



Colac Otway
SHIRE

AGENDA

ORDINARY COUNCIL MEETING
OF THE
COLAC-OTWAY SHIRE
COUNCIL

22 FEBRUARY 2012

at 3:00 PM

Apollo Bay Senior Citizens Centre, Whelan Street
Apollo Bay

An audio recording of this meeting is being made for the purpose of verifying the accuracy of the minutes of the meeting. In some circumstances the recording may be disclosed, such as where Council is compelled to do so by court order, warrant, subpoena or by any other law, such as the Freedom of Information Act 1982.

COLAC-OTWAY SHIRE COUNCIL MEETING

22 FEBRUARY 2012

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NOTICE is hereby given that the next *ORDINARY COUNCIL MEETING OF THE COLAC-OTWAY SHIRE COUNCIL* will be held in Apollo Bay Senior Citizens Centre, Whelan Street Apollo Bay on 22 February 2012 at 3.00 pm.

AGENDA

1. OPENING PRAYER

Almighty God, we seek your blessing and guidance in our deliberations on behalf of the people of the Colac Otway Shire. Enable this Council's decisions to be those that contribute to the true welfare and betterment of our community.
AMEN

2. PRESENT

3. APOLOGIES

4. MAYORAL STATEMENT

Colac Otway Shire acknowledges the original custodians and law makers of this land, their elders past and present and welcomes any descendents here today.

Colac Otway Shire encourages community input and participation in Council decisions. Council meetings provide an opportunity for the community to ask Council questions, either verbally at the meeting or in writing.

Please note that Council may not be able to answer some questions at the meeting. These will be answered later.

Council meetings enable Councillors to debate matters prior to decisions being made. I ask that we all behave in a courteous manner.

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Thank you. Now 30 minutes is allowed for question time. Please remember, you must ask a question. If you do not ask a question you will be asked to sit down and the next person will be invited to ask a question. This is not a forum for public debate or statements.

1. Questions received in writing prior to the meeting (subject to attendance and time),
2. Questions from the floor.

5. QUESTION TIME

6. DECLARATION OF INTEREST

7. CONFIRMATION OF MINUTES

- Ordinary Council Meeting held on the 25/01/12.

Recommendation

That Council confirm the above minutes.

OFFICERS' REPORTS

Chief Executive Officer

OM122202-1 CEO'S PROGRESS REPORT TO COUNCIL

Corporate and Community Services

OM122202-2 COMMUNITY REFERENCE GROUP - HEATHFIELD ESTATE RESERVE
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Infrastructure and Services

OM122202-9 ROAD DISCONTINUANCE - 1505 OLD BEECH FOREST ROAD, BEECH
FOREST

Sustainable Planning and Development

OM122202-10 SMALL TOWN IMPROVEMENT PROGRAM GUIDELINES REVIEW
OM122202-11 LEGAL COSTS ASSOCIATED WITH REPRESENTATION AT THE
VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL (VCAT) SINCE
JANUARY 2009
OM122202-12 APOLLO BAY HARBOUR PRECINCT MASTER PLAN PLANNING
SCHEME AMENDMENT

General Business

OM122202-13 ASSEMBLY OF COUNCILLORS

Rob Small
Chief Executive Officer

OM122202-1**CEO'S PROGRESS REPORT TO COUNCIL**

AUTHOR:	Rhonda Deigan	ENDORSED:	Rob Small
DEPARTMENT:	Executive	FILE REF:	F11/3291

EXECUTIVE**G21 Regional Alliance
G21 Board Meeting**

The Mayor and Manager, Information Services, Rick Morrow, on behalf of the CEO, attended this meeting on 27 January 2012 in Colac. The agenda included the following items:

- Review of G21 Board Committees and Board Liaison Person for the Pillar Groups
- Pillar Projects for Board consideration
- Barwon South West Regional Development Australia update
- Barwon South West Regional Management Forum update
- G21 Pillar update.

G21 Regional Justice Reference Group Meeting

The CEO attended a meeting of the G21 Regional Justice Reference Group in Geelong on 31 January 2012. The aim of the meeting was for executive level members of State Government departments and agencies, along with local government and community sector leaders, to agree on an approach to effective multi-stakeholder community crime prevention (CCP), specifically by mitigating those high risk crime categories which cause concern to the community.

Municipal Association of Victoria (MAV)

Councillors and senior management met with MAV President, Cr Bill McArthur, MAV CEO, Rob Spence, and Alison Lyon, Deputy CEO and General Counsel, in Colac on 1 February 2012. This meeting provided an opportunity for both organisations to share information on the range of issues being faced at a regional and state level.

Great South Coast Group (GSC)

The Mayor and CEO attended a meeting of the Great South Coast Group in Port Fairy on 3 February 2012. The meeting included discussion on the following items:

- Appointment of non-municipal Board members
- A report from the GSC Canberra delegation
- Reports from each of the GSC Pillar Groups
- Regional Development Australia Barwon South West funding application
- GSC Prioritisation Workshop
- Regional Growth Plan update
- Report from the Colac Otway Shire
- Landfill Issues and the Environment Protection Authority
- Advocacy in the lead up to the Federal Elections.

Barwon South West Regional Development Australia (BSWRDA) Committee

The Mayor and Acting CEO, Jack Green, met with members of the BSWRDA Committee in Apollo Bay on 9 February 2012. The meeting included a tour of the Apollo Bay Harbour and inspection of coastal erosion along the Apollo Bay foreshore.

Great South Coast and G21 Prioritisation Workshop

The General Manager, Infrastructure and Services, on behalf of the CEO, attended the Great South Coast and G21 Prioritisation Workshop held in Geelong on 17 February 2012.

The Great South Coast Regional Strategic Plan sets out 197 projects and aspirations and a critical function of the Board and its Pillar Groups is to identify regional priorities and to prioritise these projects.

The workshop was aimed at providing Great South Coast CEOs with an insight into the criteria and systems G21 applies to project prioritisation and to practically apply these to GSC projects. A framework will now be developed that will assist the GSC Board and Pillar Groups to adopt a uniform and more streamlined approach to prioritisation.

CORPORATE & COMMUNITY SERVICES**Older Persons & Abilities Support Services (OPASS)****Client Pathways within Home & Community Care Services/Disabilities Services:**

The OPASS Unit is working in partnership with a number of other agencies across the Barwon South West Region. They are working to develop a regional framework that recognises and provides direction for a uniform approach when providing services to very similar but separately funded users of our services. This framework needs to be completed by July 2012.

Suggested outcomes for this framework include:

- the eligibility criteria and priority of access principles for service from each sector
- a referral process both to Health and Community Care (HACC) from Disability Services and to Disability Services that can be localised as required
- a process for resolution of client and care co-ordination issues
- building relationships between both professional bodies.

Bushfires:

We are currently providing assistance to around 90 vulnerable people, receiving OPASS, to work through and create their bushfire leave early plan. OPASS staff are encouraging people to complete the Australian Red Cross Household Emergency Plan which involves recording all pertinent personal information and needs. Each vulnerable person is being encouraged to let family and significant others know about their bushfire leave early plan.

Strengthening Diversity:

The OPASS Unit is about to develop Planning and Practice guidelines for Strengthening Diversity amongst our service users. This will be designed using the Department of Health HACC guidelines.

Diversity planning and practices includes a focus on the needs of the following five HACC special-needs groups (as identified in the *HACC Act 1985* and review agreement):

- people from the Aboriginal and Torres Strait Islanders Background
- people from Culturally and Linguistically Diverse (CALD) backgrounds

- people with dementia
- people living in rural and remote areas
- people experiencing financial disadvantage (including people who are experiencing or are at risk of homelessness).

It is envisaged that these guidelines will be completed by the end of May 2012.

Environmental Health

Health Education

Sharps containers have now been installed in the Safeway public toilets and will be serviced by an independent operator.

Immunisation

Figures released by the Australian Childhood Immunisation Register for fully immunised children for the December quarter are listed below.

Age Group	Council average	State position	State Average
12 – 15 months	97.1%	10 th	93.5%
24 – 27 months	96.0%	21 st	93.9%
60 – 63 months	92.1%	35 th	92.0%

Council was above the state average in all categories and generally well placed amongst the other councils for performance.

Activities for month of January 2012

- 44 of the 317 registered food premises were inspected in January 2012.
- 12 food stalls were inspected at the Australia Day celebrations.
- 34 inspections of selling points for tobacco were carried out to ensure legislative requirements are being met.
- 3 health personal care inspections were conducted (hairdresser, beautician and tattooist).
- 4 prescribed accommodation premises were inspected.
- 1 caravan park was inspected.
- 21 septic tank inspections were carried out with 6 permits to install and 3 permits to use being issued.
- 5 food recalls were received.
- 5 complaints were investigated in relation to Sewerage to Storm Water, Unclean Food Premises, Improper Food Handling, Camping on Private Allotment and Septic Leakage.

Water Sampling

The results of water samples taken on 11 January 2012 from Separation Creek, Wye River and Skenes Creek indicated unusually heavy pollution with enteric bacteria. Signs were erected advising people not to swim in the estuaries. Sampling of affected estuaries is currently ongoing.

Samples taken on 18 January 2012 and 25 January 2012 showed a marked improvement in the water quality, however the results are not considered consistent enough to remove the advisory signs. It is still believed that the increased bacteria levels are principally due to

recent rains washing animal contamination into the creeks. As the summer period progresses, a clearer picture of the levels will be forthcoming.

Water samples taken from Lake Colac on 25 January 2012 indicated no presence of blue green algae.

Maternal & Child Health

Hot weather over January 2012 has seen an increase in the number of additional home visits attended to ensure young babies who have not been gaining weight readily are well and hydrated. Staff have also been encouraging rural families to think about their individual fire plans now that they have new babies in the house.

We have received a draft report following our recent Audit by *Crowe Horwath* to review the adequacy of current practices, procedures and compliance with State Government requirements. Team Leaders together with the Health & Community Services Manager have prepared a response document. We are also investigating the possibility of running an additional Maternal and Child Health session in a community based facility in Colac in order to increase access to the service for families who may find it difficult to get to the Queen Street Maternal & Child Health Centre.

Number of infants enrolled from birth notifications	22
First Time mothers	5

Key Ages and Stages Consultations

Home visits	24				
2wks	19	8mths	13	3.5yrs	3
4wks	17	12mths	11		
8wks	19	18mths	6		
4mths	18	2yrs	7		

Other activities included:

- 83 additional consultations.
- 18 phone consultations.
- 10 opportunistic immunisations.
- 21 referrals, 60% of which were for nutritional issues.
- 42 counselling sessions with the main issue revolving around Maternal Emotional Health.
- New Parents Groups sessions have resumed after the Christmas break and 3 groups have been attended by a large number of enthusiastic first time mothers.
- New Parents Groups sessions - 3 in Colac and 1 in Apollo Bay.
- 1 new family enrolled under Enhanced Home Visiting service (these are vulnerable or at risk families). No cases have been closed, making a total of 32 families enrolled.

Rural Access

Recharge Scheme

The Recharge Scheme is about encouraging local businesses and organisations to provide a power point so people who use an electric wheelchair or scooter can recharge the battery, if required.

To participate, local businesses and organisations need to be physically accessible and willing to provide a power point so people who use electric scooters or wheelchairs can recharge



their battery. Even if the power point offered never gets utilised, it's about giving people the confidence to get to and from their destination knowing they have support if needed.

The cost to recharge an electric scooter or wheelchair for up to one hour is under 30 cents. So, for a very small cost, businesses in the community can make a very big difference in the lives of people who use an electric scooter or wheelchair.

Rural Access has begun to implement the Recharge Scheme in Colac Otway Shire. So far the participating organisations are:

- Colac Visitor Information Centre
- Colac Community Library and Learning Centre
- Colac Botanic Cafe
- COPACC.

Recharge stickers are displayed on the windows of these organisations as well as a sticker above the designated power point. People who use an electric scooter or wheelchair can find where Recharge Points are across Victoria on the Recharge Scheme website, www.rechargescheme.org.au.

Transport Connections

The brand "Access Connect Belong" was developed by the Strategic Co-ordination Group of the Transport Connections Phase 3 Program.

The objectives of Transport Connections Phase 3 are to:

- Develop innovative transport and non transport options to support access, excluding public transport.
- Generate more efficient use of existing transport and community resources.
- Establish ongoing local partnerships to deliver transport and accessibility outcomes.
- Foster ongoing community participation and inclusion in decision making to improve social and economic inclusion.

As the first two phases of the Transport Connections Program had focussed solidly upon public transport trials it was important that a new local branding be developed for the project as the scope of the program had changed to not include public transport.

In developing the Action Plan for Transport Connections the following became apparent:

- There is an opportunity to develop a whole of community approach to marketing and promotion of opportunities available to the community to Access, Connect and Belong. There are a wide range of initiatives that are working to achieve complimentary objectives of community development, social connectedness and health and wellbeing.
- A recognisable brand and logo that signifies an opportunity to Access, Connect and Belong would enable joint marketing and promotional activities.
- Some duplication exists in social inclusion and community development programs that are offered locally; there is scope to further strengthen a cohesive approach to consultation, planning and promotion of opportunities.
- Developing a central point for information to and from the community would assist both individuals and organisations.
- Local organisations identified a need to raise the profile of their service and better promote and market offered programs and initiatives.
- Local organisations are willing to work together to strengthen the opportunities that are available to the community through joint marketing initiatives.
- Providing information in a range of forms and via a range of forums including:

- Radio and Newspapers
 - Word of Mouth
 - Direct Contact/Events
 - Social Media/On Line Forums/Consultations
 - Community Forums
 - Community Training
 - Community Networks
 - Information Packs
- Developing a consultation forum and network would assist information flow to and from the community.
 - Providing feedback regarding community consultations and actions that reflect community input is crucial in building relationships between organisations and community.
 - Ensuring community members are aware of what is available locally and regionally.

Outcomes of this 18 month project, if developed, from State Government "Innovations Funding" would include:

- Project Officer
- Website Development/Maintenance Team
- Website Hosting
- Social Media Moderator
- Technology Requirements
- Promotion/Launch Budget.

Improving Liveability for Older People (ILOP)

There are three potential projects that have been identified during the consultations with community and key stakeholders. These projects aim to fulfill objectives of I.L.O.P and actions identified in the Positive Ageing Strategy.

One of the projects under consideration is the Ambassadors Project, the following elements are examples of possible actions:

- Develop an Access Map which would include services, transport and social inclusion opportunities.
- Prepare a 2013 Calendar Project highlighting themes of Positive Ageing Strategy and provide a development process for organisations to work together to plan, promote and deliver social inclusion opportunities with older people.

FAMILY DAY CARE

National Quality Standards

We are in the process of preparing our FDC Educators for the prospect of Accreditation this year under the new National Quality Standards that came into effect as of 1 January 2012. The Department of Education and Early Childhood Development are expecting to start accrediting services from June 2012.

Quality Improvement Plan

The FDC team is currently working on the service's Quality Improvement Plan which is due to be submitted at the end of April 2012 as part of the new National Quality Standards process.

RECREATION ARTS AND CULTURE

EVENTS

Australia Day 2012

Large crowds attended the very popular Australia Day event at Beeac. The event was delivered by the Colac Otway Shire Events Unit supported by volunteers from local community groups, including the Beeac CFA, Beeac Red Cross and the Beeac Progress Association. The Official Ceremony took place on stage in Wallace Street, Beeac and hosted this year's Australia Day Ambassador Dr Bernard Jenner, our newest Australian citizens and the 2012 Australia Day Award recipients. Certificates of Recognition were presented to the two young members of the Wye River Surf Lifesaving Club who saved four young people from drowning in Wye River last year. Other activities on the day included; market stalls, free children's activities, free musical entertainment, 1 hour of free community barbeque courtesy of Colac Mitre 10 and free ice cream courtesy of Bulla Dairy Foods Colac. OCR FM broadcast live from the Beeac Australia Day Celebrations.

RECREATION

Otway Districts Netball Facilities Upgrade

A funding application has been submitted to the Country Football Netball Program to upgrade the existing netball facilities at the Otway Districts Football Netball Club. This project will resurface two asphalt netball courts and redevelop the existing netball clubrooms at Otway Districts Football Netball Club located at Gellibrand Recreation Reserve. The building design will include toilet and shower amenities which have direct access to the adjacent change rooms, equipment storeroom, a dedicated medical and administration area and a spectator viewing area. Council is seeking \$60,000 from the Country Football Netball Program. If successful, Council will contribute \$15,000 with the remaining contributions coming from the Otway Districts Football Netball Club.

Lake Colac Oval

Project works have been completed at the Lake Colac Oval with the supply and installation of the 400m PVC picket fencing for the boundary of the cricket oval. This much talked about project has added to the beauty of the oval and has been extremely well received by both the users and members of the general public. Project works were able to be completed without interrupting training or play and have been completed on time and to budget.

COPACC

One of Australia's top musical theatre talents Rhonda Burchmore performed at the Colac Herald COPACC 2012 Theatre Season Launch on 18 February. The event, which attracted a fantastic crowd, was compered by comedian Damian Callinan and also featured a pas de deux performed by Melbourne Ballet Company. The season includes 22 shows across a broad range of genres – comedy, dance, drama, popular and fine music, plus children's theatre.

A record number of independent touring theatre productions have booked COPACC's theatre during the first six months of 2012. In total there are eight hire-ins from February to May. These include children's theatre and music performances.

COPACC's school holiday programme was a success in January attracting many participants from a range of age groups.

COPACC is offering a suite of Saturday morning workshops during Term 1 including a junior drama club, a choir for primary school children and beginners' ukulele lessons for both juniors and seniors.

BLUEWATER FITNESS CENTRE

Casual swim visitation in January 2012 was the highest casual visitation in a single month for the past 4 years and was 12% higher when compared to the same time last year. This result could be attributed to the consistent warmer summer weather experienced over the school holiday period.

The new Term 1 Group Fitness Timetable has commenced and includes an additional Kid Fit class which is a primary school aged activity class that parents are now able to drop their kids off to while they use other areas of the Centre.

A new program, Lungs in Action, commenced in January and has been very successful so far, averaging 10 participants per class. Colac Area Health has been a great supporter of this program and has identified that their current pulmonary rehabilitation group is about to conclude which will result in more referrals to this program.

The Colac Basketball Association men's representative team played a home semi-final at Bluewater Fitness Centre on the 4 February in front a packed crowd. Even though they didn't win, the successful year for the men's team has been a big boost to the profile of the sport and participation at Bluewater. It has also contributed to an increase in casual stadium use over the school holidays. The Colac Basketball Association also ran an All-star charity fundraising game on the 25 January 2012 to raise money for two local foundations. Close to \$2,000 was raised and again there was a big turnout for the event.

Apollo Bay Community Pool

Casual visitation for the Apollo Bay Pool in January was 822, which takes the season's total to 853. Visitation was greatly increased by the VICSWIM program, which recorded over 200 pool entries indicating a strong interest in Learn to Swim. The overall result is poor considering the warm summer and the Apollo Bay community expressing a need for longer operational hours.

INFRASTRUCTURE & SERVICES

CAPITAL WORKS UNIT

Capital Works Update

The capital works and major projects forecast budget for the 2011/12 financial year is \$15.555 million of which \$13.031 million relates to capital asset works.

Through the monthly reporting, project managers have indicated that projects are mostly on track to be completed by June 2012, and that there are no identified major budget issues.

As at the end of January 2012, total expenditure for the Capital Works and Major Projects program is approximately \$5.894 million.

Old Beechy Rail Trail

Works are continuing for the off road section of trail from Dinmont to Ditchley Station. The works associated with the fencing are nearing completion and preparation for revegetation of the alignment and construction of the trail are well underway.

Onsite inspections have been undertaken to review the required vegetation removal for the construction of the trail from Ditchley to Dinmont. A preliminary report on proposed vegetation removal has been prepared to accompany the required planning applications. Discussions have also taken place with the Department of Sustainability & Environment (DSE) regarding other statutory requirements that apply to the proposed works, including the need for a permit to be issued under the *Flora and Fauna Guarantee Act 1988*.

Apollo Bay Drainage Strategy

Following a review of the first draft of the Apollo Bay Drainage Strategy, the consultants have completed further work on the Strategy. The amended report has been received and invitations for initial consultation with the community have been sent out. Following the initial public consultation, the draft report will be forwarded to Council for endorsement to commence the formal public consultation period.

Forrest Microbrewery Car Park

Detailed design work on the Forrest Brewery car park has been completed following a survey conducted in late January 2012, with quotations sought for the works in February 2012. The detailed design plan was based on plans approved by VicRoads, which incorporated changes requested in a petition supported by Council. Discussions have been held with the relevant stakeholders, and construction is expected to begin in March 2012.

Sinclair Street South, Elliminyt – Road Construction

Detailed design has been completed and the contract for construction has been awarded. The construction of the unsealed section of Sinclair Street South, between Pound Road and Irrewillipe Road, as well as the reconstruction of the Sinclair Street South and Irrewillipe Road intersection is scheduled to begin in March 2012.

Cressy-Shelford Road Rehabilitation

The fabrication of Council's threatened species signs has been completed and installation is underway. A media event was recently held with the Mayor to launch the project which aims to increase the awareness of threatened species throughout the Shire. Advertisements that describe each of the nominated species and their main attributes are now appearing in the Colac Herald.

The completion of this project sees the conclusion of the external awareness raising initiatives outlined in the agreements made with the Department of Sustainability and Environment and the Department of Sustainability, Environment, Water, Population and Communities. A small number of actions remain around the internal awareness raising initiatives and the rehabilitation of the site.

SUSTAINABLE ASSETS UNIT

Routine Road and Footpath Inspections

The following is a summary of the routine road and footpath network inspections completed during the month of January 2012:

<i>Rural Link Roads</i>	<p>A number of signs and guide posts were found to be either damaged or missing. Trees and limbs down were also identified.</p> <ul style="list-style-type: none"> • Signs requiring replacement have been ordered and will be erected on arrival by Cosworks. • Tree limbs requiring removal to be programmed by Cosworks' works crew. • All missing and damaged guide posts to be replaced by Cosworks Maintenance Crews.
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<i>Rural Townships Urban</i>	Signs being found to be either damaged or missing have been ordered and will be erected on arrival. Missing or damaged guideposts have been programmed for replacement by the works crew.
<i>Hordern Vale Rural</i>	<p>Due to the recent rainfall, sections of Amiets Track have required additional maintenance. This was due to the combination of saturated pavement materials and heavy traffic associated with logging in the area.</p> <ul style="list-style-type: none"> • Damaged guideposts have been programmed for replacement. • Foliage covering signs and fallen limbs have been programmed for removal.
<i>Elliminyt Urban Roads</i>	<p>A number of signs were found to be either damaged or missing.</p> <ul style="list-style-type: none"> • Signs requiring replacement have been ordered and will be erected on arrival by Cosworks Maintenance Crew.
<i>Rural Collector Roads</i>	<p>A number of signs and guide posts were found to be either damaged or missing. Trees and limbs down were also identified.</p> <ul style="list-style-type: none"> • Signs requiring replacement have been ordered and will be erected on arrival by Cosworks. • Tree limbs requiring removal to be programmed by Cosworks' works crew. • All missing and damaged guide posts to be replaced by Cosworks Maintenance Crew. <p>Minor corrugations and potholes on sections of gravel roads forming this inspection zone were noted and will be monitored as their condition complied with Council's maintenance standards.</p>
<i>Footpath Inspections</i>	All footpaths north of Murray Street, Colac and all concrete footpaths in Apollo Bay have been inspected. Minor areas of movement which require grinding in both areas will be programmed by Cosworks Maintenance Crews. Trees encroaching over footpath by private vegetation have been referred to Local Laws for follow up inspections.
<i>Footpath Reconstruction program</i>	The footpath reconstruction program is continuing with the footpath in Robertson Street having been reconstructed. Additional footpaths in areas of Colac have been marked ready for reconstruction.
<i>Rail Crossings</i>	<p>All infrastructure associated with rail crossings, which is the responsibility of Council to maintain, has been inspected. Damaged or missing signs that were identified will be replaced on arrival.</p> <p>Line marking and other pavement markings have been repainted by Council's contractor.</p>

Building Maintenance and Renewal

<i>SP&D Accommodation</i>	<p>Construction at the old library site is continuing. Work recommenced after the Christmas break on 3 January 2012, with most subcontractors returning to work by 9 January 2012.</p> <ul style="list-style-type: none"> • The new rear entry canopy has been completed • Plumbing, electrical and communication works are continuing • Plastering has been completed • Roof top mechanical services have been re-instated with interior ducting works continuing. <p>Over the next two weeks carpentry fit off will be completed followed by painting. Floor coverings are expected to be laid by the end of February 2012.</p>
<i>COPACC Fire Detection Systems</i>	<p>The building permit for the upgrade of the fire detection system was issued on 16 January 2012. Scaffolding will need to be erected to undertake the works in both the auditorium and Cinema 2 and the contractor has advised that 5 days will be required to complete the works in each space.</p> <p>In consultation with the contractor, COPACC Management and the cinema operator, a two week block in late February/early March has been identified which results in the minimum disruption to programmed events in those spaces.</p> <p>The remaining works will be undertaken in the following weeks.</p>
<i>COPACC Foyer air conditioner replacement</i>	<p>Council's contractor is planning to replace the foyer air conditioner unit in late February 2012. Part of the main car park will be closed while the old unit is removed and the new unit lifted on to the roof.</p> <p>Notice of the closure will be given as soon as a firm date for the installation is notified by the contractor. The COPACC foyer will be without mechanical services for up to two days whilst these works are undertaken.</p>
<i>Beech Forest Hall</i>	<p>Interior and exterior painting is approximately 60% complete. Asbestos sheeting has been removed from the gables to enable the roof to be replaced over the main entry.</p>
<i>Kanyana Club</i>	<p>A quotation has been accepted for rendering the feature wall adjacent to the front entrance with works to commence shortly.</p>
<i>Chapple Vale Hall</i>	<p>Quotations are being sought for the supply and installation of a new kitchen and septic system.</p>
<i>Rae Street Office Redevelopment</i>	<p>A second user group meeting was held 24 January 2012. This involved staff from the Corporate & Community Services Department and HKB Architects. This was to confirm the Schematic Plan of the alterations to the office so that detailed design could commence. Prior to detailed design, the architects have been requested to prepare options for possible changes to the layout of the first floor of the building.</p>

	Options for the first floor will be presented to the EMT for further consideration.
<i>Building Condition Audit</i>	A Deakin Work Placement student who has been with Council over the last few months has been working on developing a system to undertake and record inspections of Council's buildings and facilities. An advanced database has been developed to capture this information and is being refined as inspections proceed. The information collected will provide a greater understanding of the levels of investment required in order to maintain, renew and enhance our buildings. The level of work completed to date is a credit to the student involved, who has since finished with Council.
<i>Colac Youth Club Redevelopment</i>	This project is 95% complete with minor elements to be finished. An official opening has been scheduled for 24 February 2012 at 1.00pm.

COSWORKS

Works undertaken by Cosworks during the past month are as follows:

Capital Works:

- Road Reconstruction Cape Otway Road: Granular Overlay, Culvert Installation, Sealing works and linemarking have now been completed.
- Barham River Slip No 1: Remedial works to stabilise the embankment area have been completed.
- Barham River Slip No 2: Remedial works to stabilise embankment area have begun.

Roadside Slashing:

Roadside slashing was undertaken in Larpent, Irrewillipe, Alvie, and Barongarook.

Road Regrading:

Road regrading has been ongoing in all areas as required.

Road Pavement Minor Patching:

Road pavement minor patching has been ongoing in all areas as required.

Major Patching:

Road regulation works were undertaken on Cape Otway Road.

