.

19. IN CLOSED SESSION

COUNCILLOR

That the meeting be closed to the public pursuant to Section 66(2) of the Local Government Act 2020 to consider matters under Section 66(5)(b) as defined by Section 3(1) being:

- a) Council business information*
- b) Security information*
- c) Land use planning information*
- d) Law enforcement information*
- e) Legal privileged information*
- f) Personal information*
- g) Private commercial information*
- h) Confidential meeting information*
- i) Internal arbitration information*
- j) Councillor Conduct Panel confidential information*
- k) Information prescribed by the regulations to be confidential information*
- l) Information that was confidential information for the purposes of section 77 of the Local Government Act 1989*

IN CLOSED SESSION

COUNCILLOR

That Council move into open session and ratify the decision made in closed session.