Gravel Road Re-sheeting:

Resheeting works were undertaken on Old Beech Forest Road.

Routine Drainage works:

Routine drainage works were completed on Thomson Street Outfall, Wye River, Kennett River, Separation Creek, Thomson Street, Tuxion Road, Broughtons Access, Hickeys Cutting, Sunnyside Road, Wild Dog Road, Henrys Road, Kenneadys Access, Busty Road, Binns Road, Benwerrin – Mt Sabine Road and Lardeners Track.

Major Drainage Works:

Major drainage works were undertaken on Wild Dog Road, Montrose Avenue, Killala Road, Tuxion Road, Old Hordern Vale Road and Airey Reserve Road.

Vegetation Control:

Vegetation control works were undertaken along Manna Gum Road, Blanket Bay, Bracks Access, Denherts Track, Phillips Track, Lardeners Track and on Gellibrand East Road.

Tree Maintenance:

Tree maintenance works have been undertaken on Irrewillipe Road, Gellibrand East Road, Wonga Road, Gellibrand–Carlisle Road, Sand Road, Lardeners Track and Shorts Road.

Township Mowing:

Township mowing continues in accordance with the mowing program.

Playground Maintenance:

Playground maintenance works have been completed as per recommendations and inspections carried out as required under the playground audits.

MAJOR CONTRACTS/WASTE UNIT**Colac Airfield Runway Maintenance Works**

Concerns were raised at the last Committee of Management (COM) meeting on loss of pavement material from either ends of the gravel runway. The loss of pavement material is due to regular wear and tear caused as a result of aircraft landing and take-off, the gravelly nature of the material used and lack of cohesion.

The COM representatives recommended improvement works which have now been carried out to approximately 300m of the runway. The performance will be evaluated over time.

Marriner's Lookout - Waste Issue

An onsite meeting was held with owners of 155 Mariner's Lookout to address littering, camping and trespassing issues.

At the Lookout there is a sealed car park with approximately 10 car parking spaces. There was no provision for rubbish disposal.

Council has agreed to undertake the following works in consultation with the owners:

- (1) Install two (2) rubbish bins, one for recycling and the other one for miscellaneous garbage installed on a concrete slab with stand etc. The location of these bins has been discussed on site. Two smaller signs indicating the bin locations will be installed at either end of the car park to guide the visitors towards the bins.
- (2) Two (2) larger Warning Signs have been proposed, one at the entrance to the lookout and the other one at the top advising of bin locations, opening hours and preventing any trespassing beyond the fence line, camping or consumption of alcohol. The sign will also display a small message recognising the support of the Henrikson family in creating access to this look out and seeking visitors' cooperation in maintaining the lookout to a tidy condition at all times.
- (3) A general tidy up of the area.

The next step is to put in place an ongoing waste collection arrangement. Risk assessment aspects will need to be taken into account in selecting the best waste collection option. The situation will be monitored in future ensuring that the lookout continues to be an important tourist location.

Tenders

No tenders have been opened since the last reporting period.

Tenders awarded since the last reporting period are:
1119 – Architectural Services – to Panel of Consultants

Tenders advertised since the last reporting period are:
1202 – Supply & Deliver 80kw Tractor
1203 – Supply & Deliver 55kw Tractor
1204 – Sinclair Street South Construction

Major Quotations awarded since the last reporting period:
Q2011/12-14 - Solar Hot Water Upgrade of Council Facilities – to Chromagen Pty Ltd

Subdivision Works

The following table shows the current status of various subdivisional works which will be handed over to Council when completion is approved:

Subdivision	Status
Apollo Bay Industrial Estate Stage 1 9 lots	A certificate of compliance has been issued and outstanding works guaranteed with a security bond. The developer recommenced on site in January 2012 with remedial work on the bioretention basin and filling of lots to complete infrastructure construction.
Wyuna Estate Footpath Construction	Construction of a short section of footpath is to be completed by the contractor to finish the works.
38-46 Cawood Street Subdivision 20 lots & reserve	Currently installation of utility services is underway. Drainage, road sub-base and kerb and channel have been constructed. It is expected that completion of roadworks and asphalt placement will occur in early March.
202A Pound Road Stage 1 13 Lots	Road and drainage works are progressing on this residential subdivision.

Annual Reseal Program

Inroads Pty Ltd has completed all required bituminous spray sealing of Council's roads. Works progressed extremely well this year with the contractor taking advantage of fine weather to undertake a coordinated program ensuring early completion of jobs. The contractor has committed to return if required for any additional work.

Marengo Landfill Rehabilitation Works

Rehabilitation of the Marengo Landfill is on track for completion by March 2012. The contractor is working on completing the clay capping layer which is required to be tested for assurance of suitable compaction and low permeability. An open drain for surface runoff will be cut at the base of the capping when the ground dries out.



J Barrys Road Bridge

VEC Civil Engineering was engaged by Council in October 2011 to design and construct J Barrys Road Bridge over the west branch of Barongarook Creek. In 2009 VEC successfully completed Binns Road Bridge over the Aire River.

The VEC construction crew plans to arrive on site at J Barrys Road in February 2012 to remove the existing structure and commence work on the new bridge. Super Tee beams and other concrete precast components have been cast at the contractor's yard in Tasmania after structural engineers approved the design. The sections of bridge will cross Bass Strait by ferry and will be transported to Colac by road.



Casting T Beams

Asphalt Works

Econopave Asphalt Services has been engaged by Council to undertake asphaltting works including three intersection overlays, tennis courts at Forrest and Barwon Downs and sealing of the Apollo Bay Transfer Station. Works are programmed to commence around the start of March 2012.

SUSTAINABLE PLANNING & DEVELOPMENT

G21 Regional Growth Plan

The second stage of community engagement for this project was undertaken late in 2011. Project officers have reviewed issues raised through the consultation and have developed a draft growth plan which it is anticipated will be placed on public exhibition in April. Five engagement workshops are proposed across the G21 region, including one to be held in Colac. Councillors have been invited to attend a session in Geelong on 5 March 2012 where the draft plan will be discussed prior to its release for public consultation. Further details of the public engagement will be provided when details are finalised.

Draft Birregurra Neighbourhood Character Study

The second round of community consultation for the Birregurra Neighbourhood Character Study was completed in November 2011 following the release of an Issues Analysis Paper. A draft Study report has been received from the consultant and was considered by the project Steering Committee and Community Reference Group on 14 February 2012. A final version of the draft report will be circulated to Councillors prior to a Councillor workshop scheduled in March in anticipation of Council consideration of the report at the March meeting, prior to public consultation.

Apollo Bay Settlement Boundary and Urban Design Review

The project steering committee has reviewed the 13 submissions received, and final changes to the document are being made prior to the report being considered by Council for adoption at the March meeting.

Rural Living Strategy (Amendment C69)

The Rural Living Strategy was adopted by Council at its December 2011 meeting. Officers are in the process of preparing a planning scheme amendment (Amendment C69) to implement the key findings into the Planning Scheme. This amendment will also implement the Forrest Structure Plan which was adopted by Council in August 2011.

Colac CBD and Entrances Project

The project consultant is currently finalising the final report for this project, taking into account changes resulting from public engagement on the draft report late in 2011. It is proposed that Council consider the document for adoption, including an implementation plan that provides cost estimates for each of the recommended works, at a future Council meeting.

Planning Scheme Amendment C65

Planning Scheme Amendment C65 was placed on public exhibition on 22 February 2012, following receipt of authorisation from the Planning Minister and a Council resolution late in 2011. The Amendment implements a range of changes to the Planning Scheme including recommendations from the panel for Amendment C55. It includes a change to the mapping of Schedules 6 and 7 of the Design and Development Overlay in Apollo Bay, and improved wording of the subdivision and medium density development provisions in Schedule 7 to the overlay to strengthen the effectiveness of the provisions. Written submissions need to be lodged with Council no later than 4 April 2012.

Planning Scheme Amendment C54

Council has received advice from the State Planning Minister that Amendment C54 has been approved and will be gazetted. Officers requested late in 2011 that the Planning Minister prepare and approve this Planning Scheme Amendment to correct a number of anomalies to the Planning Scheme. The amendment also introduces updated mapping of the Erosion Management Overlay (EMO) for some parts of the Shire, and reduces the coverage of the overlay in key towns such as Elliminyt, Forrest, Gellibrand and Birregurra. The reduction in coverage of the EMO has benefits for affected land owners by negating the need for them to engage a geotechnical practitioner to prepare a report on land instability risk when lodging a planning permit application. In some cases such as residential land at Elliminyt, the reduced EMO coverage will remove the current trigger for a planning permit completely.

Council has requested that the Minister authorise the exhibition of a further planning scheme amendment C68 which is aimed at improving the form and content of the Schedule to the EMO, and applies the EMO to a small number of properties where it has previously not applied, to reflect the updated land instability mapping.

Planning Scheme Amendment C58 – Implementation of the Kennett River, Wye River and Separation Creek Structure Plan

Council has now received notice from the State Planning Minister that this amendment has been approved and will be gazetted to form part of the Planning Scheme. The amendment implements the key outcomes of the Kennett River, Wye River and Separation Creek Structure Plan that was adopted by Council in 2008, and included an update to the Municipal Strategic Statement at Clause 21.03 of the Scheme (including the establishment of a settlement boundary around these towns), as well as rezoning of land north and west of Separation Creek to Rural Conservation Zone. Council had adopted the amendment and forwarded it to the Planning Minister for approval early in 2011. Gazettal of the amendment finally completes a long planning process to give effect to the Structure Plan.

State Funding for Development of Local Policy Concerning Bushfire Risk

The State Government provided Council with a \$120,000 grant in June 2011 for the purpose of developing local policy to complement new state-wide bushfire planning provisions that were introduced into planning schemes on 18 November 2011. Scoping of the project has commenced since these new provisions were introduced, with officers attending a workshop on 16 February 2012, convened by Department of Planning and Community Development (DPCD), to discuss the project with other funded Councils.

State Amendment VC88

The State Government gazetted Amendment VC88 on 20 January 2012 which altered the provisions of the Planning Scheme relating to retail development. Specifically, the amendment changes the definition of 'Restricted Retail Premises' to:

- Broaden the types of goods that can be sold. These goods are outdoor and recreation goods, animal supplies, pet goods, homewares, baby and children's goods, children's play equipment and accessories.
- Allow any goods and accessories which require a large area for handling, display and storage or require direct vehicle access.
- Clarify that the selling or hiring of goods does not include the sale of food, clothing and footwear unless ancillary to the primary use.

The amendment also changed the Industrial 1, Industrial 3, Business 3 and Business 4 zones to remove the floor space restrictions related to Restricted Retail Premises. The effect of this amendment is to lessen the restriction on what type and size of retail development can occur outside of the core retail areas such the Colac CBD. It does not have significant implications for Colac Otway Shire.

Extension of the Interim ESO5 applying to the Barham River Water Catchment

An interim planning control was introduced in 2005 to part of the Barham River water catchment at Apollo Bay (Environmental Significance Overlay – Schedule 5). The intention was that the control be in place whilst the water catchment was declared under the relevant state legislation, and a more permanent overlay control was introduced through the normal amendment process. There were delays in the declaration of the catchment, and Barwon Water is only now in the process of initiating the amendment to introduce a permanent control. Given the sunset clause on the interim control expired in December 2011, written support has been provided to the Planning Minister for an immediate extension of that control.

Native Timber Harvesting

Council resolved in 2010 to write to the State Planning and Environment Ministers and the CCMA expressing concern at the state planning provisions as they relate to native timber harvesting, and that they unnecessarily inhibit appropriate native timber harvesting

proposals in the Colac Otway Shire. There have been subsequent discussions with these government departments/agencies concerning the issue, however further representations have been initiated following a meeting with a local land holder who has expressed frustration with the provisions. Councillors will be further advised of the outcome of these discussions.

Regional Living Expo

Council has been allocated \$20,000 from the State Government to assist in the attendance at the 2012 Regional Living Expo in Melbourne. The Expo is aimed at attracting people living in the Melbourne area to consider living in a regional area like Colac. The Expo has a similar theme to the draft Colac Marketing Strategy and while the strategy will not be adopted in time for the Expo, officers will be working to produce something for the event that promotes Colac as a place to live.

Lake Colac

The Stoddart Street pathway including the Ross Point link will be completed in April this year. This will include the removal of the Ross Point rock piles. This work had been waiting on approval by Aboriginal Affairs Victoria of the Lake Colac Cultural Heritage Management Plan before commencing.

Tourism

Otways Tourism will continue to contribute as a member's forum until the proposed restructure of regional tourism is resolved. The name will also continue within our tourism marketing and branding beyond the term of the group. Council has advertised for a Tourism Development Officer and officers expect to have a person appointed by March 2012. Tourism numbers at the VICs in 2011 was slightly up on 2010. International visitors report finding Australia expensive.

Municipal Emergency Management Planning

The draft Municipal Fire Management Plan, the updated Municipal Emergency Management Plan and the new Municipal Relief and Recovery Plan have been released for public comment. The draft documents are available from Council offices, public libraries and on Council's website.

Emergency Management Coordinator Position

Council has received advice from the State Government that funding will be provided for 2 Emergency Management Coordinator positions across the Surf Coast, Colac Otway and Corangamite regions until July 2014. One of the positions will be based at the Colac Otway Shire. The positions will focus on helping the three Councils implement the recommendations of the Bushfire Royal Commission. Officers intend to have the position based at the Colac Otway Shire filled within the next month.

Fire Prevention

Council has finished the second round of the Annual Fire Prevention Inspection Program and will begin the third round of inspections in the middle of February. By early February 2012, 756 properties had been issued with a Schedule 15 Fire Prevention Notice, with 53 properties failing to comply. Enforcement works have been carried out by Council on 28 of these properties. Works on 22 properties were carried out by the property owners before the contractor could begin. These property owners will still receive a Penalty Infringement Notice for failing to comply with the Fire Prevention Notice but it is good that they have undertaken the work themselves albeit later than necessary. People need to take responsibility for maintaining their properties throughout the Fire Danger Period but some people seem happy to pay the fines and the cost associated with Council arranging contractors. This is not fair to the vast majority of people who take their responsibilities

seriously and undertake regular maintenance to reduce the risk of fire for themselves and their neighbours. Property owners who are identified as repeat offenders this Fire Season will be brought before the magistrate, with 6 already identified. Council hopes this will ensure that they change their behaviour in the future.

Environmental Sustainability Policy

Council has an important role to play in demonstrating leadership and facilitating the wider uptake of environmental sustainability practices. To help achieve this Council recently developed an Environmental Sustainability Policy that reflects Council's high-level commitment to sustainability and refreshes and consolidates its corporate approach. The draft policy has been released for public comment and is available for viewing at Council's Customer Service Centres and on Council's website.

Environment Coordinator Position

Council is in the process of filling an Environmental Coordinator position. The position has a key role in the promotion and advocacy of Environmentally Sustainable Development principles and will have a key role in the administration of the Code of Forest Practices for Timber Production on Private Land. The position will also have responsibilities in respect to the Flora and Fauna Guarantee Act and the framework for action for Victoria's Native Vegetation Management amongst other like environmental matters. The position is also responsible for managing a regional project called "Climate Resilient Communities of the Barwon South West". This regional project will involve working with 10 municipalities to help deliver the outcomes associated with a grant provided by the Department of Sustainability and Environment through the Victorian Sustainability Accord.

Local Law Review

Colac Otway Shire Council is currently reviewing three local laws to ensure they remain relevant and meet community expectations.

The Local Laws being reviewed are Local Law 1, which relates to consumption of liquor in a public place; Local Law 2, a general local law covering a number of things including temporary dwellings, bee and animal keeping, street furniture, waste management; and Local Law 3, which relates to livestock movement, grazing, fencing requirements and other stock-related issues. Council has sought public comment on the existing Local Laws and is currently developing drafts of the new versions that it is planned will be released for public comment by April 2012.

Attachments

Nil

Recommendation(s)

That Council notes the CEO's Progress Report to Council.

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**CONSENT CALENDAR**

**OFFICERS' REPORT**

D = Discussion  
W = Withdrawal

| ITEM                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | D | W |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|---|
| <p><b><u>CORPORATE AND COMMUNITY SERVICES</u></b></p> <p><b><u>OM122202-2 COMMUNITY REFERENCE GROUP - HEATHFIELD ESTATE RESERVE</u></b></p> <p>Department: Corporate and Community Services</p> <p><b><u>Recommendation(s)</u></b></p> <p><b><i>That Council:</i></b></p> <ol style="list-style-type: none"> <li><b><i>1. Endorses the following community members for the Heathfield Estate Reserve Community Reference Group:</i></b> <ul style="list-style-type: none"> <li>• <i>Cate Cousland</i></li> <li>• <i>Cheryl Biddle</i></li> <li>• <i>Chris Traube</i></li> <li>• <i>Craig Rippon</i></li> <li>• <i>Jenny Rippon</i></li> <li>• <i>Jenny Laird</i></li> <li>• <i>Oleg Kuznetsov</i></li> <li>• <i>Reg Wilkinson</i></li> <li>• <i>Rick Whitwell</i></li> <li>• <i>Susan Leary</i></li> <li>• <i>Tony Webber</i></li> </ul> </li> <li><b><i>2. Nominates Cr....., to be a member and Chairperson of the Heathfield Estate Reserve Community Reference Group.</i></b></li> <li><b><i>3. Notes that the Mayor Stephen Hart and Council's Manager Recreation, Arts and Culture will be members of the Heathfield Estate Reserve Community Reference Group.</i></b></li> </ol> |   |   |

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| <p><b><u>OM122202-3</u></b>      <b><u>APPOINTMENT OF NEW MEMBERS - KENNETT RIVER TENNIS RESERVE COMMITTEE OF MANAGEMENT</u></b></p> <p>Department: Corporate and Community Services</p> <p><b><u>Recommendation(s)</u></b></p> <p><i>That Council appoints Paul Grocott, Dave Sinclair and Frank Morin to the Kennett River Tennis Reserve Committee of Management until the conclusion of the current committee's term in June 2013.</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                              |                 |                           |                 |                          |                 |  |  |
| <p><b><u>OM122202-4</u></b>      <b><u>COUNCIL COMMUNITY FUNDING PROGRAM 2012-2013</u></b></p> <p>Department: Corporate and Community Services</p> <p><b><u>Recommendation(s)</u></b></p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> <li><i>1. Endorses the revised 2012/2013 Council Community Funding Program guidelines and application forms.</i></li> <li><i>2. Commences implementation of the Council's Community Funding Program in accordance with:</i> <ol style="list-style-type: none"> <li><i>a. The revised guidelines and application forms including the proposed processes and timelines; and</i></li> <li><i>b. The current funding levels.</i></li> </ol> <table style="margin-left: 40px; border: none;"> <tr> <td><i>Recreation Facilities</i></td> <td style="text-align: right;"><i>\$80,000</i></td> </tr> <tr> <td><i>Community Projects</i></td> <td style="text-align: right;"><i>\$40,000</i></td> </tr> <tr> <td><i>COPACC Assistance</i></td> <td style="text-align: right;"><i>\$10,000</i></td> </tr> </table> </li> </ol> | <i>Recreation Facilities</i> | <i>\$80,000</i> | <i>Community Projects</i> | <i>\$40,000</i> | <i>COPACC Assistance</i> | <i>\$10,000</i> |  |  |
| <i>Recreation Facilities</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <i>\$80,000</i>              |                 |                           |                 |                          |                 |  |  |
| <i>Community Projects</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <i>\$40,000</i>              |                 |                           |                 |                          |                 |  |  |
| <i>COPACC Assistance</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <i>\$10,000</i>              |                 |                           |                 |                          |                 |  |  |
| <p><b><u>OM122202-5</u></b>      <b><u>FESTIVAL AND EVENTS SUPPORT SCHEME 2012/2013</u></b></p> <p>Department: Corporate and Community Services</p> <p><b><u>Recommendation(s)</u></b></p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> <li><i>1. Endorses the revised Festival and Events Support Scheme guidelines and application forms as attached.</i></li> </ol>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                              |                 |                           |                 |                          |                 |  |  |

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|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|
| <p><b>2. Commences implementation of the 2012/2013 Festival and Events Support Scheme in accordance with:</b></p> <p><b>a. The revised guidelines and application forms including the proposed process and timelines, and</b></p> <p><b>b. The current funding levels \$60,000.</b></p> <p><b>3. Refers the increased funding request to the 2012/2013 budgetary process as follows:</b></p> <p style="padding-left: 40px;"><b>Established Events      \$50,000 to \$75,000</b></p> <p style="padding-left: 40px;"><b>Seed Funding              \$10,000 to \$15,000.</b></p>                                                                                                                                                                                                                                                             |  |  |
| <p><b><u>OM122202-6      COUNCIL COMMITMENT TO CENTRAL RESERVE REDEVELOPMENT</u></b></p> <p>Department: Corporate and Community Services</p> <p><b><u>Recommendation(s)</u></b></p> <p><b><i>That Council:</i></b></p> <p><b>1.      Allocates \$150,000 from the 2011/2012 Local Government Infrastructure Program allocation to the Central Reserve oval renovation.</b></p> <p><b>2.      Considers an allocation of \$250,000 through Council's 2012/2013 Budget process.</b></p>                                                                                                                                                                                                                                                                                                                                                     |  |  |
| <p><b><u>OM122202-7      S6 INSTRUMENT OF DELEGATION UPDATE - COUNCIL TO MEMBERS OF COUNCIL STAFF</u></b></p> <p>Department: Corporate and Community Services</p> <p><b><u>Recommendation(s)</u></b></p> <p><b><i>In the exercise of the powers conferred by section 98(1) of the Local Government Act 1989 (the Act) and the other legislation referred to in the tabled Instrument of Delegation, Colac Otway Shire Council (Council) resolves that –</i></b></p> <p><b>1.      There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the tabled Instrument of Delegation to members of Council staff, the powers, duties and functions set out in that Instrument, subject to the conditions and limitations specified in that Instrument.</b></p> |  |  |





OM122202-2

**COMMUNITY REFERENCE GROUP - HEATHFIELD ESTATE RESERVE**

|             |                                |           |              |
|-------------|--------------------------------|-----------|--------------|
| AUTHOR:     | Ian Seuren                     | ENDORSED: | Colin Hayman |
| DEPARTMENT: | Corporate & Community Services | FILE REF: | F11/3468     |

**Purpose**

The purpose of this report is to seek Council's endorsement of the membership of the Heathfield Estate Reserve Community Reference Group (CRG).

**Declaration of Interests**

No officer declared an interest under the *Local Government Act 1989* in the preparation of this report.

**Background**

The Heathfield Estate Reserve (Reserve) was transferred to Council as part of the Heathfield Estate residential subdivision in the early 1990s. The reserve covers an area of 11.5 hectares and is located between the eastern boundary of the Heathfield Estate and the Barham River, Marengo. The reserve is currently zoned Public Park and Recreation with a number of overlays including the Land Subject to Inundation Overlay (LSIO). The reserve remains undeveloped.

At the November 2011 Council meeting, Council resolved to:

1. *Establish the Heathfield Estate Reserve Community Reference Group, in accordance with the Community Reference Group Membership Policy (Policy No. 18.11), to assist in determining future use of the Heathfield Estate Reserve.*
2. *Undertake further investigation to identify possible access to the Heathfield Estate Reserve and likely cost implications.*
3. *Forward an Expression of Interest Form to all 18 submitters to the February 2009 public meeting."*

The purpose of the CRG is to assist in determining the future use of the Heathfield Estate Reserve. This follows the completion of the Colac Otway Public Open Space Strategy which recommended that Council retain the Reserve and engage the community in determining future use of the site.

As per Council's Community Reference Group Membership Policy, the CRG has been formed through an Expression of Interest (Eoi) process with advertising in the Colac Herald, the Apollo Bay Newssheet, direct correspondence to the land owners of the Heathfield Estate and to the 18 submitters to the February 2009 public meeting.

Nominations for the CRG closed on 13 January 2012. Eleven (11) applications were received. In addition, a form was received which detailed a land owner's ideas on future use of the site however this resident was not actually seeking to be a member of the CRG. The eleven nominations were considered by Council officers against the following selection criteria:

1. Reason for interest in the Heathfield Estate Reserve – eg: local resident, member of club, interest in Barham River etc.
2. Skills and expertise relevant to open space, sport, recreation and/or the environment.

3. Representation of the broader Apollo Bay/Marengo community.

Council's Community Reference Group Membership Policy also states that three (3) members of the Colac Otway Shire Council will be included on a CRG including but not limited to:

1. A Councillor (appointed by Council) (this membership will automatically take on the Chairperson role);
2. The Mayor or an alternate Councillor if there is a Conflict of Interest or lack of availability; and
3. The General Manager responsible for the project or their nominee.

### **Council Plan / Other Strategies / Policy**

#### **Land Use and Development**

Council will engage, plan and make decisions about land use and development that takes into account the regulatory role of Council, its diverse geography, social, community, economic and environmental impacts for current and future generations.

#### **Issues / Options**

The future use of the Heathfield Estate Reserve is of great interest to local landowners of the Heathfield Estate as well as the broader Apollo Bay and Marengo communities. Future use of the site for active recreation is limited due to access to the site which has caused differing views as to how the site should be used. Therefore, in determining any future use of the site it is important to actively engage the local residents.

The 11 EoI's received have been assessed by Council officers against the selection criteria detailed previously. It was determined that all 11 submissions adequately met the selection criteria and provided for a good cross representation of the community. The Community Reference Group Membership Policy identifies that a total of ten (10) members of the general community with appropriate skills and/or interest be obtained for a CRG. However, considering that the 11 community members who expressed interest have appropriate skills and interest in the reserve, it was felt that Council should consider appointing all 11 community members to the CRG.

It is often difficult to recruit volunteers for reference, advisory and management committees so it is felt that in this instance a volunteer should not be rejected. This will still be a workable sized group but ensures a good cross representation of the community including Heathfield Estate landowners, members of the Apollo Bay Pony Club and other interested community members.

The following community members are recommended for Council's endorsement:

- Cate Cousland
- Cheryl Biddle
- Chris Traube
- Craig Rippon
- Jenny Rippon
- Jenny Laird
- Oleg Kuznetsov
- Reg Wilkinson
- Rick Whitwell
- Susan Leary
- Tony Webber

In addition, Council is required to nominate Council membership to the CRG as per the Community Reference Group Membership Policy which will consist of the Mayor, an

additional Councillor and the appropriate General Manager or their nominee. In this instance, it is intended that the Manager Recreation, Arts and Culture be appointed to the CRG.

There are a number of options available to Council:

1. Endorse the recommended CRG community nominations as listed above.
2. Endorse a modified list of nominees.
3. Not endorse the recommended CRG and readvertise the Expression of Interest process.

The first option is recommended as the Eol process was advertised and communicated appropriately. The number of CRG members recommended is sufficient in number and diversity to provide legitimate community input to the process.

The second option is not supported as the nominees have been carefully assessed against the selection criteria and results in a good cross section of the community. Modifying the recommended membership of the group would undermine the selection process.

The third option is not considered appropriate as it is clear that the advertising process to attract a suitable pool of nominations was successful.

### **Proposal**

That Council endorses the membership of the Heathfield Estate Reserve Community Reference Group by accepting the 11 community nominees and allocating Council members to the CRG.

### **Financial and Other Resource Implications**

There are no financial implications in this proposal. The CRG will require staff resources however this is seen as an important contribution to enable strong community input to the process and is accommodated within current budget allocations.

### **Risk Management & Compliance Issues**

There is a risk that if a CRG is not endorsed, the community may feel that Council is not credible in its efforts to engage the community. There is a further risk should Council decide to not accept the full 11 submissions. Unsuccessful nominees for the CRG are likely to be disappointed. In this case, it is considered that a CRG involving all 11 nominees would be appropriate.

### **Environmental and Climate Change Considerations**

There are no environmental implications arising from this proposal.

### **Community Engagement**

The community engagement strategy will follow the recommendations of the Colac Otway Shire Council Community Engagement Policy of January 2010, which details five levels of engagement – inform, consult, involve, collaborate and empower.

The method selected is consult and involve. The CRG will directly involve the community in the process of any future development of the Heathfield Estate Reserve and will be an important connection between Council and the Apollo Bay and Marengo communities. This method will result in a higher level of engagement where officers will work directly with this group to ensure that public concerns and aspirations are understood and, where appropriate, reflected in the outcome of the process.

**Implementation**

Providing Council endorses the CRG as recommended, each member will be sent a letter confirming their appointment to the CRG. The first CRG meeting is expected to be held in April 2012 where the role of the group, the process and the member's involvement will be fully explained.

It is expected that the CRG will meet around 3-4 times in Apollo Bay to assist Council in determining a future use of the Heathfield Estate Reserve.

**Conclusion**

The establishment of the Heathfield Estate Reserve Community Reference Group is a proactive step in determining a future use of the reserve in partnership with the Apollo Bay and Marengo communities. A public EoI process attracted 11 submissions of which all met the selection criteria and represented a cross section of the community. The 11 nominees have been recommended for appointment to the CRG.

**Attachments**

Nil

**Recommendation(s)*****That Council:***

1. ***Endorses the following community members for the Heathfield Estate Reserve Community Reference Group:***
  - ***Cate Cousland***
  - ***Cheryl Biddle***
  - ***Chris Traube***
  - ***Craig Rippon***
  - ***Jenny Rippon***
  - ***Jenny Laird***
  - ***Oleg Kuznetsov***
  - ***Reg Wilkinson***
  - ***Rick Whitwell***
  - ***Susan Leary***
  - ***Tony Webber***
2. ***Nominates Cr....., to be a member and Chairperson of the Heathfield Estate Reserve Community Reference Group.***
3. ***Notes that the Mayor Stephen Hart and Council's Manager Recreation, Arts and Culture will be members of the Heathfield Estate Reserve Community Reference Group.***

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OM122202-3

**APPOINTMENT OF NEW MEMBERS - KENNETT RIVER
TENNIS RESERVE COMMITTEE OF MANAGEMENT**

| | | | |
|-------------|-----------------------------------|-----------|--------------|
| AUTHOR: | Rick Morrow | ENDORSED: | Colin Hayman |
| DEPARTMENT: | Corporate &
Community Services | FILE REF: | 11/96651 |

Purpose

To endorse the appointment of new members to the Kennett River Tennis Reserve Committee of Management.

Declaration of Interests

No officer declared an interest under the *Local Government Act 1989* in the preparation of this report.

Background

Council appoints Committees of Management under section 86 of the *Local Government Act 1989* as Special Committees to Council to act in accordance with rules and conditions of appointment adopted by Council.

One of the main roles of many of the Committees that Council has appointed is to manage the operation of various Council halls and reserves.

**Council Plan / Other Strategies / Policy
Leadership and Governance**

Council will fulfil its leadership, statutory and legal obligations to its community and staff in a way that is: fair, ethical, inclusive, sustainable, financially responsible and meets the needs and practical aspirations of current and future generations.

The decision by Council to appoint local persons to the various Committees is seen to be progressive and inviting the community to participate in the conduct of Council's administration of public facilities. A decision in this regard also sees Council working in partnership with the community to achieve agreed goals.

Issues / Options

As a result of interest expressed by community members, the Kennett River Tennis Reserve Committee of Management has requested additional members be added to the committee. This will support the committee with its activities and requires Council endorsement.

Council's policy is that Committees of Management members are appointed for a 3 year term or less where applicable.

Option 1

That Council appoints Paul Grocott, Dave Sinclair and Frank Morin to the Kennett River Tennis Reserve Committee of Management until the conclusion of the current committee's term in June 2013.

Option 2

Not to appoint the community persons put forward.

It is an important process that an opportunity is provided to add additional interested community members to the membership of the Section 86 committee.

Proposal

At the Council meeting held on 23 June 2010, Council appointed 7 community members to the Kennett River Tennis Reserve Committee of Management. The Committee's 3 year term ends in June 2013. Community members Paul Grocott, Dave Sinclair and Frank Morin have indicated their willingness to become members subject to Council approval.

Financial and Other Resource Implications

Not applicable.

Risk Management & Compliance Issues

Each committee has been provided with a Risk Management and Insurance Manual developed for Council Committees of Management.

Environmental and Climate Change Considerations

Not applicable.

Community Engagement

The community engagement strategy will follow the recommendations of the Colac Otway Shire Council Community Engagement Policy of January 2010, which details five levels of engagement – inform, consult, involve, collaborate and empower.

The Kennett River Tennis Reserve Committee of Management has advised Council of 3 new members they wish to be appointed to the Committee.

Implementation

Following Council's decision a letter will be forwarded to the Committee.

Conclusion

The appointment of further members will assist the committee in its purpose of managing this Council facility.

Attachments

Nil

Recommendation(s)

That Council appoints Paul Grocott, Dave Sinclair and Frank Morin to the Kennett River Tennis Reserve Committee of Management until the conclusion of the current committee's term in June 2013.

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OM122202-4

**COUNCIL COMMUNITY FUNDING PROGRAM 2012-2013**

|             |                                |           |              |
|-------------|--------------------------------|-----------|--------------|
| AUTHOR:     | Jodie Fincham                  | ENDORSED: | Colin Hayman |
| DEPARTMENT: | Corporate & Community Services | FILE REF: | F12/366      |

**Purpose**

The purpose of this report is to seek Council endorsement of the proposed funding available to community clubs and organisations through the 2012/2013 Council Community Funding Program. It is also seeking Council endorsement of the revised guidelines and implementation process for the Community Funding Program.

The proposed 2012/2013 Colac Otway Shire Community Funding Program will include four categories:

1. Recreation Facilities up to \$10,000
2. Community Projects up to \$10,000
3. COPACC Hire Assistance
4. Community/Recreation Projects – up to \$2000 (small equipment and training).

This report also includes the program guidelines and application forms for these programs.

**Declaration of Interests**

No officer declared an interest under the *Local Government Act 1989* in the preparation of this report.

**Background**

Council has provided financial assistance to a broad range of community organisations and clubs through specific funding programs for the past fourteen years. Over this time the program has typically provided funding assistance to improve community facilities, purchase essential equipment items, conduct community projects and to hire COPACC for community activities. Through emerging trends and changes in community needs the requests for funding have altered but the criteria for the funding program has remained consistent throughout this time.

Due to the increasing growth and demand for events there was a need to develop a transparent and fair program to support the allocation of funding for events within the Shire. This resulted in the Festival and Event Support Scheme which commenced in 2007/2008. Endorsement of the Festival and Event Support Scheme guidelines and implementation process is presented for consideration in a separate report to Council.

**Council Community Funding Program**

The program currently comprises three categories: Recreation Facilities, Community Projects and COPACC Hire Assistance Fund. The 2011/2012 implementation of this program allocated \$40,000 to various community projects, \$80,000 towards recreation facility works and \$10,000 towards functions held at COPACC.

Over the past year of the Colac Otway Community Funding Program the following trends have been identified within the specific program categories:

### Community Projects

- Delivery of a diverse range of projects demonstrating community interest and support for increased participation, new initiatives and small equipment purchases eg. Apollo Bay Kendo Club (purchase of armoury), Beeac Progress Association (camera and equipment purchase) and Colac Tigers Netball Club (purchase of new uniforms).

### Recreation Facilities

- Evidence of significant works to be undertaken on Council owned and other facilities eg. Chapple Vale Public Hall (heater installation) and Elliminyt Hall (toilet upgrade).
- Growing evidence of projects outsourced (works quotations and risk management requirements) rather than being completed with substantial in-kind input from clubs, therefore increasing the cost of projects eg. Colac Legacy House (spouting restoration).
- Increasing number of community service organisations projects seeking contribution to a range of projects eg. Meriba (book production), Probus (data projector purchase).

### COPACC

- Schools continue to seek funding assistance to stage performances at COPACC.
- Community groups continue to seek funding assistance to stage events or exhibitions at COPACC eg. Colac Sudanese Community (World Refugee Day).
- Some applicants have partnered funding programs both from within Colac Otway Shire funding streams and external funding programs to increase the amount of funding in support of projects.

### **General**

Applicants are requested to provide evidence of any funding support received from the Colac Otway Shire in the past three years and to supply detailed financial statements or a treasurer's report for the past two years. This is consistent with changes that were made to Council's Policy "Funding Advances to Community Organisations."

### **Council Plan / Other Strategies / Policy**

#### **Community Health and Wellbeing**

Council will promote community health and wellbeing in partnership with other health services. Through a partnership approach, Council will provide a broad range of customer focused health, recreational, cultural and community amenities, services and facilities.

The Council Community Funding Program is supported by the 2006-2010 Colac Otway Recreation Strategy, the 2007-2011 Colac Otway Arts and Culture Strategy and the 2007-2011 Colac Otway Festivals and Events Strategy.

#### **Issues / Options**

The Council Community Funding Program was reviewed internally in 2011/2012 in order to better respond to current community trends particularly within the sport, recreation, arts and event sectors within the Shire. The guidelines and application form documentation were simplified in response to customer feedback and to assist with program administration.

A total program review has been undertaken for the Council Community Funding Program resulting in the development of a new funding category entitled "Community/Recreation Projects – up to \$2,000 (small equipment and training.)



Review Process – Council Community Funding Program 2011/2012

The Council Grants/Community Funding Advisory Committee met on 7 June 2011 to review and assess all applications. The following recommendations were made regarding implementation of the Program at the assessment stage:

- Council needs to further promote the program to generate interest from new groups.
- A new plan needs to be put in place to better promote the program to new groups and groups outside of Colac for projects within the municipality.
- Development of a separate application form for groups seeking equipment to the value of less than \$2,000.

Feedback from staff who participated in an in-house review of the program resulted in the following recommendations:

- Ensure greater consistency in the structure and format of funding programs (Small Towns Improvement Program funding guidelines and the Council Community Funding Program guidelines).
- Development of a separate and simplified set of funding guidelines and application form for small equipment purchases and training. The revised application form will not require applicants to complete a risk assessment for the purchase of equipment.
- Development of new and vibrant funding program advertisements and revision of advertisement content to broaden its appeal to a wider community audience.
- Compliance requirements will only be required to be completed for Recreation Facility funding projects thereby reducing the amount of work required to complete applications.

Attached guidelines for the 2012/2013 Community Funding Program have been amended to reflect the above changes.

It is recommended that the funding for the Council Community Funding Program remain the same as the 2011/2012 allocation.

The funding allocation will be considered as part of the 2012/2013 Budget process.

Proposed funding allocations for 2012/2013 Council Community Funding Program:

|                             | (11/12)  | (12/13)  |
|-----------------------------|----------|----------|
| • Community Projects        | \$40,000 | \$40,000 |
| • Recreation facility works | \$80,000 | \$80,000 |
| • COPACC assistance         | \$10,000 | \$10,000 |

Community/Recreation small equipment/training funding is to be taken from the above allocations, excluding the COPACC assistance category.

The proposed timelines for the Council Community Funding Program for 2012/2013 are as follows:

- |                                                 |                      |
|-------------------------------------------------|----------------------|
| • Applications open                             | Friday 23 March 2012 |
| • Applications close                            | Friday 4 May 2012    |
| • Submissions evaluated                         | May - June 2012      |
| • Notification of funding at Civic Reception    | July 2012            |
| • Project completion, evaluation forms returned | By May 2013.         |

There are four options for Council's consideration:

1. Commence implementation of the Council Community Funding Program in accordance with:
  - a. The revised guidelines and application forms including the proposed processes and timelines; and
  - b. The current funding levels.
2. Further review the 2012/2013 Council Community Funding Program and propose alternative program options to Council for further consideration.
3. Wait for outcomes of 2012/2013 Council budget and commence funding programs in August 2012 in accordance with:
  - a. The revised guidelines and application forms including the proposed processes and timelines; and
  - b. The current funding levels.
4. Not support/continue the program at all. This would be detrimental to the broader community as it will prevent the delivery of numerous projects which would otherwise not be made possible without funding assistance.

### **Proposal**

This report proposes that Council supports Option 1: Commence implementation of Council's 2012/2013 Community Funding Program in accordance with:

- The revised guidelines and application forms including the proposed processes and timelines; and
- The current funding levels.

### **Financial and Other Resource Implications**

The program contributes significantly to numerous community projects across the Shire. Specifically, of the \$40,000 available for Community Projects, \$32,700 was allocated to support 21 projects which resulted in \$102,000 of project value. The remaining balance was reallocated to Recreation Facilities funding under the same funding scheme. The increased allocation of \$87,000 to 2011/2012 Recreation Facilities projects resulted in improvement works to the value of \$198,000 and the COPACC assistance of \$10,000 resulted in performances and exhibitions with a total value of \$97,600.

### **Risk Management & Compliance Issues**

Specific risk management and compliance issues embedded within each project application are assessed on their individual merit. The proposed guidelines and application forms ensure potential risk and compliance issues are identified.

There are increased risks associated with the implementation of Option 3. Waiting for outcomes of the 2012/2013 Council budget and commencing the program in August 2012 will reduce the amount of time community groups have to commence and complete their funded projects. It is anticipated this option would therefore result in project carry over into the next financial year. The later the program commences and funding allocated in the financial year, the less time organisations have to undertake their projects.

The risk of Option 4 is the increased burden placed on several volunteer organisations throughout the Shire as a result of no funding.

**Environmental and Climate Change Considerations**

Specific environmental issues embedded within projects are assessed throughout the application assessment. Council's Environment Unit is engaged in project assessment or implementation where environmental issues are identified or possible.

**Community Engagement**

The community engagement strategy will follow the recommendations of the Colac Otway Shire Council Community Engagement Policy of January 2010, which details five levels of engagement – inform, consult, involve, collaborate and empower.

The method selected would be consult and includes significant communication from Council to the community released via local media, electronic newsletters and direct correspondence informing the community of the grants program and its associated timelines. Information sessions will be held in Colac and Apollo Bay.

Applications are initially assessed at officer level. The applications are then presented to an Advisory Committee, comprising Councillor representation, for further assessment and the final decision.

**Implementation**

It is proposed that implementation of the 2012/2013 program would commence March 2012 following Council endorsement of this report. Applications are assessed at officer level and presented to an Advisory Committee of Council for ratification. It was resolved at the Statutory Meeting held on 14 December 2011 that the following Councillors would comprise the Community Funding Advisory Committee: Councillors Chris Smith, Stephen Hart, Stuart Hart and Brian Crook.

**Conclusion**

Council's Community Funding Program allocation in 2011/2012 resulted in community projects, events, facility improvements, exhibitions and performances with a total estimated value in excess of \$397,000.

Furthermore, strong community partnerships were formed and/or consolidated with arts and cultural groups, committees of management of recreation facilities, schools and performing arts groups. The annual Community Funding Program is a much valued scheme which achieves significant results for local communities.

**Attachments**

- |                                                                                                                                         |          |
|-----------------------------------------------------------------------------------------------------------------------------------------|----------|
| 1. Community Funding Program 2012/13 Guidelines and Application Recreation Facilities up to \$10,000                                    | 14 Pages |
| 2. Community Funding Program 2012/13 Guidelines and Application Community/Recreation Projects Small Equipment and Training up to \$2000 | 8 Pages  |
| 3. Community Funding Program 2012/13 Guidelines and Application COPACC                                                                  | 12 Pages |
| 4. Community Funding Program 2012/13 Guidelines and Application Community Projects up to \$10,000                                       | 12 Pages |

**Recommendation(s)**

**That Council:**

- 1. Endorses the revised 2012/2013 Council Community Funding Program guidelines and application forms.**
- 2. Commences implementation of the Council's Community Funding Program in accordance with:**
  - a. The revised guidelines and application forms including the proposed processes and timelines; and**
  - b. The current funding levels.**

|                              |                 |
|------------------------------|-----------------|
| <b>Recreation Facilities</b> | <b>\$80,000</b> |
| <b>Community Projects</b>    | <b>\$40,000</b> |
| <b>COPACC Assistance</b>     | <b>\$10,000</b> |

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OM122202-5

FESTIVAL AND EVENTS SUPPORT SCHEME 2012/2013

| | | | |
|-------------|--------------------------------|-----------|--------------|
| AUTHOR: | Vicki Jeffrey | ENDORSED: | Colin Hayman |
| DEPARTMENT: | Corporate & Community Services | FILE REF: | 11/96432 |

Purpose

The purpose of this report is to seek Council endorsement of the revised guidelines and budget allocation proposed for funding available through the 2012/2013 Festival and Events Support Scheme.

Declaration of Interests

No officer declared an interest under the *Local Government Act 1989* in the preparation of this report.

Background

The Festival and Events Support Scheme commenced in 2007/2008 due to the increasing growth and demand for events and the need to develop a transparent and fair program to support the allocation of funding for events within the Shire. An Advisory Committee comprising representation from Council (3 Councillors and 1 Officer), Otways Tourism and Regional Development Victoria were appointed to review the submitted applications and participate in assessing those applications. Since its introduction in 2007, the scheme has been well supported by both commercial and community based event organisers.

Events and festivals of varying kinds have been funded under this scheme which include:

- Sporting Events – GOR Marathon, Amy Gran Fondo, Rainforest Ride, Mountain Bike Events and the Great Victoria Bike Ride.
- Community Festivals – Apollo Bay Music Festival, Birregurra Weekend Festival, Colac Kana, Carols by Candlelight and Gellibrand Blues and Blueberry Festival.
- Other events – Otway Soup Festival, Forrest MidWinter Festival, Colac Orchid Show and the Heritage Festival.

Council Plan / Other Strategies / Policy**Community Health and Wellbeing**

Council will promote community health and wellbeing in partnership with other health services. Through a partnership approach, Council will provide a broad range of customer focused health, recreational, cultural and community amenities, services and facilities.

Dedicated program funding for this scheme has been identified through the implementation of the 2007-2011 Colac Otway Festivals and Event Strategy.

Issues / Options

Over the past year, the following trends have been identified regarding the Colac Otway Festival and Events Support Scheme:

Events

- Continuing evidence of community interest and scope for more community events across the Shire (eg. Carols by Candlelight, Gellibrand Blues and Blueberry Festival)
- An increase in the number of overall requests received for festival and event funding.

- An increase in the number of pre-existing events applying for funding for either the first time through this scheme or continued funding (eg. Colac Orchid Show, Warrion Flower Show, Colac Garden & Lifestyle Expo)
- A growing number of major event organisers applying for funding (eg. Amy Gran Fondo, Ford Otway Classic Ride, Great Victoria Bike Ride, Strawberry Fields).
- An increasing number of 'sporting' events are proposed for 2012. It is anticipated that these events will seek funding now and into the future (eg. Fun Run in the Otways, Fun Run by Rotary West, Two Day Mountain Bike Festival in Forrest).

General

Applicants are requested to provide evidence of any funding support received from the Colac Otway Shire in the past three years and to supply detailed financial statements or a Treasurer's report for the past two years. This is consistent with changes that were made to the Council's Policy "Funding Advances to Community Organisations."

A review of the program has been undertaken involving input from the Festival and Events Support Scheme Advisory Committee. At the Festival and Events Support Scheme Advisory Committee meeting held 1 June 2011 there were further comments made.

1. There is a finite amount of funding available; however there is an increasing number of events seeking funding and consequently the program is oversubscribed.
2. An increase in the funding amount for 2012/2013 scheme should be requested.

Since the last meeting of the Advisory Committee, Otways Tourism has ceased to operate. Otways Tourism also had a funding stream that is now no longer available, this is another reason for the request to increase the Festival and Events Support Scheme funding amount.

An in-house review was conducted to obtain feedback from staff involved in administering this funding program. The following minor changes to the 2012/2013 Festival and Events Support Scheme Guidelines were suggested, which are:

- Removal of point 7, COSWorks Assistance – road signs are no longer available for event organisers to use.
- Removal of all references to Otways Tourism.
- Point 11. Further emphasis on the return of financial reports within 12 weeks of the completion of the festival/event. Failure to meet these time frames may affect applications.
- Involvement of Council's new Tourism Development Officer in the assessment process.
- \$25/hour figure suggested for all in-kind volunteer labour.

It is recommended that the funding for the Festival and Events Support Scheme be increased from the 2011/2012 allocation to reflect price increases of materials and costs associated with staging events. The funding allocation will be considered as part of the 2012/2013 Budget process.

Proposed funding allocations for 2012/2013 Festival and Events Support Scheme:

| | | |
|-----------------------------|----------|----------|
| | (12/13) | (11/12) |
| Established Events | \$75,000 | \$50,000 |
| Seed Funding for new events | \$15,000 | \$10,000 |

The proposed timelines for the Festival and Events Support Scheme for 2012/2013 are as follows:

- Applications open Friday 23 March 2012
- Applications close Friday 4 May 2012
- Submissions evaluated May – June 2012
- Notification of funding at Civic Reception July 2012
- Project completion, evaluation forms returned 3 months after each event

There are three options for Council's consideration:

1. Commence implementation of the 2012/2013 Festival and Events Support Scheme in accordance with:
 - a. The revised guidelines and application forms including the proposed processes and timelines, and
 - b. The current funding levels.
2. Further review the 2012/2013 Festival and Events Support Scheme and propose alternative program options to Council for further consideration.
3. Wait for outcomes of the 2012/2013 Council budget and commence funding programs in August 2012 in accordance with:
 - a. The revised guidelines and application forms including the proposed processes and timelines, and
 - b. Adopted funding levels.
4. Not support or continue the program at all.

Proposal

This report proposes that Council supports Option 1: Commence implementation of the 2012/2013 Festival and Events Support Scheme in accordance with:

- The revised guidelines and application forms including the proposed processes and timelines; and
- The current funding levels.

Furthermore, it seeks acknowledgement that an increased funding request for the Festival and Events Support Scheme for 2012/2013 will be considered through Council's annual budgetary process.

Financial and Other Resource Implications

Proposed funding allocations for 2012/2013 Festival and Events Support Scheme:

| | | |
|-----------------------------|----------|----------|
| | (12/13) | (11/12) |
| Established Events | \$75,000 | \$50,000 |
| Seed Funding for new events | \$15,000 | \$10,000 |

The program contributes significantly to numerous events across the Shire. Specifically in 2011/2012, it is estimated that the \$60,000 allocated to the Festival and Events Support Scheme assisted in the delivery of 20 events with a total project value of \$1,587,000.

The Festival and Events Support Scheme ensures that local community event organisers can apply for funding to support their events. It is important to offer this Scheme as limited funding opportunities exist at a State and Federal Government level.

Risk Management & Compliance Issues

Specific risk management and compliance issues embedded within each event application are assessed on their individual merit. The proposed guidelines and applications forms ensure potential risk and compliance issues are identified.

There are increased risks associated with the implementation of Option 3. Waiting for outcomes of the 2012/2013 Council budget and commencing the scheme in August 2012 will reduce the amount of time community groups have to commence and complete their funded events. It is anticipated this option would therefore result in events being carried over into the next financial year. The later the scheme commences and funding allocated in the financial year, the less time organisations have to undertake their projects.

Furthermore, if Option 3 is implemented there is the likelihood that events held within the first three months of the financial year will not be able to access funding. This will have impacts on event planning due to uncertainty associated with available funding.

The risk of Option 4 is the increased burden placed on volunteer organisations throughout the Shire as a result of no available funding.

Environmental and Climate Change Considerations

The Colac Otway Festival and Events Support Scheme 2012/2013 guidelines specify that it is a condition of all successfully funded applicants that their event meets set criteria regarding event waste management. Other environmental considerations are identified throughout the approval process and are dealt with accordingly.

Community Engagement

The community engagement strategy will follow the recommendations of the Colac Otway Shire Council Community Engagement Policy of January 2010, which details five levels of engagement – inform, consult, involve, collaborate and empower.

The method of engagement selected would be inform, collaborate and empower. Should Council endorse this report application forms and guidelines will be advertised across the Shire in early March 2012 for Colac Otway Shire's 2012/2013 Festival and Events Support Scheme. Application forms will be made available from Council's Customer Service Centres in Colac and Apollo Bay, via the website and through direct database mail. Email application lodgment will again be offered to make the process easier for applicants to submit applications electronically. Council officers will meet with individual applicants as required providing further assistance in progressing applications.

Implementation

It is proposed that the implementation of the 2012/2013 scheme would commence in March 2012, following Council endorsement of this report.

Applications are assessed at Officer level and presented to an Advisory Committee of Council for ratification. It was resolved at the Statutory Meeting held 14 December 2011 that the following Councillors would comprise the Festival and Events Support Scheme: Councillors Stuart Hart, Brian Crook, Frank Buchanan and Lyn Russell.

Applicants will be notified immediately of the outcome of their submission, subject to Council endorsement of the recommendations made by the Advisory Committee for applications received under the Colac Otway Festival and Events Support Scheme 2012/2013. Funding will be released to successful applicants upon the receipt of a tax invoice.

Conclusion

The dedicated funding of events and festivals has resulted in a broad range of community managed events that otherwise would not be staged within the Shire. Since 2005 the number of events funded by Council annually has increased from four to a maximum of 23. In 2011/2012 this number decreased to 21 seeking their particular categories of funding, resulting in an increase in the funding requests being oversubscribed to the amount of \$89,000 in total. Over more recent years the number of private event organisers bringing major interstate events to the Shire has also increased.

Attachments

1. Festival and Event Support Scheme Application Form 2012/2013 8 Pages
2. Festival and Events Support Scheme Guidelines 2012/2013 9 Pages

Recommendation(s)***That Council:***

1. ***Endorses the revised Festival and Events Support Scheme guidelines and application forms as attached.***
2. ***Commences implementation of the 2012/2013 Festival and Events Support Scheme in accordance with:***
 - a. ***The revised guidelines and application forms including the proposed process and timelines, and***
 - b. ***The current funding levels \$60,000.***
3. ***Refers the increased funding request to the 2012/2013 budgetary process as follows:***

| | |
|----------------------------------|-------------------------------------|
| <i>Established Events</i> | <i>\$50,000 to \$75,000</i> |
| <i>Seed Funding</i> | <i>\$10,000 to \$15,000.</i> |

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OM122202-6

**COUNCIL COMMITMENT TO CENTRAL RESERVE REDEVELOPMENT**

|             |                                |           |              |
|-------------|--------------------------------|-----------|--------------|
| AUTHOR:     | Ian Seuren                     | ENDORSED: | Colin Hayman |
| DEPARTMENT: | Corporate & Community Services | FILE REF: | F12/432      |

**Purpose**

The purpose of this report is to update Councillors on the Central Reserve Redevelopment project and seek a recommitment of funding for this project.

**Declaration of Interests**

No officer declared an interest under the *Local Government Act 1989* in the preparation of this report.

**Background**

At the 21 December 2011 meeting, Council endorsed a commitment of \$200,000 from the 2011/2012 Local Government Infrastructure Program (LGIP) allocation to the Stage 1 Development of the Central Reserve Master Plan.

The allocation was based on Council submitting an application to the Regional Development Australia Fund (RDAF) Round 2 for matching funding to undertake an upgrade of the sports field to a sand carpet, an upgrade of the netball courts and the provision of night lighting to extend the usage of the surfaces. The Total Project Cost for the project was estimated at \$1,250,000 with a request from RDAF of \$625,000.

Council submitted an Expression of Interest to the RDAF Round 2 and in January 2012 received notification that this submission was not successful. To date, no feedback has been provided by the Barwon South West Regional Development Australia Committee on the Expression of Interest. The Federal Government has yet to announce if and when a third round of this program will be made available.

**Council Plan / Other Strategies / Policy****Community Health and Wellbeing**

Council will promote community health and wellbeing in partnership with other health services. Through a partnership approach, Council will provide a broad range of customer focused health, recreational, cultural and community amenities, services and facilities.

**Issues / Options**

The previous report to Council sought a funding contribution of \$200,000 from the LGIP which would be used with additional allocations from State Government funding programs to leverage funding from RDAF Round 2. Now that RDAF Round 2 is not available, Council needs to determine a future direction for upgrades to Central Reserve and use of the 2011/2012 LGIP allocation.

The State Government has recently informed Council that it will provide \$100,000 to the Central Reserve oval renovation from the Sustaining Sportsgrounds program. In addition, Council has submitted an application for \$250,000 to the Country Football Netball Program – Premier Facilities category for the oval renovation project. Success of this application is

anticipated to be known by March 2012. Both funding programs require a matching contribution on a \$2 (State) for \$1 (Local) basis.

The cost to renovate the oval is estimated at \$750,000 inclusive of escalation and contingencies. Based on the \$2 for \$1 funding ratios, the State Government will commit no more than \$500,000 to this project, inclusive of the LGIP allocation. Therefore, the following funding contributions would be required:

- Country Football Netball Program \$250,000
- Sustaining Sportsgrounds Program \$100,000
- LGIP \$150,000
- Council/local user groups \$250,000

This reduces the amount that could possibly be allocated from the LGIP from \$200,000 to \$150,000. However now that Federal funding is not available a local contribution of \$250,000, either from Council and/or user groups, is required.

#### Options:

There are three options available to Council:

1. Allocate \$150,000 from LGIP to the renovation of the Central Reserve oval and seek \$250,000 from Council through the 2012/2013 Budget process.

This option is recommended. The renovation of the Central Reserve oval is the highest priority of the Central Reserve Advisory Committee. Council has already received \$100,000 from the State Government to upgrade the oval and is anticipating that an additional \$250,000 will be committed to this project. Both programs require a matching local contribution. For a major project such as this, it is not realistic that Council could expect other levels of government to fully fund it.

2. Reapply to Round 3 of the RDAF program.

This option is not recommended. It is not known if, and when a third round of the RDAF program will be available. If the program does offer a third round, Council is not guaranteed funding through this program due to its highly competitive nature. Council is yet to receive feedback on the strength of its previous Expression of Interest.

It should be highlighted that the RDAF does require a matching contribution on a \$1 for \$1 basis. Should Council move forward with redeveloping the oval in isolation using State Government funds along with a local contribution, it means that the funding allocated from the State Government will then not be available to be used to leverage RDAF funds.

3. Not support the redevelopment of Central Reserve.

This option is not recommended. Central Reserve is Council's premier recreation reserve and requires significant investment to bring it up to the standard required by tenant users and the broader community. The Central Reserve Master Plan was originally prepared in 2000 with the majority of works identified not yet implemented. Council now has a good opportunity, utilising significant State Government funding, to greatly enhance the facility.

**Proposal**

That Council commits \$150,000 from the 2011/2012 LGIP allocation to the Central Reserve oval renovation and considers an additional allocation of \$250,000 through the 2012/2013 Budget process.

**Financial and Other Resource Implications**

The financial implications of this project have been presented in previous sections of this report. To undertake the oval renovation to the required scope, Council will be required to contribute financially to this project.

**Risk Management & Compliance Issues**

As it is likely that Council will receive significant contributions from the State Government for this project, there is the possibility of Council's reputation being harmed if this project is unable to proceed.

In addition, the Central Reserve oval is regularly in poor condition throughout the winter period which poses a risk to users. The redevelopment of the oval will allow for a much better and safer playing surface for competitors and will also provide an accessible open space reserve for residents all year round.

**Environmental and Climate Change Considerations**

An oval rejuvenated with a sand based carpet with drought tolerant turf will reduce the water consumption over the summer period.

**Community Engagement**

The community engagement strategy will follow the recommendations of the Colac Otway Shire Council Community Engagement Policy of January 2010, which details five levels of engagement – inform, consult, involve, collaborate and empower.

The method selected is consult and inform. The Central Reserve Advisory Committee is representative of the Central Reserve user groups and advises Council on the management and future improvements to the reserve. The Central Reserve Advisory Committee has identified the redevelopment of the oval as clearly the highest priority from the Central Reserve Master Plan.

The broader community will be informed on the progression of the project via media releases.

**Implementation**

It is planned to proceed with the Central Reserve oval redevelopment in September/October 2012. This would allow a majority of the development to occur prior to the 2013 winter sports season.

**Conclusion**

The Central Reserve is Council's premier recreation reserve and requires significant investment to implement the Central Reserve Master Plan, which would bring the facility up to a standard that meets community expectations.

The redevelopment of the reserve's main oval is the highest priority for the Central Reserve Advisory Committee. Council has an opportunity to undertake a significant redevelopment project which will benefit a broad cross section of the community.

**Attachments**

Nil

**Recommendation(s)**

***That Council:***

- 1. Allocates \$150,000 from the 2011/2012 Local Government Infrastructure Program allocation to the Central Reserve oval renovation.***
- 2. Considers an allocation of \$250,000 through Council's 2012/2013 Budget process.***

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OM122202-7

S6 INSTRUMENT OF DELEGATION UPDATE - COUNCIL TO MEMBERS OF COUNCIL STAFF

| | | | |
|-------------|--------------------------------|-----------|--------------|
| AUTHOR: | Rick Morrow | ENDORSED: | Colin Hayman |
| DEPARTMENT: | Corporate & Community Services | FILE REF: | 11/96474 |

Purpose

The purpose of this report is to update Council's Instrument of Delegation to Members of Council Staff.

Declaration of Interests

No officer declared an interest under the *Local Government Act 1989* in the preparation of this report.

Background

Council must update its Instrument of Delegation to enable enforcement of the statutory powers and responsibilities required within changing legislation and confer these duties to the relevant staff. Council last updated the delegation in July 2011 to reflect legislative changes and is now required to make further amendments.

Council Plan / Other Strategies / Policy**Leadership and Governance**

Council will fulfil its leadership, statutory and legal obligations to its community and staff in a way that is fair, ethical, inclusive, sustainable, financially responsible and meets the needs and practical aspirations of current and future generations.

Issues / Options

Council is required to have an updated Instrument of Delegation to staff as per legislation.

The Maddocks delegation package provides Council with legislative amendments required to the Instrument of Delegation since changes made by Council in July 2011.

Amendments to the provisions are required for:

- *Cemeteries and Crematoria Act 2003*
- *Food Act 1984*
- *Planning and Environment (Fees) Regulations 1987 - revoked*
- *Planning and Environment (Fees) Interim Regulations 2011- added*

Proposal

That Council resolves to seal the revised Instrument. The complete document is attached.

Financial and Other Resource Implications

Not applicable

Risk Management & Compliance Issues

Council is required to review all delegations and the Instrument of Delegation to Members of Council Staff to reflect changing legislation.

Environmental and Climate Change Considerations

Not applicable.

Community Engagement

The community engagement strategy will follow the recommendations of the Colac Otway Shire Council Community Engagement Policy of January 2010, which details five levels of engagement – inform, consult, involve, collaborate and empower.

Inform is the level of community engagement methodology appropriate for this process. The adopted Instrument of Delegation will be placed on the Intranet for staff reference.

Implementation

The Instrument of Delegation comes into force after adoption by Council and fixing of the Council seal and a signed copy is placed on the register.

Conclusion

The update provides the latest amendments as required.

Attachments

1. S6 Instrument of Delegation 95 Pages

Recommendation(s)

In the exercise of the powers conferred by section 98(1) of the Local Government Act 1989 (the Act) and the other legislation referred to in the tabled Instrument of Delegation, Colac Otway Shire Council (Council) resolves that –

- 1. There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the tabled Instrument of Delegation to members of Council staff, the powers, duties and functions set out in that Instrument, subject to the conditions and limitations specified in that Instrument.***
- 2. The Instrument comes into force immediately the common seal of Council is affixed to the Instrument.***
- 3. On the coming into force of the Instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.***
- 4. The duties and functions set out in the Instrument must be performed and the powers set out in the Instrument must be executed, in accordance with any guidelines or policies of Council that may from time to time be adopted.***

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OM122202-8

**VARIATION OF LEASE - APOLLO BAY FISHERMAN'S CO-OPERATIVE**

|             |                                |           |              |
|-------------|--------------------------------|-----------|--------------|
| AUTHOR:     | Paul Carmichael                | ENDORSED: | Colin Hayman |
| DEPARTMENT: | Corporate & Community Services | FILE REF: | 11/96016     |

**Purpose**

The purpose of this report is to gain Council's resolution to finalise the statutory process required to be undertaken to allow the existing lease with the Apollo Bay Fisherman's Co-operative to be varied. The variation allows for the preparation, cooking and sale of seafood and associated food products for take way or on site consumption.

**Declaration of Interests**

No officer declared an interest under the *Local Government Act 1989* in the preparation of this report.

**Background**

A number of issues concerning the occupation of land at the Apollo Bay Harbour by the Apollo Bay Fisherman's Co-operative (the Co-op) have arisen. It has become apparent that the building at the harbour occupied by the Co-op was being used for a purpose that was not provided for under the Co-op's existing lease with Council.

Clause 10 of the lease Schedule provides for the land to be used for the purposes of:

- freezing of fish
- provision of fishing requisites to Co-op members.

This clause specifically limits fish sales to members of the Co-op only, yet for some time the Co-op has also sold fish and related products to the public.

The Co-op is now in the process of seeking a planning permit to expand the range of products sold from the existing fish shop to be more in the form of a typical fish and chip shop (ie take away food). There is no change to the building or internal floor area of the building as it is proposed to use the existing floor area, at least in the short term. It was in the process of assessing this planning application that it was noted that existing sales of fish related food products to the public is not permitted by the existing lease. This was brought to the Council's attention by officers of the Department of Sustainability and Environment when providing advice on the proposal for the fish and chip shop - no application had previously been made to Council seeking approval for the additional uses under the terms of the lease. It was deemed necessary to vary the current lease to accommodate this already existing activity as well as to enable consideration of the proposed fish and chip shop. The planning application will be determined once the lease issue has been finalised.

The intention to vary the lease was advertised in the Colac Herald and Apollo Bay News Sheet and submissions were invited to be lodged in accordance with the provisions of section 223 of the *Local Government Act 1989* and Council's Community Engagement Policy. A period of six weeks was allowed for submissions to be lodged.

No submissions were made.

The Apollo Bay Harbour precinct is located on Crown Land with Council appointed as the Committee of Management. The Department of Sustainability and Environment (DSE), the government department responsible for managing Crown Land, has indicated its support for the variation of the lease.

### **Council Plan / Other Strategies / Policy**

The proposed variation is consistent with the provisions of the Council's leasing policy (4.2 Council Property Leasing Policy).

The proposal is also consistent with the adopted Apollo Bay Harbour Master Plan 2008. The Plan supports retention of the Fisherman's Co-operative at this location, with an upgrade of the building and a future fish and chip restaurant constructed to the seaward side. There is no change to the building itself, and the current fish sales have occurred from the site for a number of years without concern.

### **Issues / Options**

Council may either agree to vary the lease or resolve to leave the lease unchanged.

The proposed change to the lease has little implication given the current use has operated for a number of years with general community support. The variation will provide for the use already occurring on the site, as well as an expanded range of take away food sales which is consistent with the direction of the adopted Master Plan for the harbour. The Co-op fish shop has, overtime, become an integral and accepted part of the harbour precinct.

Planning issues associated with the proposal will be considered and determined through the planning permit process.

### **Proposal**

It is proposed that Council resolve that the lease be varied to allow the Co-op to prepare, cook and sell seafood and associated food products for takeaway or on site consumption.

All other conditions of the existing lease would remain unchanged. The existing lease is a 21 year lease and is not due to expire until 30 June 2016. The lease variation clause will be appended to the existing lease document.

### **Financial and Other Resource Implications**

There are no financial or resource implications raised by this report.

### **Risk Management & Compliance Issues**

There are no risk management or compliance issues raised by this report. As noted earlier, the proposal accords with the adopted Master Plan for the harbour precinct.

### **Environmental and Climate Change Considerations**

There are no environmental or climate change implications arising from this report. There are no external changes to the building proposed.

### **Community Engagement**

The community engagement strategy followed the recommendations of the Colac Otway Shire Council Community Engagement Policy of January 2010, which details five levels of engagement – inform, consult, involve, collaborate and empower.

The method selected was "consult" and included advertising the proposal and allowing for submissions from interested persons to be made. Council's staff responsible for management of the harbour have been consulted and have no objection to the proposal.

**Implementation**

Council's resolution will be implemented by either varying the lease as recommended or leaving the lease unchanged (depending on the resolution). Specifically, clause 10 of the lease Schedule is the clause that will be varied.

The Co-op and DSE would also be advised of the outcome.

**Conclusion**

It is recommended the Co-op's lease for the land they occupy at the Apollo Bay Harbour be varied to allow the Co-op to prepare, cook and sell fish and associated food products to the public as detailed above.

**Attachments**

1. Lease - Apollo Bay Harbour Co-operative 15 Pages

**Recommendation(s)*****That Council:***

1. ***Replaces clause 10 Specified Purpose of the Schedule to the lease of land at the Apollo Bay Harbour occupied by the Fisherman's Co-operative Ltd:***
  - (i) ***A fish freezing works and the disposal to members of fishing requisites;***
  - (ii) ***The preparation, cooking and sale of seafood and associated food products for takeaway or onsite consumption.***
2. ***Advises the Apollo Bay Fisherman's Co-operative Ltd and Department of Sustainability and Environment of this resolution.***

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CONSENT CALENDAR**OFFICERS' REPORT**

D = Discussion

W = Withdrawal

| ITEM | D | W |
|---|---|---|
| <u>INFRASTRUCTURE AND SERVICES</u> | | |
| <u>OM122202-9 ROAD DISCONTINUANCE - 1505 OLD BEECH FOREST ROAD, BEECH FOREST</u> | | |
| Department: Infrastructure | | |
| <u>Recommendation(s)</u> | | |
| <i>That Council:</i> | | |
| <ol style="list-style-type: none"> 1. <i>Gives public notice under Section 223 of the Local Government Act 1989, of its intention to discontinue the section of road designated R1 and shown hatched on Plan of Subdivision PS627750J.</i> | | |
| <ol style="list-style-type: none"> 2. <i>Subject to a six week notification period, hears and considers submissions should any be received. All submissions are to be heard in accordance with section 223 of the Local Government Act 1989. The Special Council Meeting, if required, is intended to be held on Wednesday 9 May 2012, at 1.00pm in the COPACC Meeting Room. Formal advice of the time and place of the meeting will be provided to those parties wanting to be heard in support of their written submission and will be advertised in the local print media should any be received</i> | | |
| <ol style="list-style-type: none"> 3. <i>If required, makes a final decision following preparation of a report by the General Manager Infrastructure and Services based on the recommendations of the Council meeting.</i> | | |
| <ol style="list-style-type: none"> 4. <i>Subject to no submissions being received and complying with its statutory requirements, instructs the Chief Executive Officer to execute the road discontinuance via a notice published in the Victoria Government Gazette.</i> | | |

OM122202-9 ROAD DISCONTINUANCE - 1505 OLD BEECH FOREST ROAD, BEECH FOREST

| | | | |
|-------------|---------------------------|-----------|------------|
| AUTHOR: | Adam Lehmann | ENDORSED: | Neil Allen |
| DEPARTMENT: | Infrastructure & Services | FILE REF: | F11/759 |

Purpose

The purpose of this report is to gain Council's resolution to commence the statutory process to discontinue a portion of unused road located in Beech Forest.

Declaration of Interests

No officer declared an interest under the *Local Government Act 1989* in the preparation of this report.

Background

An unused road, created by LP10522 intrudes into land managed as the Beech Forest Quarry. The land occupied by the quarry (Vol 9999 Folio 280) and road (Vol 9474 Folio 303) are two separate titles held under different ownership. A planning permit (PP315/07) has previously been issued to the owners of the quarry for subdivision of land comprising R1 on LP10522, consolidation of excised land with Vol 9999 Folio 280, and removal of a carriageway easement over a portion of road to be consolidated in accordance with the endorsed plans (refer PS627750J).

The Plan of Subdivision was submitted to Land Registry Services (LRS) for issuing of titles. LRS have responded with a Dealing Refusal Advice indicating that a road discontinuance should affect the portion of Vol 9474 Folio 303 as shown on PS627750J.

Council has been approached by the Licensed Surveyor acting on behalf of the owner of the quarry seeking advice as to whether or not Council would consider discontinuing the section of road shown hatched on PS627750J under powers conferred by the *Local Government Act 1989*.

**Council Plan / Other Strategies / Policy
Land Use and Development**

Council will engage, plan and make decisions about land use and development that takes into account the regulatory role of Council, its diverse geography, social, community, economic and environmental impacts for current and future generations.

This proposal has been considered in accordance with Council Policy 13.1 - Closure of Unused Government Roads, Licensing of an Unused Road or Water Frontage Policy.

Issues / Options

Council has two options available with respect to this matter; to support the proposal to discontinue the subject portion of road and allow the relevant statutory process to proceed; or to not support the proposal.

For many years this portion of road has been fenced and managed as part of the Beech Forest Quarry. It has been previously indicated that the owner of the quarry has reached agreement with the registered proprietor to transfer that portion of the road title that lies

within the quarry. There is no documentary evidence available to substantiate this. The balance of the road held in title will remain an active road and will not be affected as a result of the proposed discontinuance and consolidation. The section of road to be closed services no broader community benefit.

It is worth noting that discontinuing this road pursuant to the provisions of the *Local Government Act 1989* (the 'Act') is subject to the rights of submission under section 223 of the Act. Objections to this proposal may be received which would require a further report to Council prior to finalising the discontinuance process. In support of the applicant's submission to Council, they have provided a signed statutory declaration from the registered proprietor of that part of Lot 1 hatched and designated on PS627750J confirming that they have no objection to the discontinuance of that section as a road (refer separate attachment).

Proposal

It is recommended that Council seeks further community feedback in relation to this matter and should advertise its intention to declare the section of road shown hatched on PS627750J as discontinued.

It is proposed that Council would meet to consider and hear any person who wishes to be heard in support of their submission.

Financial and Other Resource Implications

As with all similar dealings, Council aims to remain cost neutral. It is intended that all costs associated with discontinuance will be borne by the applicant. This excludes minor Council administrative costs such as officer time.

Risk Management & Compliance Issues

No risk management considerations are applicable at this time.

Environmental and Climate Change Considerations

There are no environmental considerations applicable at this time. The site has been used as a quarry and is highly degraded and as such, has no conservation values of note.

Community Engagement

The community engagement strategy will follow the recommendations of the Colac Otway Shire Council Community Engagement Policy of January 2010, which details five levels of engagement – inform, consult, involve, collaborate and empower.

The method selected is "consult" and will include advertising the proposal and allowing for submissions from interested persons to be made.

Operational practice requires that public notice of Council's intention to discontinue this road be given in a news paper generally circulating in the area. In addition, all abutting property owners will be written to advising them of Council's intention and their right to make submission.

All submissions received will be considered pursuant to section 223 of the Act.

Implementation

Advertising of Council's intention will be prepared upon adoption of a Council resolution. This will also include the forwarding of required correspondence to all abutting property owners and utility agencies.

Conclusion

From Council's perspective, the road is not reasonably required and currently serves no broader public amenity. Access to existing private property will not be compromised should the road discontinuance process be implemented.

Attachments

1. Plan of Subdivision 1 Page
2. Locality Plan Road Discontinuance 1 Page

Recommendation(s)***That Council:***

- 1. Gives public notice under Section 223 of the Local Government Act 1989, of its intention to discontinue the section of road designated R1 and shown hatched on Plan of Subdivision PS627750J.***
- 2. Subject to a six week notification period, hears and considers submissions should any be received. All submissions are to be heard in accordance with section 223 of the Local Government Act 1989. The Special Council Meeting, if required, is intended to be held on Wednesday 9 May 2012, at 1.00pm in the COPACC Meeting Room. Formal advice of the time and place of the meeting will be provided to those parties wanting to be heard in support of their written submission and will be advertised in the local print media should any be received***
- 3. If required, makes a final decision following preparation of a report by the General Manager Infrastructure and Services based on the recommendations of the Council meeting.***
- 4. Subject to no submissions being received and complying with its statutory requirements, instructs the Chief Executive Officer to execute the road discontinuance via a notice published in the Victoria Government Gazette.***

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**CONSENT CALENDAR****OFFICERS' REPORT**

D = Discussion

W = Withdrawal

| ITEM                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | D | W |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|---|
| <p><b><u>SUSTAINABLE PLANNING AND DEVELOPMENT</u></b></p> <p><b><u>OM122202-10      SMALL TOWN IMPROVEMENT PROGRAM GUIDELINES REVIEW</u></b></p> <p>Department: Sustainable Planning and Development</p> <p><b><u>Recommendation(s)</u></b></p> <p><b><i>That Council:</i></b></p> <p><b><i>1.      Endorses the amendments to the Small Town Improvement Program to modify the statement: “preference will be given to projects where up to a 50% contribution is available from the community” to: “preference will be given to projects where a contribution is available from the community.”</i></b></p> <p><b><i>2.      Endorses the amendment to the Small Town Improvement Program to remove the statement: “Preference will also be given to:</i></b></p> <ul style="list-style-type: none"> <li><b><i>• Organisations which have demonstrated a “self-help” attitude, a desire to raise funding through their own means and documentation to support the organisation’s 50% matching contribution.</i></b></li> <li><b><i>• Projects which have the ability to attract additional external funding or grants”.</i></b></li> </ul> |   |   |
| <p><b><u>OM122202-11      LEGAL COSTS ASSOCIATED WITH REPRESENTATION AT THE VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL (VCAT) SINCE JANUARY 2009</u></b></p> <p>Department: Sustainable Planning and Development</p> <p><b><u>Recommendation(s)</u></b></p> <p><b><i>That Council notes the External Costs Associated with Representation at the Victorian Civil and Administrative Tribunal (VCAT) Since January 2009 report.</i></b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |   |   |



OM122202-10

**SMALL TOWN IMPROVEMENT PROGRAM GUIDELINES  
REVIEW**

|             |                                       |           |            |
|-------------|---------------------------------------|-----------|------------|
| AUTHOR:     | Michael Cosgriff                      | ENDORSED: | Jack Green |
| DEPARTMENT: | Sustainable Planning<br>& Development | FILE REF: | F11/2106   |

**Purpose**

The purpose of this report is to seek endorsement for amendments to the Small Town Improvement Program (STIP) Guidelines.

**Declaration of Interests**

No officer declared an interest under the *Local Government Act 1989* in the preparation of this report.

**Background**

Council's STIP aims to assist in improving infrastructure on public land in the small towns of the Colac Otway Shire. Proposals are sought annually from Small Town Community Groups/ Associations/ Organisations to assist in implementing this program. The program does not allocate funding directly to community groups, with successful projects managed by Council.

Council currently allocates \$80,000 per year towards this Program.

Recent changes beyond the control of Council to the process of securing external funding mean that it is now a much more protracted process to obtain these funds. In addition to this, the amount of funding available has been significantly reduced, and competition for funds has increased. The current guidelines give preference to potential projects that may be able to attract external funding.

In addition to this, there have been significant changes to the requirements when engaging volunteers to provide in-kind labour contributions. Again, the current guidelines give preference to potential projects that can make a contribution of up to 50% of the cost of the project.

**Council Plan / Other Strategies / Policy****Economic Development**

Council is committed to facilitating a healthy and resilient economy through effective leadership, advocacy, and partnership.

**Land Use and Development**

Council will engage, plan and make decisions about land use and development that takes into account the regulatory role of Council, its diverse geography, social, community, economic and environmental impacts for current and future generations.

**Issues / Options**

In assessing proposals for projects under the STIP, preference is currently given to projects proposed that can attract external funding, and to potential projects that seek a contribution of up to 50% (both in kind and/or cash) from the community. Changes to obtaining external funding and to the supervision and treatment afforded to volunteers now means that this

preferential treatment is no longer considered an advantage, and whilst still an important part of the STIP, should not be given the weight that currently exists. Projects that do not meet these criteria should not necessarily be given a lesser priority just because of this requirement.

In relation to the securing of external funding, recent advice from the Department of Planning and Community Development (DPCD) has indicated that the timelines will now be in the vicinity of 12 – 16 weeks. It should be noted that experience suggests this is a conservative estimate and that it could take between 16 – 24 weeks to obtain funding and allow projects to commence. Projects are not permitted to commence until funding has been approved and contracts signed and delivered.

In addition to this, all proposals from within the Colac Otway Shire, including Council, are now being considered in competition against each other. This represents a significant change in terms of achieving funding, as departments of Council have traditionally sourced funding directly from the relevant DPCD department. That is to say, the Recreation Unit for example, has obtained funds for sporting and recreational facilities directly from Sport and Recreation Victoria, while the Economic Development Unit has secured funds for projects that enhance economic and liveability facilities directly from Regional Development Victoria. Where relevant, other areas of the community have been able to apply directly to, for example, DHS, Heritage Victoria or Veterans Affairs.

These proposals are now all considered by an overarching committee of DPCD prior to being funnelled to the most appropriate funding channel. This increases the competition for funding and reduces the likelihood that all proposals will be funded.

Finally, amounts available have been reduced, at times by half, which means that the total amount of funding available is significantly reduced. This does not have as great an impact on the STIP as the maximum amount available is at the upper limit of what can be achieved through STIP funding alone. In the past however, additional funds, often raised by the communities themselves, have been used to secure a larger amount of external funding. This is no longer available to the same extent, which means that projects will often need to be reduced in scale or staged over a number of years.

This means that projects funded under the STIP that are eligible for external funding may commence much later than they traditionally have, if they achieve funding at all.

With relation to contributions from community groups and specifically the in-kind contributions, current guidelines encourage up to 50% in-kind contribution with preference given to communities that can demonstrate this. This contribution is also encouraged so as to leverage greater cash funds from funding bodies.

This in-kind contribution is an important element of the STIP as it provides an opportunity to foster relationships with the communities as well as engender community spirit and ownership over the public assets within the townships. It is still an element of the STIP that should be fostered and supported, but not to the detriment of other proposals that may be of benefit to the community.

Often unrealistic estimates for the in-kind contribution are also made to gain a higher STIP priority assessment and to leverage external funding. This presents challenges when acquitting projects, as evidence of contributions must be provided and endorsed by Council.

In addition to this there are issues related to appropriate coverage in terms of insurance and Workcover. Volunteers are considered employees in terms of Workcover, and so a safe worksite must be provided. Many volunteers don't understand this and can take

unnecessary risks. Legislation to be introduced this year will further increase the protection afforded to volunteers including, for example, that they be supplied with appropriate Personal Protective Equipment (PPE) such as safety boots or reflective vests, and to undertake site inductions.

A Job Safety Analysis (JSA) or Safe Work Method Statement (SWMS) must also be filled in. Whilst it is not clear on whose responsibility this will be, it is most likely to be the responsibility of Council which will increase project management requirements.

Many people also do not understand the implications of voluntary work and risk and liability issues and are no longer willing to accept this role as individuals or as a responsible executive of a community association. Over time we have seen a diminished enthusiasm and capacity for this kind of voluntary contribution.

In terms of insurance, each individual application is assessed on its merits and is determined by the activities that each individual group indicate they will be undertaking – for example, a one off fundraising event, monthly gardening activities or a construction activity.

### **Proposal**

It is proposed that amendments be made to the STIP Guidelines that reduce the preference given to projects proposed that may attract external funding and seek a contribution of up to 50% of the overall cost of the project from the community.

Currently the STIP guidelines state “*preference will be given to projects where up to a 50% contribution is available from the community*” and “*Preference will also be given to organisations which have demonstrated a “self-help” attitude, a desire to raise funding through their own means and documentation to support the organisation’s 50% matching contribution*”. The guidelines also state that “*Preference will also be given to projects which have the ability to attract additional external funding or grant*”.

It is proposed that this wording be removed from the guidelines to remove the emphasis on these requirements. They will continue to be a part of the overall criteria for what will be funded in the statements “*Whether the project has the ability to attract additional external funding*” and “*The track record of the group in the past in assisting and supporting community infrastructure projects and planning*”. This will therefore still maximise the available funding and strengthen community relationships, but not to the detriment of other projects.

### **Financial and Other Resource Implications**

The amendments proposed will not affect the current allocation of \$80,000 by Council to the STIP.

### **Risk Management & Compliance Issues**

There is a risk that worthwhile projects will not be funded because of the emphasis on criteria that is no longer relevant.

There is also a risk that projects that are funded will take an unnecessary amount of time and resources to complete.

### **Environmental and Climate Change Considerations**

There are no Environmental or Climate Change considerations associated with this report.

**Community Engagement**

The community engagement strategy will follow the recommendations of the Colac Otway Shire Council Community Engagement Policy of January 2010, which details five levels of engagement – inform, consult, involve, collaborate and empower.

The method selected would be inform and include formal letter correspondence to all community groups/progress associations/actions groups eligible for STIP funding. Further to this the groups will then be involved in the development of projects for the coming financial year.

**Implementation**

Following adoption of these amendments a letter will be sent to the relevant community groups/progress associations/action groups outlining the amendments.

**Conclusion**

Council's Small Town Improvement Program is an integral part of Council's role within the smaller townships in the Shire. It ensures that development that may otherwise be overlooked is undertaken and it helps to develop and strengthen relationships and engenders a sense of ownership and pride amongst these communities.

The current guidelines attempt to ensure that maximum benefit in terms of funding and community spirit are achieved through the setting of criteria which provide benefit to those communities that can contribute up to 50% of the project and to those proposals that will attract external funding.

Whilst the maximisation of funding and strengthening of relationships is still very much a priority of the STIP, changes to processes and procedures outside of Council's control have made it impractical to give such a high degree of preference to projects that have these criteria as a major element of the proposal. Amendments need to be made to the guidelines to lessen the preference given to these projects to ensure that worthwhile community projects can continue to be delivered, even if there is minimal community input or the project is unable to attract external funding.

**Attachments**

1. Small Town Improvement Program Guidelines with Amendments 4 Pages



**Recommendation(s)****That Council:**

1. **Endorses the amendments to the Small Town Improvement Program to modify the statement:**  
***“preference will be given to projects where up to a 50% contribution is available from the community”***  
**to**  
***“preference will be given to projects where a contribution is available from the community.”***
  
2. **Endorses the amendment to the Small Town Improvement Program to remove the statement:**  
***“Preference will also be given to:***
  - ***Organisations which have demonstrated a “self-help” attitude, a desire to raise funding through their own means and documentation to support the organisation’s 50% matching contribution.***
  - ***Projects which have the ability to attract additional external funding or grants”.***

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**OM122202-11 LEGAL COSTS ASSOCIATED WITH REPRESENTATION AT
THE VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL
(VCAT) SINCE JANUARY 2009**

| | | | |
|-------------|---------------------------------------|-----------|------------|
| AUTHOR: | Doug McNeill | ENDORSED: | Jack Green |
| DEPARTMENT: | Sustainable Planning
& Development | FILE REF: | 11/96473 |

Purpose

This report provides information that responds to Council's request for advice on the costs incurred by Council for representation on planning matters at the Victorian Civil and Administrative Tribunal (VCAT) since January 2009.

Declaration of Interests

No officer declared an interest under the *Local Government Act 1989* in the preparation of this report.

Background

Council at its meeting on 23 November 2011 considered a Notice of Motion concerning Victorian Civil and Administrative Tribunal (VCAT) decisions, and resolved:

"That Councillors and the community are given details of all costs in relation to VCAT decisions since January 2009."

Council has a statutory responsibility under the *Planning and Environment Act 1987* to administer the Colac Otway Planning Scheme, and this involves decisions on a range of matters including: planning permit applications for use and development, applications for amendments to permits and/or endorsed plans, applications for extensions of time for permits, approval of plans in accordance with planning permit conditions, and the like. Any decision on these matters by Council can be reviewed by application to VCAT by either the applicant or the objectors (if relevant). There are also provisions which allow an applicant to appeal against a Council's failure to determine an application within the statutory 60 day period. Council has an obligation to attend the Tribunal to explain the nature of its decisions, and represent the Council's views on behalf of the community.

Whilst Council's planning officers represent the Council at the Tribunal on most occasions, there are some occasions where legal representation is required to best represent the interests of the Council and community, whether this be due to the complexity or legal nature of the issue, or the significance of the issue to the community. Representation may also be required from time to time due to the resource needs of the Planning Department at the time (ie availability of appropriately experienced planning staff to attend the hearing). On some occasions officers engage specialist consultants to prepare expert evidence on a particular issue such as traffic, hydrology or land instability to support the Council's decision on a matter appropriately, and respond to issues being raised by the applicant's own legal representation and expert witnesses advocating on their behalf.

There are also occasions, albeit rare, where a person applies to VCAT for a variation to, or cancellation of an existing planning permit, which requires representation at the Tribunal. These hearings test whether Council followed proper process in making a decision, and

require legal representation given the potential for costs to be awarded against Council if an adverse finding is made.

Within this role, Council also has a responsibility to enforce compliance with the Planning Scheme. The two main mechanisms for enforcing compliance with the Scheme are the issue of Penalty Infringement Notices (PINs) or lodgement of an application to VCAT for an Enforcement Order (or in urgent cases, an Interim Enforcement Order). Again, whilst planning officers represent the Council at VCAT for such applications from time to time, there is often a need for legal representation to appropriately represent Council's interests and to maximise the chances of a successful action.

There are times when Council recovers some of its legal costs associated with enforcement at VCAT through the awarding of costs by the Tribunal against the applicant. Council also received income from the issuing of PINs for breaches of the planning scheme, which partly offsets its legal costs.

Council Plan / Other Strategies / Policy Land Use and Development

Council will engage, plan and make decisions about land use and development that takes into account the regulatory role of Council, its diverse geography, social, community, economic and environmental impacts for current and future generations.

Issues / Options

The following information is provided in response to Councillor's request for information on VCAT costs, categorised into costs incurred concerning legal representation on planning permit related matters, expert evidence prepared by consultants to support Council decisions at VCAT, and costs associated with legal representation on planning enforcement matters. It is not possible to estimate the cost of staff time and incidental costs associated with officers attending the Tribunal on various matters as this information is not recorded, therefore the tables below represent external costs only.

Costs Associated with VCAT Representation - Planning Permit Matters

| Nature of Cost | 2009 | 2010 | 2011 |
|---|-----------------|----------------|-----------------|
| Legal representation on planning permit related matters at VCAT | \$0 | \$2,814 | \$18,236 |
| Expert evidence to support Council's planning decision at VCAT | \$35,488 | | |
| Total | \$35,488 | \$2,814 | \$18,236 |

- There were legal costs incurred in January 2012 which have not yet been paid, and are thus not reflected in this report.

Costs Associated with VCAT Representation - Planning Enforcement

| Nature of Cost | 2009 | 2010 | 2011 |
|--|-------------|-------------|-------------|
| Legal representation on planning enforcement matters | \$2,710 | \$13,624 | \$22,497* |

- * Council received back \$5,000 of its costs at the direction of the Tribunal on one particular enforcement matter, reducing the net cost to Council in 2011 from \$27,497 to \$22,497.

It is noted that a significant proportion of Council's legal costs at VCAT are related to planning enforcement, with very little spent on representation associated with planning permit applications. There has been a strong emphasis in recent years to attracting experienced planning staff and creating a stable environment within the Planning unit, and

this has enabled officers to undertake most VCAT representation on planning applications themselves. This compares favourably to the early 2000's when Council relied heavily on legal representation at VCAT due to the difficulty attracting suitably qualified staff and difficulties filling staff vacancies. The current approach results in significant financial savings to Council. The amount expended on external representation will vary from year to year depending on the nature of the issues involved – the 2009 costs reflect the complexity of two broiler farm proposals at Beeac and the need to respond to community concerns about odour impacts. The 2011 costs reflect the need for representation on two applications for native timber harvesting which were extremely complex in nature.

It is also noted that the costs associated with planning enforcement have increased each year over the three year period to the end of 2011. This is a direct result of the increased attention given to planning enforcement since the employment of a dedicated planning enforcement officer late in 2008, and reflects the complexity of enforcement activities.

The increased planning enforcement costs also reflects the need for Council to engage legal representation to enforce compliance with directions to comply with requirements specified in Penalty Infringement Notices issued by Council, and even Orders from the Tribunal. There have been several examples in recent years where land owners have infringed against the Planning Scheme or the conditions of an issued planning permit, and have then ignored repeated requests from Council to bring the matter into compliance, forcing Council to pursue the matter at VCAT through the enforcement order process. Examples have included efforts to require temporary protection to the Balnagowan homestead in Colac and to modify the height and colour of a building in Blue Johanna Road, Johanna which had been outside of the issued permit.

These actions are required to fulfil Council's statutory responsibilities, the cost of which is an unfortunate consequence of persons failing to meet their responsibilities under the planning legislation and failing to take up the numerous opportunities afforded them by Council to resolve the matters outside of the legal process.

It is noted that other costs of planning compliance are not reflected in this report as the matters have been addressed through other means such as the Magistrates Court. Council has recently been successful at the County Court in upholding a decision of the Magistrates Court concerning a prosecution of a land owner in the Shire for illegal activities, and this has resulted in significant legal costs being incurred, although the court has awarded costs to be paid to Council by the land owner only as part reimbursement of Council's costs. The County Court judge made a comment in its decision on that case that Council had a responsibility to uphold its statutory provisions, and that given this role, it should bear costs associated with pursuing necessary actions to enforce them.

Proposal

It is proposed that Council notes the contents of this report.

Financial and Other Resource Implications

The Planning and Building budget contains an allocation for legal costs which includes representation of Council at VCAT when required to support Council's interests on planning matters.

As noted above, there are times when Council recovers some of its legal costs associated with enforcement at VCAT through the awarding of costs by the Tribunal against the applicant. Council also receives income from the issuing of PINs for breaches of the planning scheme, which partly offsets its legal costs.

Risk Management & Compliance Issues

Legal representation for some cases at VCAT is required to properly protect the interests of Council and/or the community, and in some cases, to protect Council from decisions which may have potential to result in insurance claims being made. Such representation is required in many instances to appropriately follow through on planning enforcement actions where the offender has not co-operated with Council and addressed the areas of non-compliance. Follow-up of enforcement is necessary to achieve positive outcomes and fulfil Council's statutory obligations, and were this approach not to be pursued many in the community would not take Council seriously, and there would be less success responding to complaints from ratepayers about non-compliance of development across the Shire. The lack of resources and a dedicated approach to planning enforcement in past years has resulted in a culture of non-compliance in the community which can take years to turn around.

It is important to recognise the legal obligations Council has to enforce its statutory responsibilities under Building and Planning regulations.

Environmental and Climate Change Considerations

There are no environment or climate change implications arising from this report.

Community Engagement

There is no community engagement proposed - this report is primarily intended to provide information to Councillors.

Implementation

There are no actions arising from this report.

Conclusion

Legal costs associated with VCAT representation are incurred through the normal course of business in Council upholding its statutory planning responsibilities. This report outlines the costs incurred over the past three years.

Attachments

Nil

Recommendation(s)

That Council notes the External Costs Associated with Representation at the Victorian Civil and Administrative Tribunal (VCAT) Since January 2009 report.

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OM122202-12

## APOLLO BAY HARBOUR PRECINCT MASTER PLAN PLANNING SCHEME AMENDMENT

|             |                                    |           |            |
|-------------|------------------------------------|-----------|------------|
| AUTHOR:     | Mike Barrow                        | ENDORSED: | Jack Green |
| DEPARTMENT: | Sustainable Planning & Development | FILE REF: | 11/95705   |

### Purpose

To seek Council's endorsement to commence a Planning Scheme Amendment process to incorporate the Apollo Bay Harbour Precinct Master Plan into the Colac Otway Shire Planning Scheme.

### Declaration of Interests

No officer declared an interest under the *Local Government Act 1989* in the preparation of this report.

### Background

The redevelopment of the Apollo Bay Harbour has been listed as a Council priority in both the 2005 to 2009 and the 2009 to 2013 Council Plans. Council has worked over this period with a range of State Government Departments and/or agencies represented on a high level Interdepartmental Steering Committee that included representation from Colac Otway Shire, Department of Treasury and Finance, Regional Development Victoria (RDV), Tourism Victoria, Department of Planning and Community Development (DPCD) and Department of Sustainability and Environment (DSE). The project was given high prominence at State Government level with the harbor redevelopment placed as one of the State's highest tourism development projects.

Council began planning for the redevelopment in 2005 by seeking the preparation of a harbour capacity study. It was recognised that the port facilities were old and had a rundown appearance, that the fishing industry had declined, and that the future of the precinct would be in redevelopment to attract tourists. This was followed in 2006 by the commencement of a master planning process that initially resulted in a draft Master Plan developed by Meinhardt in 2007. This draft Plan was not supported by the local community who were unhappy with the scale of works proposed, including particular concerns with what they saw as excessive disruption to the foreshore area in the form of a new harbour entrance road and the building bulk of the hotel and private investment components.

Officers supported the community concerns in on-going discussions through the Interdepartmental Steering Committee and as a result Regional Development Victoria provided \$100,000 to fund an Enquiry by Design process to work with the Apollo Bay community to develop a Plan that better delivered local expectations. The outcome of this five day consultation and design process was the Apollo Bay Harbour Precinct Master Plan adopted by Council in 2008. This Plan removed the contentious new harbour road through the foreshore, retained the golf course and club house, and reduced the scale and bulk of the development. It was clear at the conclusion of the Enquiry by Design that despite a boutique sized hotel remaining within the Master Plan, there was a significantly higher level of community acceptance of the revised plan.

All up, the State Government has contributed approximately \$265,000 to the project thus far, compared to a direct financial contribution by Council of \$23,000 and significant officer time at the Chief Executive Officer, General Manager and Manager level.

Key features of the adopted Master Plan include:

- Nelson Street to be widened and enhanced to become the Harbour entry road, removing the need to create a new road through public open space.
- A new Fisherman Co-Op sales and interpretive centre including seafood restaurant, toilets, interpretive displays on maritime history of Apollo Bay, to be located adjacent to the current building allowing the 'Mothers Beach' car park to be formalised to enable more parking spaces and to be made safer.
- A new small recreational marina to be developed following demand on the eastern breakwater.
- The existing Fisherman Co-Op building to be retained with modified access to separate vehicles from pedestrians.
- The current boat ramp to be retained and enhanced along with a formalisation of the existing car park to enable more parking spaces and to be made safer.
- Port operations base to be rebuilt adjacent to the current site including enhanced facilities for Harbour Management, boat repairs, an upgraded slip and a sling berth for emergency access for Marine Rescue.
- New Sailing Club facilities for club activities, race management, storage, repairs, toilets and showers.
- New space for water based commercial activity within the Harbour.
- A Boutique Hotel and Health and Well Being Centre to be constructed to provide public access and private treatment along with accommodation.
- A new public access heated saltwater pool to be built in associated with the Health and Well Being Centre.

The Master Plan is a concept plan intended to guide development over the next 20 years. Various elements of the Master Plan including private investment opportunities were possible before the Master Plan was developed but the Master Plan was an opportunity to gather research data, community aspirations, State Government policy and Council social, economic and environmental objectives for the township of Apollo Bay and create an all encompassing blueprint for development. Now that the Master Plan is an adopted Council Plan this provides greater surety to the community, State and Federal Government funding bodies and potential private investors, that Council will support proposed developments that align with the Master Plan.

What the Master Plan does not do is set clear parameters for development such as the building footprint, visual impact, size and bulk, height and environmental footprint for example in the case of the proposed Boutique Hotel and Well Being Centre. These things can be achieved by including appropriate planning controls in the Planning Scheme through a Planning Scheme Amendment.

The Planning Scheme Amendment would create a detailed Master Plan incorporated in the Colac Otway Shire Planning Scheme. It would provide a sound basis on which Council could consider all proposals both public and private within the redevelopment precinct. It would provide valid grounds upon which inappropriate development could be refused and prohibit development that does not comply with basic parameters such as building footprint, size and bulk.



Council received State Government funds totalling \$255,000 in 2010 to undertake the Planning Scheme Amendment process, including \$160,000 from Tourism Victoria and \$95,000 from Department of Planning and Community Development. These funds were to cover the Council's costs of engaging a project manager, undertaking limited technical work to inform a more detailed Master Plan document suitable for inclusion in the Planning Scheme, preparation of a planning scheme amendment, and the costs of the amendment process, including an independent panel and consultant firms to act as witnesses on Council's behalf if necessary to address submissions from the public at a Panel hearing.

Following widespread misunderstanding in the Apollo Bay community about the project, including misrepresentations concerning the private investment component, Council chose to undertake further public engagement to ensure the community was aware of the facts of the project. Council also engaged Vawser and Associates to conduct a community market research survey. This survey is discussed later in the report, but was commissioned to accurately determine the actual level of community support for the project and its various elements.

Council considered an officer report at its meeting on 28 September 2011 which reported the outcomes of the Vawser market research and recommended that Council proceed with preparation of the planning scheme amendment. Council chose not to adopt this recommendation, instead resolving that it:

1. *“Notes the results of the August 2011 Apollo Bay Harbour Precinct Redevelopment telephone research report prepared by Vawser and Associates.*
2. *Endorses, in principle, the commencement of a Planning Scheme Amendment process to incorporate the Apollo Bay Harbour Precinct Master Plan into the Colac Otway Shire Planning Scheme subject to the following points.*
3. *Acknowledges the contentious aspect of the proposed hotel and calls for a Councillor workshop to discuss that aspect of the proposed Master Plan.*
4. *Notes the claim that funding will only be available if there is private investment in the Harbour and calls on the Chief Executive Officer to obtain written clarification as to whether that private investment must be in the form of a hotel.*
5. *Calls for a Council report after the matters in point 3 and 4 have occurred so that the Council can determine what part, if any, the hotel should have in the planning scheme amendment.”*

Officers subsequently spoke to representatives of RDV and Tourism Victoria, and received a letter from Rob O'Brien, Director Aviation and Tourism Investment Attraction, Tourism Victoria (Attachment 1). This letter acknowledges the significance of the Apollo Bay Harbour redevelopment to Tourism Victoria as follows:

*“.....I advise that the project has been identified in the Tourism Victoria Regional Tourism Action Plan as one of the State's priority opportunities for tourism development.*

*Tourism Victoria recognises the tourism merits of the proposed planning scheme amendment and the hotel proposal as included in the endorsed Master Plan”.*

These agencies could not commit in an outright sense that the redevelopment could not proceed without a hotel in the private investment component, however the letter strongly

indicates that the chances of receiving funding for public infrastructure would be low if there isn't a private commercial opportunity for investment such as a hotel.

The letter states:

*“Regional Development Victoria has advised that the Regional Growth Fund supports economic infrastructure projects through the Economic Infrastructure Program. Projects are required to demonstrate how they deliver strong economic and community outcomes, including a capacity to maximise private sector investment. On this basis, the Apollo Bay Harbour Redevelopment project would benefit from the inclusion of a hotel and tourism related developments, to maximise the potential economic benefits delivered through any public infrastructure investment.”*

A workshop was held with Councillors on 8 February 2012 to discuss the project, and Councillors were supplied with a copy of the Tourism Victoria letter. The Manager Investment and Infrastructure Projects with Tourism Victoria and the Program Director, Energy for the Regions, RDV, were present at the briefing and answered questions from Councillors. They indicated that redevelopment of the Apollo Bay Harbour is a priority for State Government and that the proposed Boutique Hotel and Health and Well Being Centre was a vital element of this redevelopment because of its role in lifting tourism yield for the region.

This report is now being provided to Council to determine whether it proceeds with the Planning Scheme Amendment based on the current Master Plan that includes a Boutique Hotel and Well being Centre.

### **Council Plan / Other Strategies / Policy Economic Development**

Council is committed to facilitating a healthy and resilient economy through effective leadership, advocacy, and partnership.

The Council Plan directly supports implementing the Harbour Redevelopment by containing a strategy to *“Facilitate the development of infrastructure for business investment, growth and liveability”*, and an action to *“Support the Apollo Bay Harbour Precinct development”*.

### **Issues / Options**

Council has an adopted Master Plan and funds to complete a Planning Scheme Amendment to incorporate the Apollo Bay Harbour Precinct Master Plan into the Colac Otway Shire Planning Scheme. The key issue is whether to proceed or not.

Master Plan initiatives such as a new sea wall and public platform for a promenade, an upgraded boat ramp, improvements to the Fishermans Co-Op and the Boutique Hotel and Health and Well Being Centre to name a few of the proposed Master Plan elements, could take place now without a Planning Scheme amendment. However, without a Planning Scheme amendment there are no detailed guidelines or parameters on development to limit proposed development or to give Council officers or the State Government solid grounds to encourage or refuse any kind of proposal. A Planning Scheme amendment is needed for this.

The Planning Scheme amendment has not proceeded up to this point despite Council being in receipt of significant State Government funds for almost two years, due to the vocal opposition of a few members of the community and misinformation that has been spread about the scale and nature of the redevelopment proposal. Council has sought to address this misinformation prior to proceeding with the amendment.

It is worth remembering that there have always been, through this current five year process to plan for the redevelopment of the Harbour, opposing voices in the local community who have not agreed with one or more elements of the concept. It is likely that whatever is planned or developed in this precinct will continue to attract both supporters and detractors. What is important to bear in mind are two important questions. The first is whether or not the Master Plan delivers on its objectives and secondly whether it has enough community support to justify proceeding.

The Vision for the Apollo Bay Harbour Precinct Master Plan was as follows:

*“The Apollo Bay Harbour Precinct will be a new focal point for the town and surrounding region and a ‘must see’ destination on the Great Ocean Road.*

*The precinct will be developed with a tourism, fishing and boating, commercial and recreational focus, strengthening links to the town centre of Apollo Bay and providing net community benefits.*

*The Apollo Bay Harbour Precinct will demonstrate best practice in its design and management and contain **a commercial Harbour** together with a range of high quality community and tourist facilities, services and public spaces that will provide enjoyable experiences for residents and visitors year round.*

*Components of the new development will showcase the fishing/maritime and indigenous cultural heritage of the town and respect and enhance the surrounding natural environment”. Draft Apollo Bay Harbour Precinct Master Plan Vision Statement June 2007.*

The Master Plan delivers on what it set out to do. It proposes upgraded port facilities, new areas for the public domain and opportunities for architectural inspiration in the built form. There is no doubt that the Harbour Precinct is already a focal point in Apollo bay but it could not be argued that it is a ‘must see’ destination for tourists. The proposed redevelopment would provide far greater incentive for visitors to stay and explore the precinct and potentially spend more money in the local economy.

Tourism, fishing and boating, commercial and recreational activities are all included in the Master Plan and the walking trails from the town centre and through the foreshore to the Harbour strengthen the links between both precincts.

The concept of net community benefit is understood in this context in that by providing access to land otherwise not available for private investment, the private investment develops the local economy and drives job growth. This is a net community benefit. The private investment also leverages Government contributions for the development of the public domain and community infrastructure both within the precinct and linking to it. The walking trails, car parking, toilet facilities, sailing club facilities, boat ramp and car park upgrade and the new public promenade, are all public assets. They are as a result of providing a small piece of public land within the precinct for private investment to deliver a net community benefit.

The Master Plan is a concept so definitive design controls have not yet been set, however a draft design guidelines document was developed in the 2007 plan that clearly expressed best practice in architectural and environmental design. This would be reinforced through a detailed Master Plan to be developed through the Planning Scheme Amendment process.

The emphasis on 'a commercial harbour' has been maintained within the concept plan recognising the importance of commercial activities not only for themselves but in their integrated appeal to the tourism industry.

The Master Plan includes a range of high quality community and tourist facilities, services and public spaces that will provide enjoyable experiences for residents and visitors year round. These include the public promenade, the sailing club, the walking trails and beach access and recreational boating facilities.

Components of the new development provide opportunity to showcase the fishing/maritime heritage through the proposed Fishermans Co-op restaurant and interpretive centre. It recognises indigenous heritage through the proposed Great Ocean Road Aboriginal Heritage Centre. Respect for the surrounding natural environment is included in the low key development concepts for both public and private built form.

This vision for the redeveloped precinct was based on discussion with the local community through firstly the Apollo Bay Structure Plan and then the Enquiry by Design process and Apollo Bay Harbour Precinct Master Plan. Council adopted the Master Plan in the reasonable belief that the vision was accepted by the local community. However, as stated above, there have always been people opposing the redevelopment and since the adoption of the Master Plan, there has been a campaign by a vocal minority to convince the public and Council that the majority of the local community do not support the Master Plan. This is despite the five day intensive community consultation that took place in the Enquiry by Design in September 2008. As noted earlier in the report, to resolve this issue Council contracted Vawser and Associates to conduct a community market research survey.

The market research was designed to provide a reliable measure of the level of community support for the Master Plan and the Planning Scheme Amendment. The telephone survey involved 300, twenty minute structured questionnaires delivered by computer assisted telephone interviewing. The 300 people interviewed were selected at random from the Apollo Bay and surrounding area ratepayer data base. The questionnaire was developed by Vawser and Associates in consultation with Council.

62% of interviewees were non residential ratepayers and 37% were resident in Apollo Bay. This slightly overrepresented the actual level of local to non local land owners in the data base. The gender balance was almost 50/50 male and female.

The final conclusion of the report is that overall:

*"...a majority of ratepayers that own properties in the Apollo Bay area support all components of the Master Plan except the privately owned boutique hotel and health and well being centre..."*

*"...a majority of ratepayers support the Apollo Bay Harbour Precinct Master Plan as a whole and the associated Planning Scheme Amendment process". P46 Vawser Report.*

The Vawser Report provided conclusive evidence that within the Apollo Bay community including non residential ratepayers, there was majority support for the Harbour redevelopment and the Planning Scheme Amendment. It has therefore enough community support to justify proceeding with the Planning Scheme Amendment.

The Vawser Report also reminded Council that the key issue of continued contention is the inclusion of the Boutique Hotel and Well Being Centre within the proposed redevelopment.

However, there was an almost 50/50 split on this subject - *“47% supported and 42% did not support the boutique hotel and health and well being centre.”*

Another important fact to take into consideration is that the majority of the community (84%) support the plan if it is consistent with the tone and feel of the surrounding area.

The Planning Scheme Amendment is the method to ensure that this happens. Council would therefore be justified in concluding that there is enough evidence of community support to proceed.

### Options

There are a number of options for Council to consider.

The first option would be to continue with the Planning Scheme Amendment as this is the best way of ensuring that community expectations limiting the potential scale of development in the Harbour Precinct can be met. This option fulfils the Council Plan objective to work towards a precinct redevelopment and is in line with State Government objectives to redevelop the harbour and provide an opportunity to fill the gap in the tourism accommodation offer in the region. This gap has been identified as a high quality accommodation facility with the capacity to be used in international marketing for tourism exploring the Great Southern Tourism Route that takes in the Great Ocean Road.

A second option would be to not proceed with the Planning Scheme Amendment leaving the Master Plan as the guiding document for all future development proposals. The problem with this option is that the Master Plan is in concept only and the footprint for development is only indicative. It would be difficult for Council to refuse a development proposal based on the concept as it does not include any design parameters that affect the extent of the building footprint, or height size and bulk. Funds received for the Planning Scheme Amendment from the State Government would have to be returned.

Given that the proposed Hotel and Health and Well Being Centre remains the most controversial element of the Master Plan, Council could remove this feature of the Plan and proceed in two ways. The first would be to rescind the resolution of the October 2008 Council Meeting to adopt the Master Plan and move another resolution to adopt a Master Plan without the proposed development. This was one of the options presented in the officer's report to the October 2008 Council Meeting. The problem with this option is it removes the private investment sought by State Government to leverage a public contribution. This means a highly reduced likelihood of any significant State Government contribution to the public assets sought to gain net community benefit such as the walking trails, beach access, toilet facilities, sailing club, and recreational fishing facilities for example. It also removes the element of the Master Plan identified by the Interdepartmental Steering Group in 2006 that would produce the optimum benefit in terms of tourism yield.

The incentive for Tourism Victoria to contribute to the Planning Scheme Amendment in particular would no longer exist given the removal of the key element which would deliver the answer to the gap in tourism infrastructure and the ability to attract a new high yielding market segment to the Great Ocean Road region.

Council would have the choice then of proceeding or not with a Planning Scheme Amendment with the new Master Plan without the Hotel. The difficulty in proceeding with a Planning Scheme amendment is that the funds provided by the State Government for the amendment process were on the basis of the existing Master Plan that includes the Hotel. If Council were to remove the Hotel from the Master Plan it is likely that the State Government would seek a return of these funds, and Council would need to fund any amendment process itself. Were Council to revisit the Master Plan beyond the alternative options

presented following the Enquiry by design process, Council would need to fund the development of an alternative master plan for the harbour – this work would be unlikely to receive the significant financial contributions that have been given to the project thus far, and would need to occur before the commencement of an amendment.

A key issue raised at the September 2011 Council meeting was whether or not a hotel was required within the private investment component of the project for the redevelopment of the Harbour to proceed (and receive State Government funding). As noted earlier, Tourism Victoria has confirmed its support for the proposal to include a hotel, and this was reaffirmed by Tourism Victoria at the Councillor workshop on 8 February 2012.

Another key consideration is that the Vawser report demonstrated that there is majority support for the Master Plan as a whole and for proceeding with the Planning Scheme amendment process. It also revealed a 50/50 split in support for the Boutique Hotel and Wealth and Well Being Centre. While removal of the Hotel from the Master Plan may please some members of the community it will at same time disappoint a similar number, and seriously limit the funding potential of the project.

The preferred option is to proceed with a Planning Scheme Amendment based on the current adopted Master Plan. This is the majority expectation of the community; it conforms with the Council Plan objectives; it aligns with State Government policy and objectives; and it continues the work that has been put into this project over the past five years to achieve an outcome in Apollo Bay that provides for economic growth and jobs as well as enhanced community infrastructure for the social benefit of the local community.

In addition the Apollo Bay Harbour Precinct redevelopment is identified as a priority project by Tourism Victoria and is also a priority project in both the G21 and Great South Coast strategic plans. A precinct plan without the economic driver of private investment would have to be seriously reconsidered by these groups and the likely outcome is that it would be removed as a priority project from all of the above plans.

### **Proposal**

That Council proceeds with the Planning Scheme Amendment based on the Master Plan adopted at the October 2008 meeting of Council.

### **Financial and Other Resource Implications**

The State Government has contributed approximately \$265,000 to the project thus far, compared to a contribution by Council of \$23,000. This does not include significant officer time at the most senior levels of Council.

The State Government has provided a further \$255,000 to complete the Planning Scheme Amendment. This includes a range of specialist reports necessary for Ministerial support of the Amendment. Further investigations would be required prior to approval of any major private sector investment in the built form within the precinct and it is expected that these costs would be borne by the potential developer at the time.

### **Risk Management & Compliance Issues**

The risk in Council not proceeding with the Planning Scheme Amendment is that it will disappoint the majority of ratepayers which have been found to support the redevelopment (63%). As the Planning Scheme Amendment Process is a forerunner to a bid for State Government funds and private investment for implementation of the Plan, not proceeding would also send a message to the State Government that despite the funds spent on the Master plan to date Council does not support redevelopment of the Harbour.

Without a Planning Scheme Amendment, under the current planning scheme provisions Council does not have much control over the size, scale and design of any future development that may occur in the Harbour precinct. The Planning Scheme Amendment would be aimed at putting clear safeguards in place that guide the preferred scale and intensity of development through the introduction of specific planning controls, offering a greater level of long term protection to the community.

### **Environmental and Climate Change Considerations**

There are no environmental and climate change considerations associated with this report. Environmental issues would be addressed through the technical studies undertaken as part of the planning scheme amendment process.

### **Community Engagement**

The community engagement strategy will follow the recommendations of the Colac Otway Shire Council Community Engagement Policy of January 2010, which details five levels of engagement – inform, consult, involve, collaborate and empower.

The method selected would be Inform and include a letter sent to the Community Reference Group; a newsletter delivered to all residents and ratepayers in Apollo Bay and the surrounding hinterland and a media release.

The community would be further engaged through the amendment process with the opportunity to make submissions to a panel that would be appointed by the State Government to advise Council on the final amendment.

### **Implementation**

If Council adopts the recommendation to proceed with the Planning Scheme Amendment, the project will be implemented through the appointment of a project manager. A project brief would be created and a project manager contracted to deliver the series of investigations and reports required over the next 12 to 18 months. All of this would be undertaken utilising the funds already provided for this purpose by Tourism Victoria and DPCD.

### **Conclusion**

There is growing demand in this Region for high quality tourist and community facilities, heritage and environment interpretation, food and wine and associated tourism product. The proposed final Master Plan creates a precinct in Apollo Bay where all of these things can happen within a development plan that integrates with the main shopping area and is designed to identify and fit the unique local character of Apollo Bay.

The Harbour Precinct is a key focus of State Government and supported in several strategic documents including the 'Great Ocean Road Region – A land use and transport strategy 2004'. The redevelopment of the harbor precinct is recognised as a priority in the 'Product Gap Audit to Identify Potential Areas of Opportunities for World Class Australian Tourism Development, Great Ocean Road' July 2011. The development of a high quality accommodation facility is listed a key product gap in our region.

Council has an adopted Master Plan that sanctions a range of developments including public and private commercial investment. A Planning Scheme amendment is required to incorporate this Master Plan in a more detailed form into the Colac Otway Shire Planning Scheme. This will provide the opportunity to include strict parameters on potential development and enable Council to deliver a redevelopment that meets community expectations of a low key development consistent with the tone and feel of the surrounding area.

It is recommended that Council proceed with a Planning Scheme Amendment based on the current adopted Master Plan that includes the opportunity for investment in a Boutique Hotel and Health and Well Being Centre. This is the majority expectation of the community; it conforms to the Council Plan objectives; and is a priority project for Tourism Victoria and both the G21 and Great South Coast strategic plans.

#### **Attachments**

1. Letter from Tourism Victoria 1 Page

#### **Recommendation(s)**

***That Council proceeds with the Planning Scheme Amendment process based on the Apollo Bay Harbour Master Plan adopted at the October 2008 Meeting of Council, and endorsed at the March 2009 Meeting of Council, recognising that:***

1. ***The adopted Apollo Bay Harbour Master Plan is based on Option 2A of the outcomes of the Enquiry by Design process and includes the Apollo Bay Golf Course remaining in its current location on the site. It is noted also that option 2A includes provision for a boutique hotel on the site.***
2. ***The issues requiring follow up actions required by the September 2011 Council resolution in relation to this matter are now completed by the presentation of this report to Council.***

~~~~~\ ~~~~~


CONSENT CALENDAR

OFFICERS' REPORT

D = Discussion

W = Withdrawal

| ITEM | D | W |
|---|---|---|
| <u>GENERAL BUSINESS</u> | | |
| <u>OM122202-13 ASSEMBLY OF COUNCILLORS</u> | | |
| Department: General Business | | |
| <u>Recommendation(s)</u> | | |
| <i>That Council notes the Assembly of Councillors reports for:</i> | | |
| <ul style="list-style-type: none"> • <i>Councillor Workshop - 18 January 2012</i> • <i>Councillor Briefing Session - 25 January 2012</i> • <i>Saleyards Advisory Sub-Committee - 30 January 2012</i> • <i>Native Timber Harvesting Meeting - 1 February 2012</i> • <i>Central Reserve Advisory Committee - 1 February 2012</i> • <i>Councillor Workshop - 8 February 2012</i> | | |

Recommendation

That recommendations to items listed in the Consent Calendar, with the exception of items, be adopted.

MOVED

SECONDED

OM122202-13 ASSEMBLY OF COUNCILLORS

| | | | |
|-------------|---------------|-----------|-----------|
| AUTHOR: | Rhonda Deigan | ENDORSED: | Rob Small |
| DEPARTMENT: | Executive | FILE REF: | CLF11/6 |

Assembly of Councillors

A record must be kept of an assembly of Councillors which lists the Councillors attending, the matters discussed, disclosures of conflict of interest and whether a Councillor left the meeting after making a disclosure.

Definition

An “assembly of Councillors” is a defined term under section 76AA of the *Local Government Act 1989* (the Act). It is a meeting at which matters are considered that are intended or likely to be the subject of a Council decision or the exercise of a delegated authority and which is either of the following:

- A meeting of an advisory committee where at least one Councillor is present; or
- A planned or scheduled meeting that includes at least half the Councillors and at least one Council officer.

If a meeting fits either of these types the procedures applying to an assembly of Councillors must be complied with, irrespective of any name or description given to the committee or meeting.

Advisory Committees

Section 3(1) of the Act defines an advisory committee to be any committee established by the Council, other than a special committee, that provides advice to:

- the Council; or
- a special committee; or
- a member of Council staff who has been delegated a power, duty or function of the Council under section 98.

Councillor briefings

One type of meeting that is clearly an assembly of Councillors is the type of regular meeting, commonly referred to as a “Councillor Briefing” or similar name where Councillors and staff meet to discuss issues that are likely to come before Council for decision.

While these meetings have no authority to make Council decisions. They are generally assemblies of Councillors and subject to conflict of interest disclosures.

What records are to be kept.

Section 80A of the Act requires that a record must be kept of an Assembly of Councillors which lists:

- the Councillors and members of Council staff attending;
- the matters discussed;
- disclosures of interest (if any are made); and
- whether a Councillor left the meeting after making a disclosure.

It is a requirement that the record of an assembly is to be reported to the next practicable Council meeting and be included in the minutes of that meeting, instead of being made available for public inspection.

The following Assemblies of Councillors have been held:

- Councillor Workshop - 18 January 2012
- Councillor Briefing Session - 25 January 2012
- Saleyards Advisory Sub-Committee - 30 January 2012
- Native Timber Harvesting Meeting - 1 February 2012
- Central Reserve Advisory Committee - 1 February 2012
- Councillor Workshop - 8 February 2012.

Attachments

1. Councillor Workshop - 18 January 2012 1 Page
2. Councillor Briefing Session - 25 January 2012 1 Page
3. Saleyards Advisory Sub-Committee - 30 January 2012 2 Pages
4. Native Timber Harvesting Meeting - 1 February 2012 1 Page
5. Central Reserve Advisory Committee - 1 February 2012 2 Pages
6. Councillor Workshop - 8 February 2012 1 Page

Recommendation(s)

That Council notes the Assembly of Councillors reports for:

- ***Councillor Workshop*** - ***18 January 2012***
- ***Councillor Briefing Session*** - ***25 January 2012***
- ***Saleyards Advisory Sub-Committee*** - ***30 January 2012***
- ***Native Timber Harvesting Meeting*** - ***1 February 2012***
- ***Central Reserve Advisory Committee*** - ***1 February 2012***
- ***Councillor Workshop*** - ***8 February 2012.***

~~~~~U~~~~~

## IN COMMITTEE

### Recommendation

***That pursuant to the provisions of Section 89(2) of the Local Government Act, the meeting be closed to the public and Council move "In-Committee" in order to deal with:***

| <b>SUBJECT</b>                                                                 | <b>REASON</b>                                                                                       | <b>SECTION OF ACT</b>  |
|--------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|------------------------|
| Confidential Items for Consideration - Memo to Councillors                     | this matter deals with legal advice; AND this matter may prejudice the Council or any person        | Section 89 (2) (f) (h) |
| Review of landfill rehabilitation program for the closed landfill sites        | this matter deals with contractual matters; AND this matter may prejudice the Council or any person | Section 89 (2) (d) (h) |
| Contract 1128 - Engineering Consultancy Services                               | this matter deals with contractual matters                                                          | Section 89 (2) (d)     |
| Contract 1201 - Provision of Debt Recovery Services (MAV Tender DR8410)        | this matter deals with contractual matters                                                          | Section 89 (2) (d)     |
| Contract 1120 - Supply of Crushed Rock, Sealing Aggregate & Pavement Materials | this matter deals with contractual matters                                                          | Section 89 (2) (d)     |
| Lease of Land at Colac Municipal Aerodrome for Hangars                         | this matter may prejudice the Council or any person                                                 | Section 89 (2) (h)     |
| Chief Executive Officer - Contract of Employment                               | this matter deals with personnel matters; AND this matter deals with contractual matters            | Section 89 (2) (a) (d) |





# ORDINARY COUNCIL MEETING

## WEDNESDAY, 22 FEBRUARY 2012

### ATTACHMENTS

*PAGE NO.*

**CORPORATE AND COMMUNITY SERVICES**

**OM122202-4 Council Community Funding Program 2012-2013**

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| Attachment 2: | Community Funding Program 2012/13 Guidelines and Application Community/Recreation Projects Small Equipment and Training up to \$2000 ..... | 19 |
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**INFRASTRUCTURE AND SERVICES**

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## **COLAC OTWAY SHIRE COMMUNITY FUNDING PROGRAM 2012/13 Recreation Facilities: Total Project Cost up to \$10,000**

**FORWARD COMPLETED APPLICATION FORM TO:**

**COMMUNITY FUNDING PROGRAM 2012/13  
Recreation Facilities up to \$10,000  
Colac Otway Shire Council  
PO BOX 283  
COLAC 3250  
EMAIL: [inq@colacotway.vic.gov.au](mailto:inq@colacotway.vic.gov.au)**

**PLEASE READ AND COMPLETE THE ATTACHED APPLICATION FORM, THEN COMPLETE THE FOLLOWING CHECKLIST:**

**Have you:**

- Read the Community Funding Program Guidelines?
- Completed all questions in the Application Form?
- Provided a copy of the most recent bank/audited financial statements?
- Provided a copy of Public Liability Insurance Policy
- Provided Statement by Supplier (if you do not have an ABN)?
- Attached any relevant quotes supporting budget expenditure?
- Ensured that you have provided a Reporting Form if you have received any previous Colac Otway Shire funding?

### **Need Any Help or Advice?**

Please contact Jodie Fincham Recreation and Events Co-ordinator on 5232 9472 or Lisa Loughnane Recreation Officer on 5232 9527 who can provide you with assistance and further information about your application and this program.



## What Is The Community Funding Program?

- The Community Funding Program is offered to assist not-for-profit community organisations in providing opportunities that benefit the wider Colac Otway Shire community and help in achieving goals and outcomes consistent with Council's objectives.
- The program aims to provide an opportunity for a wide range of groups to obtain a share of the grant funds for a varied range of projects.
- Grants are awarded for amounts up to \$5,000 based on up to a 50% subsidy (i.e. on a dollar for dollar basis). Total project cost must not exceed \$10,000.

## Who Can Apply?

- Incorporated (or those deemed by Council to hold a similar legal status) not-for-profit community groups and organisations operating within the Colac Otway Shire are eligible to apply under this program.
- If you have received funds from Council previously, please ensure that you have spent the funds in accordance with which the funds were provided and as required. You will need to have returned a Reporting Form to Council to show that this has occurred to ensure that you are considered eligible to receive any further funds.

## Who can I contact?

- Funding under this scheme is restricted. There may be external sources of funding available from State or Federal Government which may form project partners or offer greater levels of funding. Therefore applicants with proposals valued in excess of \$10,000 can contact:

### Community Project and Recreation Facility proposals

Jodie Fincham  
Recreation and Events Co-ordinator  
Ph. 5232 9472  
Email: [jodie.fincham@colacotway.vic.gov.au](mailto:jodie.fincham@colacotway.vic.gov.au)

## Role of Auspice

- If your group is not incorporated or a similar legal entity, you may wish to appoint an incorporated body to auspice (manage) your application on your behalf.
- The auspice's role includes managing the funds on behalf of the group that is not incorporated and is responsible to manage those funds.
- Auspice organisations should provide a letter of consent to the group stating that it is willing to take financial and legal responsibility for the grant.
- Contact Council Officers if you are unsure if you need to appoint an Auspice or require any further clarification.

## What Projects Are Considered For Funding?

Projects that demonstrate broad benefit to the Colac community will be considered for projects with a total project cost up to \$10,000.

The Recreation Facilities category funds Recreation Reserve Committees of Management and organisations responsible for community facilities including Public Halls for the benefit of the citizens of the Colac Otway Shire. It will fund:

- High priority items of cyclical maintenance.
- Minor capital improvements.
- Purchase of equipment items, which are facility enhancing and designed to remain as part of the facility (above a total project cost of \$2,000.)
- Initiatives which align with Council priorities set out in the Council Plan.
- Initiatives that demonstrate multiple benefits, which may include cultural, environmental, heritage, health and wellbeing, social support and community participation outcomes.
- Initiatives which demonstrate community inclusiveness and do not discriminate against people on the basis of any characteristic covered by the Victorian Equal Opportunity Act 1995.
- Applications which clearly demonstrate the capacity of the applicant to deliver the project.
- Applications which demonstrate an in-kind, cash or voluntary contribution by the applicant.

## Please Note The Following

- Ensure that the activity that you are applying for is not associated with the normal operational or day-to-day running of your organisation (including staff salaries) and/or could commit Council funds on an ongoing basis.
- Ensure that your project has not commenced or has been held prior to the grant application being submitted to Council.
- Check that you have chosen the correct grant program for your project. Council offers a variety of funding programs aimed at assisting the community with specific activities.
- Examples of these programs are: the Festival and Events Support Scheme, COPACC Assistance, Council's Community Funding Program Community/Recreation Projects categories for projects up to \$2,000 and Council's Community Funding Program Community Projects (up to \$10,000).
- This funding program does not support fundraising activities or projects.
- Projects which have already received funding under the Colac Otway Shire Small Town Improvement Program will not be considered for funding.
- Schools are only eligible for funding assistance with COPACC venue hire.

- Applicants are required to provide details of **ALL** previous grants provided by Council in the past 3 years.

## How Do You Apply?

Electronic versions of guidelines and application forms are available on Council's web site: [www.colacotway.vic.gov.au](http://www.colacotway.vic.gov.au) (look for the Community Funding Program icon on the front page or go to the Sport & Recreation section) to download. Email applications as a Microsoft Office compatible attachment to [inq@colacotway.vic.gov.au](mailto:inq@colacotway.vic.gov.au) All applications must be received by the closing date.

## When Can You Apply?

|                         |                      |
|-------------------------|----------------------|
| Applications open       | Friday 23 March 2012 |
| Applications close      | Friday 4 May 2012    |
| Submissions evaluated   | May - June 2012      |
| Notification of funding | July 2012            |

**The closing date for applications is 4:00pm Friday 4 May 2012.**

Project completion and reporting form to be returned to Council by May 2013.

## Information Sessions

Two Information Sessions will be held to discuss the Grants Program, proposed projects and answer any specific questions. These sessions will be held on:

- Monday 16 April 2012, 7.00 pm - 8.30 pm COPACC Meeting Room, Cnr Rae and Gellibrand Streets, Colac.
- Wednesday 18 April 2012, 7.00 pm - 8:30 pm at Marrar Woon, Pengilley Street, Apollo Bay.

## Public Liability Insurance

Public Liability Insurance is required for all projects other than equipment purchases.

## Privacy Information

The personal information on the Community Funding Application Form is collected by Council for the primary purpose of processing your grant application.

## Risk Management

Risk Management analysis of your proposed project is part of the assessment criteria. A template is included for completion and must be submitted with the funding application.

## Allocation of Funds

Allocations will be based on up to 50% subsidy i.e. a dollar for dollar basis of projects up to a total project cost of \$10,000. For example, based on an \$8,000 total project cost, the maximum allocation from Council could be \$4,000. Generally the maximum contribution made by Council will not exceed \$5,000. Preference will be given to organisations that have demonstrated a "self-help" attitude through inclusion of in-kind resources, and/or a desire to contribute funding through cash from their own means. Documentation to support the organisation's 50% matching contribution must be included.

## Evaluation of Successful Projects

- It is essential the contact person/s nominated in the application form have a full understanding of the project, and are available during the May - July 2011 evaluation process to provide further details if required.
- Organisations successful in receiving a grant will be expected to complete a brief Reporting Form within a month of the completion of the project. The form will be available on allocation of funds and will require detail on the success of the project and how Council's funds were expended in relation to the project. Inclusion of visual evidence such as photographs and press clippings assists Council in assessing the success of the project and should be included.
- Organisations are required to acknowledge Council's contribution to the completed project in a manner deemed appropriate by Council, such as signage, verbal or written acknowledgement etc. and to document this acknowledgement.

## Compliance considerations

All clubs and community organisations are reminded that any community project that involves construction, extensions, renovations, refurbishments and/or upgrading of venues and facilities requires compliance consideration. It is important that groups always consider the following checklist prior to commencing, to ensure all relevant requirements are met, including but not limited to:

## Future Planning

| COMPLIANCE ISSUE                                                                                                                                                                                                                                                                                                                      | COUNCIL DEPARTMENT                                                                                                                                                                                         | CONTACT PHONE NUMBER                                                                                                 |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>Permission from the landowner and manager, approving your project to proceed.</li> <li>Consent for works which may occur on a road or roadside area. Council is required to give consent for local roads. VicRoads are responsible for issuing consent for works on arterial roads.</li> </ul> | <p><b>COS Infrastructure</b></p> <p><u>Other, for example:</u><br/>DSE - Crown Land, Foreshore Committee, Trustees, etc</p>                                                                                | 5232 9481                                                                                                            |
| <ul style="list-style-type: none"> <li>Determine if the site is subject to the Aboriginal Heritage Regulations.</li> <li>Planning Scheme Provisions, including requests for vegetation removal.</li> <li>Planning Permit/s.</li> </ul>                                                                                                | <p><b>COS Planning Department</b></p> <p>Community Groups are required to provide written evidence that the land manager (Crown/Council land) has given consent when a planning application is lodged.</p> | 5232 9412<br><a href="http://www.aav.nrms.net.au/aavQuestion1.aspx">http://www.aav.nrms.net.au/aavQuestion1.aspx</a> |
| <ul style="list-style-type: none"> <li>Building Permits.</li> <li>Factor in time and fees to process, plus costs for professional plans/designs to relevant Australian Standards.</li> </ul>                                                                                                                                          | <b>Building Department</b>                                                                                                                                                                                 | 5232 9443                                                                                                            |
| <ul style="list-style-type: none"> <li>Occupational Health and Safety requirements</li> </ul>                                                                                                                                                                                                                                         | <b>Risk Management</b>                                                                                                                                                                                     | 5232 9463                                                                                                            |
| <ul style="list-style-type: none"> <li>Food Safety Standards, Food and Tobacco Legislation.</li> <li>Approval food premises design.</li> <li>Registration of Premises and/or Temporary Food Premises Permit.</li> </ul>                                                                                                               | <b>Health</b>                                                                                                                                                                                              | 5232 9429                                                                                                            |
| <ul style="list-style-type: none"> <li>Waste Management requirements.</li> </ul>                                                                                                                                                                                                                                                      | <b>Waste</b>                                                                                                                                                                                               | 5232 9556                                                                                                            |
| <ul style="list-style-type: none"> <li>Permission from utility providers / other agencies.</li> </ul>                                                                                                                                                                                                                                 | <u>Examples:</u><br>Barwon Water CCMA                                                                                                                                                                      | 1300 656 007<br>5232 9100                                                                                            |
| <ul style="list-style-type: none"> <li>Guidance on planting lists for revegetation works and environmental and noxious weeds.</li> <li>Guidance on sustainability principles such as energy efficiency and water reuse and conservation.</li> </ul>                                                                                   | <b>Environment Department</b>                                                                                                                                                                              | 5232 9414                                                                                                            |
| <ul style="list-style-type: none"> <li>Economic Development Potential for other funding.</li> </ul>                                                                                                                                                                                                                                   | Consistency with Small Town Master plans<br>Grants availability                                                                                                                                            | 5232 9444                                                                                                            |

Council supports the development of community groups to become self sustaining through Strategic Planning, Action Plans and Business Plans that identify opportunities for growth and development. Evidence of planning must be provided as part of this application. Please note that Council provides support and resources to assist community organisations to undertake such planning.

Eligible groups are required to meet the grant guidelines and complete an application during the advertised funding round which is available via the Council's website or contact 5232 9400. Assessment criteria will be used to assess all funding applications

**CONTACT DETAILS OF ORGANISATION UNDERTAKING THE PROJECT:**

Name of Group or Organisation

Street address  
  
  
 Postcode:

Postal address  
  
  
 Postcode:

Phone number of Organisation

Contact person's name

Contact person's title in Organisation

Contact person's phone numbers:  
Business hours number      After hours number  
                                     

Mobile number

Email contact

**CONTACT DETAILS OF \*AUSPICE ORGANISATION IF APPLICABLE:**

*\* For clarification, please refer to the Information and Guidelines*

Name of Auspice Organisation

Phone number of Organisation

Address (please include postal address for correspondence)  
  
  
 Postcode:

Contact person of Auspice Organisation

Contact person's title in Auspice Organisation

Contact person of Auspice Organisation's phone numbers:  
Business hours number      After hours number  
                                     

Mobile number

Email contact

**LEGAL AND TAXATION REQUIREMENTS:**

Please complete the following details:

Incorporation Number of Organisation

If you do not have an incorporation number, please state the nature of your organisation (Only groups that are incorporated or similar legal entities can receive funds).

ABN (Australian Business Number) of the Organisation

If you do not have an ABN – Have you included a ‘Statement by a Supplier’ Form with this application?

No

Yes

If you do not have an ABN you will need to obtain a ‘Statement by a Supplier’ Form (available from the Australian Tax Office or Colac Otway Shire Council) and submit it with your application. Failure to provide either an ABN or a Statement by a Supplier Form will result in Council being obliged to take 46.5% of any allocations made to grant applicants and send it to the Australian Tax Office (ATO).

Are you Registered for the GST?

No

Yes

If you are registered for the GST and you are allocated funds, Council will pay an additional 10% to accommodate the GST. In this case, a tax invoice will be required by Council prior to payment.

Successful grants will be paid by cheque or Electronic Funds Transfer (EFT) to a nominated bank account. Please provide account details for your organisation or auspicing body, if EFT is preferred.

Account Name

BSB No

Account Number

Bank/Financial Institution

Please ensure that you have checked the list on the guidelines section (Page 1) to ensure that your project falls within the types of projects that Council will consider funding – All applications are checked against this criteria.

- 1 Please provide a brief description of your Project including the Project Title, its aim and its anticipated benefits to the Colac Otway Shire Community (if you require more space, please attach extra pages as needed):

The project title is:

The project description is:

The aim of the project is:

**(a) Why is this project needed? (Criteria 15%)**

(How is this project supported locally? What demand exists that has created the idea for this project? Do you have evidence to show why this approach will work?)

**(b) How will the project be delivered? (Criteria 15%)**

(Will it involve knowledge and skills development? Will the project be an innovative and creative response to the issue? Will it be sustainable?)

**(c) Who is involved? (Criteria 20%)**

(Who will manage the project? Who are the partners? Will there be voluntary or in-kind contributions? Does the project actively involve a range of stakeholders?)

**(d) What will it achieve? (Criteria 50%)**

What are the anticipated benefits of the project to the community?

**2 Financial details.**

Total project cost *(Please attach quotes)*

\$

No

Funds requested from Council's Community Funding Program

Yes

\$

Total of group/organisation contribution

|              |  |
|--------------|--|
| \$ (Cash)    |  |
| \$ (In-kind) |  |

Are you willing to accept partial funding?  
(Please tick as appropriate)

If yes, indicate priorities:

Please provide as part of your application: Attached detailed Financial statement or Treasurer's report for the past 2 years.

Will this project have any direct environmental or energy sustainability benefits such as water or energy saving

No

Yes

If yes, indicate examples:

**3 When will your project take place?**

*(Please note that requests for projects or purchases that have commenced or been made prior this application form being received by Council are not eligible for funding).*

**4 Has your organisation received funding from Council in the past three years?**

No

Yes

Please provide details of ALL funding support provided by the Colac Otway Shire in the past 3 years (including any current applications to the Festival & Event Support Scheme.)

| Council Department | Project | Amount \$ | Year |
|--------------------|---------|-----------|------|
|                    |         |           |      |
|                    |         |           |      |
|                    |         |           |      |



**BUDGET DETAILS OF PROJECT:**

Please detail the cost of your project by completing the budget section below. When estimating your expenses, take into consideration the materials for activities that will be used throughout the Community project such as:

- Purchase costs (including quotes where applicable).
- Advertising, printing and stationery costs.

**Please note that INCOME plus IN-KIND (if applicable) MUST EQUAL EXPENDITURE**

**Income:**

Please list **ALL** sources of income (the grant sum sought, plus any fees, sponsorship, advertising, donations etc that come from any other sources for the project.

| <b>INCOME</b><br>List all sources of income you expect will fund your project |           |
|-------------------------------------------------------------------------------|-----------|
| Grant amount you wish to apply for is:                                        | \$        |
|                                                                               | \$        |
|                                                                               | \$        |
|                                                                               | \$        |
|                                                                               | \$        |
| <b>TOTAL INCOME</b>                                                           | <b>\$</b> |

**Expenditure:**

Please estimate and list **ALL** project costs and tick which components are likely to use funds received from this grant. **(Please supply estimates/quotes)**

| <b>EXPENDITURE</b><br>List all expenses that you expect to incur for your project.                                                                 |           |
|----------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| <i>(Please indicate which components of the expenditure you wish to use the grant funds to cover by placing an (X) next to the dollar amount).</i> |           |
|                                                                                                                                                    | \$        |
|                                                                                                                                                    | \$        |
|                                                                                                                                                    | \$        |
|                                                                                                                                                    | \$        |
|                                                                                                                                                    | \$        |
| <b>TOTAL EXPENDITURE</b>                                                                                                                           | <b>\$</b> |

**In kind assistance:**

Please describe how the group intends to contribute to the project through voluntary services or in-kind services. Please estimate a value for these contributions. **(\$25 per hour is a suggested figure to use when estimating voluntary labour costs).**

| Description of in kind Assistance/contribution eg: how much volunteer time has been spent on this project or list goods or services provided at no cost to the project | Amount \$ |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
|                                                                                                                                                                        |           |
| <b>Total Contribution</b>                                                                                                                                              | <b>\$</b> |

**OPTIONAL: In support of your application – attach extra pages/documents if you wish.**

**APPLICATION FORM AUTHORISATION**

This section requires completion and signature by a committee or authorised staff member of the organisation that are managing the funds for this project (or the auspice if applicable).

|                |                      |
|----------------|----------------------|
| Name           | <input type="text"/> |
| Position/Title | <input type="text"/> |
| Signature      | <input type="text"/> |
| Date           | <input type="text"/> |

**DECLARATION**

*I affirm, on behalf of the applicant organisation, that any funds provided by the Colac Otway Shire will be expended in accordance with the terms and conditions outlined in the Funding Agreement. I affirm that all details supplied in this application and attachments are true and correct to the best of my knowledge. The application form has been submitted with the full knowledge and agreement of the applicant organisation. I/We acknowledge that the Guidelines and Funding Agreement have been read and fully understood.*

**PRIVACY NOTIFICATION**

*Council is collecting the personal information on this form for the purposes of assessing your application and to maintain statistical information. The personal information will be used solely by the Council for that primary purpose or directly related purposes. The applicant understands that they may apply to Council for access to and/or amendment of the information. Requests for access and/or correction should be made to 5232 9472.*

Please read and sign this Agreement.

**THIS AGREEMENT IS MADE BETWEEN COLAC OTWAY SHIRE COUNCIL** of 2-6 Rae Street Colac ("the Council") and the Applicant

**BACKGROUND**

- A The Council makes available funds for community programs each year for the benefit of residents of and for activities that take place in the Colac Otway Shire.
- B The Council has criteria which must be met by the Applicant before funding is provided as set out in this agreement.
- C The Council has agreed to fund the Applicant on the terms and conditions set out in the agreement.

**AGREEMENT**

- 1. The Council may provide to the Applicant funds for the Applicant's activity. **Signing this Agreement does not commit Council to provide any funds unless the Applicant's submission is successful.**
- 2. The Applicant confirms and agrees that:
  - (a) it is a not for profit incorporated association or a natural person authorised by the incorporated association to enter into this agreement.
  - (b) activities arising from the grant allocation must take place within the Colac Otway Shire and/or benefit Colac Otway Shire residents and workers.
  - (c) if funds are granted by Council they must be spent on the approved activity. Any significant change to the activity must be approved by the Council.
  - (d) funds provided under this agreement must be spent by the Applicant within 12 months of the date of this agreement, unless otherwise agreed by the Council.
  - (e) the Applicant must return any funds not spent on the activity to Council.
  - (f) the Council is not responsible for any shortfall should the activity run over budget.
  - (g) the Applicant is required to recognise the Council as a funding source of the project. Contact must be made with the appropriate Council officer to obtain the relevant logo and to ensure that the Council sights and approves proofs of all materials prior to production. Unauthorised use of the Council logo on other material will result in the Applicant being ineligible to apply for further grants.
  - (h) accurate financial records of the recipient organisation be maintained and made available to the staff of Council in the event of any further audit by Council into the use of the Grant. Council officers may request meetings with

the Applicant to check on progress during the period of the activity.

- (i) it will complete a reporting form for the grant. If the reporting form is incomplete the Applicant will be ineligible for further grants. A statement of the expenditure of the funds will be required within the reporting process.
- 3. The Council, its servants, agents and employees shall not be responsible at any time for any liability incurred or entered into by the Applicant as a result of or arising out of the Applicant's responsibilities under this agreement.
- 4. The Applicant shall release and indemnify the Council, its servants, agents and employees against any claim, demand, liability, costs, expenses, actions arising out of or in any way connected with the activities of the Applicant, or the Applicant's agents in consequence of this agreement except where the claim, demand, liability, costs or action are caused by the Council or its servants or agents.
- 5. Any variation of this agreement shall only be made in writing between the parties.
- 6. Projects that commence prior to this application being received by Council will be ineligible.
- 7. A "Tax Invoice" is required to be submitted prior to payment of the grant (only if the applicant is registered for GST).
- 8. Note that Council will publicly report grants awarded.

Signature



# Statement by a supplier

## Reason for not quoting an Australian Business Number (ABN) to an enterprise

|                     |                      |
|---------------------|----------------------|
| Name of supplier    | <input type="text"/> |
| Address of Supplier | <input type="text"/> |

Under the Pay As You Go legislation and guidelines produced by the Australian Taxation Office I provide you with a written statement that, for the supply I am making and further supplies of type that I make to you:

Tick the  
Appropriate  
Box

|                                                                                                                                                                                                                                                  |                          |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|
| The supply is made to you in my capacity as an individual, and the supply is made in the course of an activity that is a <b>private recreational pursuit or hobby</b>                                                                            | <input type="checkbox"/> |
| The supply is made to you in my capacity as an individual, and the supply is wholly of a <b>private or domestic nature for me</b>                                                                                                                | <input type="checkbox"/> |
| I (or the supplier that I represent) am/is a <b>non-resident who is not carrying on an enterprise in Australia</b>                                                                                                                               | <input type="checkbox"/> |
| The whole of the payment that I (or the supplier that I represent) will receive for the supply is <b>exempt from income tax</b>                                                                                                                  | <input type="checkbox"/> |
| I (or the partnership that I represent) have <b>no reasonable expectation of profit or gain</b> from the activity undertaken and consider that I (or the partnership that I represent) do not meet the definition of enterprise for tax purposes | <input type="checkbox"/> |

Therefore, I am not quoting you an ABN. You should not withhold an amount from the payment you make to me for the supply. I agree to advise you in writing if circumstances change to the extent that this statement becomes invalid.

|                                            |                      |
|--------------------------------------------|----------------------|
| Name of Authorised Person if not supplier  | <input type="text"/> |
| Signature of supplier Or authorised person | <input type="text"/> |
| Date                                       | <input type="text"/> |
| Daytime contact Phone number               | <input type="text"/> |

**The person/entity to whom this statement is made should retain the statement for 5 years**

The personal information requested on this form/document is be collected for **Taxation purposes**. The personal information will be used solely by Council for the primary purpose for which it was collected or a purpose the person would reasonably expect. The person providing the information understands that the personal information provided is for **Taxation** and that he or she may apply to Council for access to and/or amendment of the information. Requests for access and or correction should be made to the responsible officer or the Privacy Officer.







**Referrals** (for internal use only)

| Internal                                      | Name of Officer | Date sent | Date Rec | Approved |
|-----------------------------------------------|-----------------|-----------|----------|----------|
| <input type="checkbox"/> Environment          |                 | / /       | / /      |          |
| <input type="checkbox"/> Infrastructure       |                 | / /       | / /      |          |
| <input type="checkbox"/> Building             |                 | / /       | / /      |          |
| <input type="checkbox"/> Planning             |                 | / /       | / /      |          |
| <input type="checkbox"/> Economic Development |                 | / /       | / /      |          |
| <input type="checkbox"/> Health               |                 | / /       | / /      |          |
| <input type="checkbox"/> Local Laws           |                 | / /       | / /      |          |
| <input type="checkbox"/> AAV                  |                 | / /       | / /      |          |

**Comments** (for internal use only)

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Colac Otway  
SHIRE

**COLAC OTWAY SHIRE  
COMMUNITY FUNDING PROGRAM 2012/13  
Community/Recreation Projects:  
Total Project Cost up to \$2,000  
(Small Equipment and Training)**

**FORWARD COMPLETED APPLICATION TO:**

**COMMUNITY FUNDING PROGRAM 2012/13  
Community/Recreation Projects up to \$2,000  
Colac Otway Shire Council PO BOX 283  
COLAC 3250**

**EMAIL: [inq@colacotway.vic.gov.au](mailto:inq@colacotway.vic.gov.au)**

**PLEASE READ AND COMPLETE THE ATTACHED APPLICATION FORM, THEN COMPLETE THE FOLLOWING CHECKLIST:**

**Have you:**

- Read the Community Funding Program Guidelines?
- Completed all questions in the Application Form?
- Provided a copy of the most recent bank/audited financial statements?
- Provided Statement by Supplier (if you do not have an ABN)?
- Attached any relevant quotes supporting budget expenditure?
- Ensured that you have provided a Reporting Form if you have received any previous Colac Otway Shire funding?

**Need Any Help or Advice?**

Please contact Jodie Fincham Recreation and Events Co-ordinator on 5232 9472 or Lisa Loughnane Recreation Officer on 5232 9527 who can provide you with assistance and further information about your application and this program.



## What Is The Community Funding Program?

- The Community Funding Program is offered to assist not-for-profit community organisations in providing opportunities that benefit the wider Colac Otway Shire community and help in achieving goals and outcomes consistent with Council's objectives.
- The program aims to provide an opportunity for a wide range of groups to obtain a share of the grant funds for a varied range of projects.
- **Grants are awarded for amounts up to \$1,000 based on up to a 50% subsidy (i.e. on a dollar for dollar basis). Total project cost must not exceed \$2,000.**

## Who Can Apply?

- Incorporated (or those deemed by Council to hold a similar legal status) not-for-profit community groups and organisations operating within the Colac Otway Shire are eligible to apply under this program.
- If you have received funds from Council previously, please ensure that you have spent the funds in accordance with which the funds were provided and as required. You will need to have returned a Reporting Form to Council to show that this has occurred to ensure that you are considered eligible to receive any further funds.

## Role of Auspice

- If your group is not incorporated or a similar legal entity, you may wish to appoint an incorporated body to auspice (manage) your application on your behalf.
- The auspice's role includes managing the funds on behalf of the group that is not incorporated and is responsible to manage those funds.
- Auspice organisations should provide a letter of consent to the group stating that it is willing to take financial and legal responsibility for the grant.
- Contact Council Officers if you are unsure if you need to appoint an Auspice or require any further clarification.

## What Projects Are Considered For Funding?

Projects that demonstrate broad benefit to the Colac community will be considered.

- Equipment purchases which are facility enhancing (designed to remain as part of the facility) or which provide general benefit to groups through community projects.
- Training for the development of specialist skills for volunteer community members.

## Please Note The Following

- Ensure that the activity that you are applying for is not associated with the normal operational or day-to-day running of your organisation (including staff salaries) and/or could commit Council funds on an ongoing basis.

- Ensure that your project has not commenced or has been held prior to the grant application being submitted to Council.
- Check that you have chosen the correct grant program for your project. Council offers a variety of funding programs aimed at assisting the community with specific activities.
- Examples of these programs are: the Festival and Events Support Scheme, COPACC Assistance, and Council's Community Funding Program Community Projects and Community Facilities categories for projects above \$2,000.
- This funding program does not support fundraising activities or projects.
- Schools are ineligible for funding assistance through this program as other funding opportunities are available.
- Applicants are required to provide details of **ALL** previous grants provided by Council in the past 3 years.
- Projects which have already received funding under the Colac Otway Shire Small Town Improvement Program will not be considered for funding

## How Do You Apply?

Electronic versions of guidelines and application forms are available on Council's web site: [www.colacotway.vic.gov.au](http://www.colacotway.vic.gov.au) and can be downloaded. Email applications as a Microsoft Office compatible attachment to [inq@colacotway.vic.gov.au](mailto:inq@colacotway.vic.gov.au) All applications must be received by the closing date.

## When Can You Apply?

|                         |                      |
|-------------------------|----------------------|
| Applications open       | Friday 23 March 2012 |
| Applications close      | Friday 4 May 2012    |
| Submissions evaluated   | May - June 2012      |
| Notification of funding | July 2012            |

**The closing date for applications is 4:00pm Friday 4 May 2012.** Project completion and reporting form to be returned to Council by May 2013.

## Information Sessions

Two Information Sessions will be held to discuss the Grants Program, proposed projects and answer any specific questions. These sessions will be held on:

- Monday 16 April 2012 7.00pm - 8.30pm COPACC Meeting Room, Cnr Rae and Gellibrand Streets, Colac
- Wednesday 18 April 2012 7.00pm - 8:30pm at Marrar Woon, Pengilly Street, Apollo Bay.

## Public Liability Insurance

Public Liability Insurance is recommended for projects other than equipment purchases.

**Privacy Information** The personal information on the Community Funding Application Form is collected by Council for the primary purpose of processing your grant application.

Eligible groups are required to meet the grant guidelines and complete an application during the advertised funding round which is available via the Council's website or contact 5232 9400. Assessment criteria will be used to assess all funding applications.

**CONTACT DETAILS OF ORGANISATION UNDERTAKING THE PROJECT:**

Name of Group or Organisation

Street address  
  
  
 Postcode:

Postal address  
  
  
 Postcode:

Phone number of Organisation

Contact person's name

Contact person's title in Organisation

Contact person's phone numbers:  
Business hours number      After hours number  
                                     

Mobile number

Email contact

**CONTACT DETAILS OF \*AUSPICE ORGANISATION IF APPLICABLE:**

*\* For clarification, please refer to the Information and Guidelines*

Name of Auspice Organisation

Phone number of Organisation

Address (please include postal address for correspondence)  
  
  
 Postcode:

Contact person of Auspice Organisation

Contact person's title in Auspice Organisation

Contact person of Auspice Organisation's phone numbers:  
Business hours number      After hours number  
                                     

Mobile number

Email contact

**LEGAL AND TAXATION REQUIREMENTS:**

Please complete the following details:

Incorporation Number of Organisation

If you do not have an incorporation number, please state the nature of your organisation (Only groups that are incorporated or similar legal entities can receive funds).

ABN (Australian Business Number) of the Organisation

If you do not have an ABN – Have you included a ‘Statement by a Supplier’ Form with this application?

No

Yes

If you do not have an ABN you will need to obtain a ‘Statement by a Supplier’ Form (available from the Australian Tax Office or the Colac Otway Shire Council) and submit it with your application. Failure to provide either an ABN or a Statement by a Supplier Form will result in Council being obliged to take 46.5% of any allocations made to grant applicants and send it to the Australian Tax Office (ATO).

Are you Registered for the GST?

No

Yes

If you are registered for the GST and you are allocated funds, Council will pay an additional 10% to accommodate the GST. In this case, a tax invoice will be required by Council prior to payment.

Successful grants will be paid by cheque or Electronic Funds Transfer (EFT) to a nominated bank account. Please provide account details for your organisation or auspicing body, if EFT is preferred.

Account Name

BSB No

Account Number

Bank/Financial Institution

Please ensure that you have checked the list on the guidelines section (Page 1) to ensure that your project falls within the types of projects that Council will consider funding – All applications are checked against this criteria.

(i) **1** Please provide a brief description of your Project including the Project Title, its aim and its anticipated benefits to the Colac Otway Shire Community (if you require more space, please attach extra pages as needed):

(a) The project title is:

(b) The project description is:

(c) The aim of the project is:

(d) The anticipated benefits of the project to the community:

(ii) **2** How much do wish to apply for?

\$

(iii) **3** When will your project take place?  
(Please note that requests for projects or purchases that have

*commenced or been made prior this application form being  
received by Council are not eligible for funding).*

- (iv) **4** Has your organisation received  
funding from Council in the past three years?

No

Yes

Please detail the cost of your project by completing the budget section below. When estimating your expenses, take into consideration the materials for activities that will be used throughout the Community project such as:

- Equipment purchase costs (include quotes)
- Training fees (include quotes)

**Income:**

Please list **ALL** sources of income (the grant sum sought, plus any fees, sponsorship, advertising, donations etc that come from any other sources for the project.

| <b>INCOME</b><br>List all sources of income you expect will fund your project |    |
|-------------------------------------------------------------------------------|----|
| Grant amount you wish to apply for is:                                        | \$ |
|                                                                               | \$ |
|                                                                               | \$ |
|                                                                               | \$ |
|                                                                               | \$ |
| <b>TOTAL INCOME</b>                                                           | \$ |

**Expenditure:**

Please estimate and list **ALL** project costs and tick which components are likely to use funds received from this grant. **(Please supply estimates/quotes)**

| <b>EXPENDITURE</b><br>List all expenses that you expect to incur for your project.                                                                 |    |
|----------------------------------------------------------------------------------------------------------------------------------------------------|----|
| <i>(Please indicate which components of the expenditure you wish to use the grant funds to cover by placing an (X) next to the dollar amount).</i> |    |
|                                                                                                                                                    | \$ |
|                                                                                                                                                    | \$ |
|                                                                                                                                                    | \$ |
|                                                                                                                                                    | \$ |
|                                                                                                                                                    | \$ |
| <b>TOTAL EXPENDITURE</b>                                                                                                                           | \$ |

**OPTIONAL:** In support of your application – attach extra pages/documents if you wish.

**APPLICATION FORM AUTHORISATION**

*This section requires completion and signature by a committee or authorised staff member of the organisation that are managing the funds for this project (or the auspice if applicable).*

|                |                      |
|----------------|----------------------|
| Name           | <input type="text"/> |
| Position/Title | <input type="text"/> |
| Signature      | <input type="text"/> |
| Date           | <input type="text"/> |

**DECLARATION**

*I affirm, on behalf of the applicant organisation, that any funds provided by the Colac Otway Shire will be expended in accordance with the terms and conditions outlined in the Funding Agreement. I affirm that all details supplied in this application and attachments are true and correct to the best of my knowledge. The application form has been submitted with the full knowledge and agreement of the applicant organisation. I/We acknowledge that the Guidelines and Funding Agreement have been read and fully understood.*

**PRIVACY NOTIFICATION**

*Council is collecting the personal information on this form for the purposes of assessing your application and to maintain statistical information. The personal information will be used solely by the Council for that primary purpose or directly related purposes. The applicant understands that they may apply to Council for access to and/or amendment of the information. Requests for access and/or correction should be made to 5232 9472.*

Please read and sign this Agreement.

**THIS AGREEMENT IS MADE BETWEEN COLAC OTWAY SHIRE COUNCIL** of 2-6 Rae Street Colac ("the Council") and the Applicant

**BACKGROUND**

- A The Council makes available funds for community programs each year for the benefit of residents of and for activities that take place in the Colac Otway Shire.
- B The Council has criteria which must be met by the Applicant before funding is provided as set out in this agreement.
- C The Council has agreed to fund the Applicant on the terms and conditions set out in the agreement.

**AGREEMENT**

- 1. The Council may provide to the Applicant funds for the Applicant's activity. **Signing this Agreement does not commit Council to provide any funds unless the Applicant's submission is successful.**
- 2. The Applicant confirms and agrees that:
  - (a) it is a not for profit incorporated association or a natural person authorised by the incorporated association to enter into this agreement.
  - (b) activities arising from the grant allocation must take place within the Colac Otway Shire and/or benefit Colac Otway Shire residents and workers.
  - (c) if funds are granted by Council they must be spent on the approved activity. Any significant change to the activity must be approved by the Council.
  - (d) funds provided under this agreement must be spent by the Applicant within 12 months of the date of this agreement, unless otherwise agreed by the Council.
  - (e) the Applicant must return any funds not spent on the activity to Council.
  - (f) the Council is not responsible for any shortfall should the activity run over budget.
  - (g) the Applicant is required to recognise the Council as a funding source of the project. Contact must be made with the appropriate Council officer to obtain the relevant logo and to ensure that the Council sights and approves proofs of all materials prior to production. Unauthorised use of the Council logo on other material will result in the Applicant being ineligible to apply for further grants.
  - (h) accurate financial records of the recipient organisation be maintained and made available to the staff of Council in the event of any further audit by Council into the use of the Grant. Council officers may request meetings with the Applicant to check on progress during the period of the activity.

- (i) it will complete a reporting form for the grant. If the reporting form is incomplete the Applicant will be ineligible for further grants. A statement of the expenditure of the funds will be required within the reporting process.
- 3. The Council, its servants, agents and employees shall not be responsible at any time for any liability incurred or entered into by the Applicant as a result of or arising out of the Applicant's responsibilities under this agreement.
- 4. The Applicant shall release and indemnify the Council, its servants, agents and employees against any claim, demand, liability, costs, expenses, actions arising out of or in any way connected with the activities of the Applicant, or the Applicant's agents in consequence of this agreement except where the claim, demand, liability, costs or action are caused by the Council or its servants or agents.
- 5. Any variation of this agreement shall only be made in writing between the parties.
- 6. Projects that commence prior to this application being received by Council will be ineligible.
- 7. A "Tax Invoice" is required to be submitted prior to payment of the grant (only if the applicant is registered for GST).
- 8. Note that Council will publicly report grants awarded.

Signature



**CHECK LIST Please confirm that you have included the following with your submission:**

|   |  |
|---|--|
| ✓ |  |
|   |  |
|   |  |
|   |  |
|   |  |
|   |  |
|   |  |
|   |  |
|   |  |
|   |  |

**Keep a copy of your application, including all attachments**

Completed Application Form

Completed Budget Table showing break-even result

Attached Financial Statement or Treasurer's Report

Attached Quotations for works, fees, venue hire etc. Applicants are encouraged to obtain more than one quote as part of their application

Attached Support Letters (including auspicing body if applicable)

Supplier Statement

Other – photographs, resumes etc (please describe)

.....





## COLAC OTWAY SHIRE COMMUNITY FUNDING PROGRAM 2012/13 COPACC Hire Assistance

### FORWARD COMPLETED APPLICATION FORM TO:

COMMUNITY FUNDING PROGRAM 2012/13  
COPACC Assistance  
Colac Otway Shire Council  
PO BOX 283  
COLAC 3250  
EMAIL: [inq@colacotway.vic.gov.au](mailto:inq@colacotway.vic.gov.au)

PLEASE READ AND COMPLETE THE ATTACHED APPLICATION FORM, THEN COMPLETE THE FOLLOWING CHECKLIST:

#### Have you:

- Read the Community Funding Program Guidelines?
- Completed all questions in the Application Form?
- Provided a copy of the most recent bank/audited financial statements?
- Provided a copy of Public Liability Insurance Policy
- Provided Statement by Supplier (if you do not have an ABN)?
- Attached any relevant quotes supporting budget expenditure?
- Ensured that you have provided a Reporting Form if you have received any previous Colac Otway Shire funding?

#### Need Any Help or Advice?

Please contact Karen Patterson, COPACC Manager Ph. 5232 9504 who can provide you with assistance and further information about your application and this program.



## What Is The Community Funding Program?

- The Community Funding Program is offered to assist not-for-profit community organisations in providing opportunities that benefit the wider Colac Otway Shire community and help in achieving goals and outcomes consistent with Council's objectives.
- The COPACC Assistance Fund operates to benefit citizens of Colac Otway Shire by providing financial assistance towards the hire of COPACC for the provision of performing arts and cultural activities.
- Applicants may apply for up to 50% of the cost of hiring COPACC.
- Applicants must obtain a quote from COPACC outlining anticipated dates of hire and resources required – for example; rooms, audiovisual support and technical staff. It is essential applicants obtain a quote at least 10 days prior to the application closing date.

## Who Can Apply?

- Incorporated (or those deemed by Council to hold a similar legal status) not-for-profit community groups, schools and organisations operating within the Colac Otway Shire are eligible to apply under this program.
- If you have received funds from Council previously, please ensure that you have spent the funds in accordance with which the funds were provided and as required. You will need to have returned a Reporting Form to Council to show that this has occurred to ensure that you are considered eligible to receive any further funds.

## Who can I contact?

- Funding under this scheme is restricted. There may be external sources of funding available from State or Federal Government which may form project partners or offer greater levels of funding. Therefore applicants with proposals valued in excess of \$10,000 can contact:

### Colac Otway Performing Arts and Cultural Centre (COPACC)

Karen Patterson  
COPACC Manager  
Ph. 5232 9504  
Email: [karen.patterson@colacotway.vic.gov.au](mailto:karen.patterson@colacotway.vic.gov.au)

## Role of Auspice

- If your group is not incorporated or a similar legal entity, you may wish to appoint an incorporated body to auspice (manage) your application on your behalf.
- The auspice's role includes managing the funds on behalf of the group that is not incorporated and is responsible to manage those funds.
- Auspice organisations should provide a letter of consent to the group stating that it is willing to take financial and legal responsibility for the grant.

- Contact Council Officers if you are unsure if you need to appoint an Auspice or require any further clarification.

## What Projects Are Considered For Funding?

Projects that demonstrate broad benefit to the Colac community will be considered..

The Community Funding program will fund:

- Initiatives which align with Council priorities set out in the Council Plan
- Initiatives that demonstrate multiple benefits, which may include cultural, environmental, heritage, health and wellbeing, social support and community participation outcomes.
- Initiatives which demonstrate community inclusiveness and do not discriminate against people on the basis of any characteristic covered by the Victorian Equal Opportunity Act 1995.
- Applications which clearly demonstrate the capacity of the applicant to deliver the project
- Applications which demonstrate an in-kind, cash or voluntary contribution by the applicant

## Please Note The Following

- Ticketing for all events at COPACC must be sold exclusively via the Colac Cinemas box office
- Ensure that your project has not commenced or has been held prior to the grant application being submitted to Council.
- Check that you have chosen the correct grant program for your project. Council offers a variety of funding programs aimed at assisting the community with specific activities.
- Examples of these programs are: the Festival and Events Support Scheme, Community Funding Program, Community/Recreation Projects small equipment/training (up to \$2,000), Council's Community Funding Program Recreation Facilities (up to \$10,000), Council's Community Funding Program Community Projects (up to \$10,000).
- This funding program does not support fundraising activities or projects.
- Schools are only eligible for funding assistance with COPACC venue hire.
- Applicants are required to provide details of **ALL** previous grants provided by Council in the past 3 years.

**How Do You Apply?** Electronic versions of guidelines and application forms are available on Council's web site: [www.colacotway.vic.gov.au](http://www.colacotway.vic.gov.au) (look for Community Funding Program icon on front page or go to Sport and recreation section) to download. Email applications as a Microsoft Office compatible attachment to [inq@colacotway.vic.gov.au](mailto:inq@colacotway.vic.gov.au) with **COPACC Assistance Fund 2012/13** in the subject line. All applications must be received by the closing date.

## When Can You Apply?

|                         |                      |
|-------------------------|----------------------|
| Applications open       | Friday 23 March 2012 |
| Applications close      | Friday 4 May 2012    |
| Submissions evaluated   | May - June 2012      |
| Notification of funding | July 2012            |

### The closing date for applications is 4:00pm Friday 4 May 2012.

Project completion and reporting form to be returned to Council by May 2013.

## Information Sessions

Two Information Sessions will be held to discuss the Grants Program, proposed projects and answer any specific questions. These sessions will be held on:

- Monday 16 April 2012, 7.00 pm - 8.30 pm COPACC Meeting Room, Cnr Rae and Gellibrand Streets, Colac.
- Wednesday 18 April 2012, 7.00 pm – 8.30 pm at Marrar Woom, Pengilly Street, Apollo Bay.

## Public Liability Insurance

Public Liability Insurance is required for all projects.

## Privacy Information

The personal information on the Community Funding Application Form is collected by Council for the primary purpose of processing your grant application.

## Risk Management

Risk Management analysis of your proposed project is part of the assessment criteria. A template is included for completion and must be submitted with the funding application.

## Allocation of Funds

Allocations will be based on up to 50% subsidy i.e. a dollar for dollar basis of projects up to a total project cost of \$10,000. For example, based on an \$8,000 project cost, the maximum allocation from Council could be \$4,000. Generally the maximum contribution made by Council will not exceed \$5,000. Preference will be given to organisations that have demonstrated a “self-help” attitude through inclusion of in-kind resources, and/or a desire to contribute financially. Documentation to support the organisation’s 50% matching contribution must be included.

## Evaluation of Successful Projects

- It is essential the contact person/s nominated in the application form have a full understanding of the project, and are available during the May -July 2011 evaluation process to provide further detail if required.
- Organisations successful in receiving a grant will be expected to complete a brief Reporting Form within a month of the completion of the project. The form will be available on allocation of funds and will require detail on the success of the project and how Council’s funds were expended in

relation to the project. Inclusion of visual evidence such as photographs and press clippings assists Council in assessing the success of the project and should be included.

- Organisations are required to acknowledge Council and COPACC’s contribution to the completed project in a manner deemed appropriate by Council, such as signage, verbal or written acknowledgement etc. and to document this acknowledgement. Council and COPACC logos should appear in all promotional materials in promoting events.

## Compliance considerations

It is important that groups always consider the following checklist prior to commencing, to ensure all relevant requirements are met, including but not limited to:

| COMPLIANCE ISSUE                                                                                                                                                                                                      | COUNCIL DEPARTMENT               | CONTACT PHONE |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|---------------|
| <ul style="list-style-type: none"> <li>Occupational Health and Safety requirements</li> </ul>                                                                                                                         | Risk Management                  | 5232 9463     |
| <ul style="list-style-type: none"> <li>Food Safety Standards, Food and Tobacco Legislation</li> <li>Approval food premises design.</li> <li>Registration of Premises and/or Temporary Food Premises Permit</li> </ul> | Health                           | 5232 9429     |
| <ul style="list-style-type: none"> <li>Waste Management for COPACC</li> </ul>                                                                                                                                         | COPACC                           | 5232 9531     |
| <ul style="list-style-type: none"> <li>Economic Development Potential for other funding</li> </ul>                                                                                                                    | COS Business Development Officer | 5232 9444     |

## Future Planning

Council supports the development of community groups to become self sustaining through Strategic Planning, Action Plans and Business Plans that identify opportunities for growth and development. Evidence of planning must be provided as part of this application. Please note that Council provides support and resources to assist community organisations to undertake such planning.

Eligible groups are required to meet the grant guidelines and complete an application during the advertised funding round which is available via the Council's website or contact 5232 9400. Assessment criteria will be used to assess all funding applications

**CONTACT DETAILS OF ORGANISATION UNDERTAKING THE PROJECT:**

Name of Group or Organisation

Street address  
  
  
 Postcode:

Postal address  
  
  
 Postcode:

Phone number of Organisation

Contact person's name

Contact person's title in Organisation

Contact person's phone numbers:  
Business hours number      After hours number  
                                     

Mobile number

Email contact

**CONTACT DETAILS OF \*AUSPICE ORGANISATION IF APPLICABLE:**

*\* For clarification, please refer to the Information and Guidelines*

Name of Auspice Organisation

Phone number of Organisation

Address (please include postal address for correspondence)  
  
  
 Postcode:

Contact person of Auspice Organisation

Contact person's title in Auspice Organisation

Contact person of Auspice Organisation's phone numbers:  
Business hours number      After hours number  
                                     

Mobile number

Email contact

**LEGAL AND TAXATION REQUIREMENTS:**

Please complete the following details:

Incorporation Number of Organisation

If you do not have an incorporation number, please state the nature of your organisation (Only groups that are incorporated or similar legal entities can receive funds).

ABN (Australian Business Number) of the Organisation

**If you do not have an ABN – Have you included a ‘Statement by a Supplier’ Form with this application?**

No

Yes

If you do not have an ABN you will need to obtain a ‘Statement by a Supplier’ Form (available from the Australian Tax Office or Colac Otway Shire Council) and submit it with your application. Failure to provide either an ABN or a Statement by a Supplier Form will result in Council being obliged to take 46.5% of any allocations made to grant applicants and send it to the Australian Tax Office (ATO).

**Are you Registered for the GST?**

No

Yes

If you are registered for the GST and you are allocated funds, Council will pay an additional 10% to accommodate the GST. In this case, a tax invoice will be required by Council prior to payment.

Successful grants will be paid by cheque or Electronic Funds Transfer (EFT) to a nominated bank account. Please provide account details for your organisation or auspicing body, if EFT is preferred.

Account Name

BSB No

Account Number

Bank/Financial Institution

Please ensure that you have checked the list on the guidelines section (Page 1) to ensure that your project falls within the types of projects that Council will consider funding – All applications are checked against this criteria.

- 1 Please provide a brief description of your Project including the Project Title, its aim and its anticipated benefits to the Colac Otway Shire Community: (if you require more space, please attach extra pages as needed)

The project title is:

The project description is:

The aim of the project is:

Proposed Timelines For Event:

Please indicate the key actions required for your project

| Key Actions | Completed Date |
|-------------|----------------|
|             |                |

- (a) **Why is this event needed? (Criteria 35%)**

What local support have you gathered for this event?

How is this event linked with the culture, or cultural aspirations of local people?

Does this event have any links with the district’s cultural heritage or history? Has this event, or something similar, been held in the past? If so, please provide attendance figures. What motivated your group to plan this event?

Do you have evidence to show why this approach will work?



**(b) How will the project be delivered? (Criteria 15%)**

Will it develop knowledge and skills development for your group? Will the project be an innovative and creative response to an identified need?

**(c) Who is involved? (Criteria 30%)**

(How many people from your organisation will be involved? Have you partnered with other groups and organisations? Will there be voluntary or in-kind contributions? Please identify the target market for your event? What size audience do you hope to attract?)

**(d) What will it achieve? (Criteria 20%)**

Demonstrate the extent to which the project will:

- Support an increase in participation in cultural events
- Increase the diversity of cultural events on offer in Colac Otway Shire?

**2 Financial details.**

Total project cost (*Please attach quotes*)

\$

Funds requested from Council's Community Funding Program

\$

Total of group/organisation contribution

|            |
|------------|
| \$Cash     |
| \$ In-kind |

Are you willing to accept partial funding?  
(Please tick as appropriate)

If yes, indicate priorities:

Please provide as part of your application: Attached detailed Financial statement or Treasurer's report for the past 2 years.

No

Yes

**3 When will your project take place?**

*(Please note that requests for projects or purchases that have commenced or been made prior this application form being received by Council are not eligible for funding).*

**4 Has your organisation received funding from Council in the past three years?**

No

Yes

Please provide details of ALL funding support provided by the Colac Otway Shire in the past 3 years (including any current applications to the Festival & Event Support Scheme.)

**FUTURE PLANNING:**

| Council Department | Project | Amount \$ | Year |
|--------------------|---------|-----------|------|
|                    |         |           |      |
|                    |         |           |      |
|                    |         |           |      |

**Please provide as part of your application**

- Risk Management Plan for the project, using the template provided
- Strategic or Business Plan for your organisation Marketing Plan

No

Yes



Please detail the cost of your project by completing the budget section below. When estimating your expenses, take into consideration the materials for activities that will be used throughout the Community project such as:

- Purchase costs (including quotes where applicable).
- Advertising, printing and stationery costs.

**Please note that INCOME plus IN-KIND (if applicable) MUST EQUAL EXPENDITURE**

**Income:**

Please list **ALL** sources of income (the grant sum sought, plus any fees, sponsorship, advertising, donations etc that come from any other sources for the project.

| <b>INCOME</b><br>List all sources of income you expect will fund your project |           |
|-------------------------------------------------------------------------------|-----------|
| Grant amount you wish to apply for is:                                        | \$        |
|                                                                               | \$        |
|                                                                               | \$        |
|                                                                               | \$        |
|                                                                               | \$        |
| <b>TOTAL INCOME</b>                                                           | <b>\$</b> |

**Expenditure:**

Please estimate and list **ALL** project costs and tick which components are likely to use funds received from this grant. *(Please supply estimates/quotes)*

| <b>EXPENDITURE</b><br>List all expenses that you expect to incur for your project.                                                                 |           |
|----------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| <i>(Please indicate which components of the expenditure you wish to use the grant funds to cover by placing an (X) next to the dollar amount).</i> |           |
|                                                                                                                                                    | \$        |
|                                                                                                                                                    | \$        |
|                                                                                                                                                    | \$        |
|                                                                                                                                                    | \$        |
| <b>TOTAL EXPENDITURE</b>                                                                                                                           | <b>\$</b> |

**In kind assistance:**

Please describe how the group intends to contribute to the project through voluntary services or in-kind services. Please estimate a value for these contributions. *(\$25 per hour is a suggested figure to use when estimating voluntary labour costs).*

| Description of in kind Assistance/contribution eg: how much volunteer time has been spent on this project or list goods or services provided at no cost to the project | Amount \$ |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
|                                                                                                                                                                        |           |
| <b>Total Contribution</b>                                                                                                                                              | <b>\$</b> |

**OPTIONAL: In support of your application – attach extra pages/documents if you wish.**

**APPLICATION FORM AUTHORISATION**

*This section requires completion and signature by a committee or authorised staff member of the organisation which is managing the funds for this project (or the auspice if applicable).*

|                |                      |
|----------------|----------------------|
| Name           | <input type="text"/> |
| Position/Title | <input type="text"/> |
| Signature      | <input type="text"/> |
| Date           | <input type="text"/> |

**DECLARATION**

*I affirm, on behalf of the applicant organisation, that any funds provided by the Colac Otway Shire will be expended in accordance with the terms and conditions outlined in the Funding Agreement. I affirm that all details supplied in this application and attachments are true and correct to the best of my knowledge. The application form has been submitted with the full knowledge and agreement of the applicant organisation. I/We acknowledge that the Guidelines and Funding Agreement have been read and fully understood.*

**PRIVACY NOTIFICATION**

*Council is collecting the personal information on this form for the purposes of assessing your application and to maintain statistical information. The personal information will be used solely by the Council for that primary purpose or directly related purposes. The applicant understands that they may apply to Council for access to and/or amendment of the information. Requests for access and/or correction should be made to 5232 9472.*



Please read and sign this Agreement.

**THIS AGREEMENT IS MADE BETWEEN COLAC OTWAY SHIRE COUNCIL** of 2-6 Rae Street Colac ("the Council") and the Applicant

**BACKGROUND**

- A The Council makes available funds for community programs each year for the benefit of residents of and for activities that take place in the Colac Otway Shire.
- B The Council has criteria which must be met by the Applicant before funding is provided as set out in this agreement.
- C The Council has agreed to fund the Applicant on the terms and conditions set out in the agreement.

**AGREEMENT**

- 1. The Council may provide to the Applicant funds for the Applicant's activity. **Signing this Agreement does not commit Council to provide any funds unless the Applicant's submission is successful.**
- 2. The Applicant confirms and agrees that:
  - (a) it is a not for profit incorporated association or a natural person authorised by the incorporated association to enter into this agreement.
  - (b) activities arising from the grant allocation must take place within the Colac Otway Shire and/or benefit Colac Otway Shire residents and workers.
  - (c) if funds are granted by Council they must be spent on the approved activity. Any significant change to the activity must be approved by the Council.
  - (d) funds provided under this agreement must be spent by the Applicant within 12 months of the date of this agreement, unless otherwise agreed by the Council.
  - (e) the Applicant must return any funds not spent on the activity to Council.
  - (f) the Council is not responsible for any shortfall should the activity run over budget.
  - (g) the Applicant is required to recognise the Council and COPACC as a funding source of the project. Contact must be made with the appropriate Council officer to obtain the relevant logo and to ensure that the Council sights and approves proofs of all materials prior to production. Unauthorised use of the Council and COPACC logo on other material will result in the Applicant being ineligible to apply for further grants.
  - (h) accurate financial records of the recipient organisation be maintained and made available to the staff of Council in the event of any further audit by Council into the use of the Grant. Council officers may request meetings with

the Applicant to check on progress during the period of the activity.

- (i) it will complete a reporting form for the grant. If the reporting form is incomplete the Applicant will be ineligible for further grants. A statement of the expenditure of the funds will be required within the reporting process.
- 3. The Council, its servants, agents and employees shall not be responsible at any time for any liability incurred or entered into by the Applicant as a result of or arising out of the Applicant's responsibilities under this agreement.
- 4. The Applicant shall release and indemnify the Council, its servants, agents and employees against any claim, demand, liability, costs, expenses, actions arising out of or in any way connected with the activities of the Applicant, or the Applicant's agents in consequence of this agreement except where the claim, demand, liability, costs or action are caused by the Council or its servants or agents.
- 5. Any variation of this agreement shall only be made in writing between the parties.
- 6. Projects that commence prior to this application being received by Council will be ineligible.
- 7. A "Tax Invoice" is required to be submitted prior to payment of the grant (only if the applicant is registered for GST).
- 8. Note that Council will publicly report grants awarded.

Signature



**CHECK LIST Please confirm that you have included the following with your submission:**

|   |    |
|---|----|
| ✓ |    |
|   |    |
|   |    |
|   |    |
|   |    |
|   |    |
|   |    |
| ✓ | NA |
|   |    |
|   |    |
|   |    |
|   |    |
|   |    |

**Keep a copy of your application, including all attachments**

Completed Application Form

Completed Budget Table showing break-even result

Attached Financial Statement or Treasurer’s Report

Attached Quotations for works, fees, venue hire etc. Applicants are encouraged to obtain more than one quote as part of their application

Attached completed Risk Management template for the project

Attached Support Letters (including auspicing body if applicable)

Attached evidence of compliance with Food Safety Standards Legislation

Registration of Premises and/or Temporary Food Premises Permit

Supplier Statement

Other – photographs, resumes etc (please describe)

.....







## **COLAC OTWAY SHIRE COMMUNITY FUNDING PROGRAM 2012/13 Community Projects: Total Project Cost up to \$10,000**

### **FORWARD COMPLETED APPLICATION FORM TO:**

**COMMUNITY FUNDING PROGRAM 2012/13  
Community Projects up to \$10,000  
Colac Otway Shire Council  
PO BOX 283  
COLAC 3250  
EMAIL: [inq@colacotway.vic.gov.au](mailto:inq@colacotway.vic.gov.au)**

**PLEASE READ AND COMPLETE THE ATTACHED APPLICATION FORM, THEN COMPLETE THE FOLLOWING CHECKLIST:**

#### **Have you:**

- Read the Community Funding Program Guidelines?
- Completed all questions in the Application Form?
- Provided a copy of the most recent bank/audited financial statements?
- Provided a copy of Public Liability Insurance Policy
- Provided Statement by Supplier (if you do not have an ABN)?
- Attached any relevant quotes supporting budget expenditure?
- Ensured that you have provided a Reporting Form if you have received any previous Colac Otway Shire funding?

#### **Need Any Help or Advice?**

Please contact Jodie Fincham Recreation and Events Co-ordinator on 5232 9472 or Lisa Loughnane Recreation Officer on 5232 9527 who can provide you with assistance and further information about your application and this program.



## What Is The Community Funding Program?

- The Community Funding Program is offered to assist not-for-profit community organisations in providing opportunities that benefit the wider Colac Otway Shire community and help in achieving goals and outcomes consistent with Council's objectives.
- The program aims to provide an opportunity for a wide range of groups to obtain a share of the grant funds for a varied range of projects.
- Grants are awarded for amounts up to \$5,000 based on up to a 50% subsidy (i.e. on a dollar for dollar basis). Total project cost must not exceed \$10,000.

## Who Can Apply?

- Incorporated (or those deemed by Council to hold a similar legal status) not-for-profit community groups and organisations operating within the Colac Otway Shire are eligible to apply under this program.
- If you have received funds from Council previously, please ensure that you have spent the funds in accordance with which the funds were provided and as required. You will need to have returned a Reporting Form to Council to show that this has occurred to ensure that you are considered eligible to receive any further funds.

## Who can I contact?

- Funding under this scheme is restricted. There may be external sources of funding available from State or Federal Government which may form project partners or offer greater levels of funding. Therefore applicants with proposals valued in excess of \$10,000 can contact:

### Community Project and Recreation Facility proposals

Jodie Fincham  
Recreation and Events Co-ordinator  
Ph. 5232 9472  
Email: [jodie.fincham@colacotway.vic.gov.au](mailto:jodie.fincham@colacotway.vic.gov.au)

### Colac Otway Performing Arts and Cultural Centre (COPACC)

Karen Patterson  
COPACC Manager  
Ph. 5232 9504  
Email: [karen.patterson@colacotway.vic.gov.au](mailto:karen.patterson@colacotway.vic.gov.au)

## Role of Auspice

- If your group is not incorporated or a similar legal entity, you may wish to appoint an incorporated body to auspice (manage) your application on your behalf.
- The auspice's role includes managing the funds on behalf of the group that is not incorporated and is responsible to manage those funds.
- Auspice organisations should provide a letter of consent to the group stating that it is willing to take financial and legal responsibility for the grant.

- Contact Council Officers if you are unsure if you need to appoint an Auspice or require any further clarification.

## What Projects Are Considered For Funding?

Projects that demonstrate broad benefit to the Colac community will be considered for projects with a total project cost up to \$10,000.

The Community Projects category is the broadest of categories within this funding program. It will fund:

- Initiatives which align with Council priorities set out in the Council Plan.
- Initiatives that demonstrate multiple benefits, which may include cultural, environmental, heritage, health and wellbeing, social support and community participation outcomes.
- Initiatives which demonstrate community inclusiveness and do not discriminate against people on the basis of any characteristic covered by the Victorian Equal Opportunity Act 1995.
- Applications which clearly demonstrate the capacity of the applicant to deliver the project
- Applications which demonstrate an in-kind, cash or voluntary contribution by the applicant.

## Please Note The Following

- Ensure that the activity that you are applying for is not associated with the normal operational or day-to-day running of your organisation (including staff salaries) and/or could commit Council funds on an ongoing basis.
- Ensure that your project has not commenced or has been held prior to the grant application being submitted to Council.
- Check that you have chosen the correct grant program for your project. Council offers a variety of funding programs aimed at assisting the community with specific activities.
- Examples of these programs are: the Festival and Events Support Scheme, COPACC Assistance, Council's Community Funding Program (Community/Recreation Projects categories for projects up to \$2,000) and Council's Community Funding Program Recreation Facilities (up to \$10,000).
- This funding program does not support fundraising activities or projects.
- Schools are only eligible for funding assistance with COPACC venue hire.
- Applicants are required to provide details of **ALL** previous grants provided by Council in the past 3 years.
- Projects which have already received funding under the Colac Otway Shire Small Town Improvement Program will not be considered for funding.

## How Do You Apply?

Electronic versions of guidelines and application forms are available on Council's web site: [www.colacotway.vic.gov.au](http://www.colacotway.vic.gov.au) (look for Community Funding Program icon on front page or go to Sport & Recreation section) to download. Email applications as a Microsoft Office compatible attachment to [inq@colacotway.vic.gov.au](mailto:inq@colacotway.vic.gov.au) All applications must be received by the closing date.

## When Can You Apply?

|                         |                   |
|-------------------------|-------------------|
| Applications open 2012  | Friday 23 March   |
| Applications close      | Friday 4 May 2012 |
| Submissions evaluated   | May - June 2012   |
| Notification of funding | July 2012         |

### **The closing date for applications is 4:00pm Friday 4 May 2012.**

Project completion and reporting form to be returned to Council by May 2013.

## Information Sessions

Two Information Sessions will be held to discuss the Grants Program, proposed projects and answer any specific questions. These sessions will be held on:

- Monday 16 April 2012, 7.00 pm - 8.30 pm COPACC Meeting Room, Cnr Rae and Gellibrand Streets, Colac.
- Wednesday 18 April 2012, 7.00 pm - 8:30 pm at Marrar Woom, Pengilley Street, Apollo Bay.

## Public Liability Insurance

Public Liability Insurance is recommended for projects other than equipment purchases.

## Privacy Information

The personal information on the Community Funding Application Form is collected by Council for the primary purpose of processing your grant application.

## Risk Management

Risk Management analysis of your proposed project is part of the assessment criteria. A template is included for completion and must be submitted with the funding application.

## Allocation of Funds

Allocations will be based on up to 50% subsidy i.e. a dollar for dollar basis of projects up to a total project cost of \$10,000. For example, based on an \$8,000 project cost, the maximum allocation from Council could be \$4,000. Generally the maximum contribution made by Council will not exceed \$5,000. Preference will be given to organisations that have demonstrated a "self-help" attitude through inclusion of in-kind resources, and/or a desire to contribute funding through cash from their own means. Documentation to support the organisation's 50% matching contribution must be included.

## Evaluation of Successful Projects

- It is essential the contact person/s nominated in the application form have a full understanding of the project, and are available during the May-July 2011 evaluation process to provide further detail if required.
- Organisations successful in receiving a grant will be expected to complete a brief Reporting Form within a month of the completion of the project. The form will be available on allocation of funds and will require detail on the success of the project and how Council's funds were expended in relation to the project. Inclusion of visual evidence such as photographs and press clippings assists Council in assessing the success of the project and should be included.
- Organisations are required to acknowledge Council's contribution to the completed project in a manner deemed appropriate by Council, such as signage, verbal or written acknowledgement etc. and to document this acknowledgement.

Eligible groups are required to meet the grant guidelines and complete an application during the advertised funding round which is available via the Council's website or contact 5232 9400. Assessment criteria will be used to assess all funding applications

**CONTACT DETAILS OF ORGANISATION UNDERTAKING THE PROJECT:**

Name of Group or Organisation

Street address  
  
  
 Postcode:

Postal address  
  
  
 Postcode:

Phone number of Organisation

Contact person's name

Contact person's title in Organisation

Contact person's phone numbers:  
Business hours number      After hours number  
                                     

Mobile number

Email contact

**CONTACT DETAILS OF \*AUSPICE ORGANISATION IF APPLICABLE:**

*\* For clarification, please refer to the Information and Guidelines*

Name of Auspice Organisation

Phone number of Organisation

Address (please include postal address for correspondence)  
  
  
 Postcode:

Contact person of Auspice Organisation

Contact person's title in Auspice Organisation

Contact person of Auspice Organisation's phone numbers:  
Business hours number      After hours number  
                                     

Mobile number

Email contact

## LEGAL AND TAXATION REQUIREMENTS:

Please complete the following details:

Incorporation Number of Organisation

If you do not have an incorporation number, please state the nature of your organisation (Only groups that are incorporated or similar legal entities can receive funds).

ABN (Australian Business Number) of the Organisation

If you do not have an ABN – Have you included a ‘Statement by a Supplier’ Form with this application?

No

Yes

If you do not have an ABN you will need to obtain a ‘Statement by a Supplier’ Form (available from the Australian Tax Office or Colac Otway Shire Council) and submit it with your application. Failure to provide either an ABN or a Statement by a Supplier Form will result in Council being obliged to take 46.5% of any allocations made to grant applicants and send it to the Australian Tax Office (ATO).

Are you Registered for the GST?

No

Yes

If you are registered for the GST and you are allocated funds, Council will pay an additional 10% to accommodate the GST. In this case, a tax invoice will be required by Council prior to payment.

Successful grants will be paid by cheque or Electronic Funds Transfer (EFT) to a nominated bank account. Please provide account details for your organisation or auspicing body, if EFT is preferred.

Account Name

BSB No

Account Number

Bank/Financial Institution

Please ensure that you have checked the list on the guidelines section (Page 1) to ensure that your project falls within the types of projects that Council will consider funding – All applications are checked against this criteria.

- 1 Please provide a brief description of your Project including the Project Title, its aim and its anticipated benefits to the Colac Otway Shire Community: (if you require more space, please attach extra pages as needed)

The project title is:

The project description is:

The aim of the project is:

(a) Why is this project needed? (Criteria 15%)

(How is this project supported locally? What demand exists that has created the idea for this project? Do you have evidence to show why this approach will work?)

(b) How will the project be delivered? (Criteria 15%)

(Will it involve knowledge and skills development? Will the project be an innovative and creative response to the issue? Will it be sustainable?)

**(c) Who is involved? (Criteria 20%)**  
 (Who will manage the project? Who are the partners? Will there be voluntary or in-kind contributions? Does the project actively involve a range of stakeholders?)

**(d) What will it achieve? (Criteria 50%)**  
 What are the anticipated benefits of the project to the community?

**2 Financial details.**

No  Total project cost (Please attach quotes)

\$

Yes

Funds requested from Council's Community Funding Program

\$

Total of group/organisation contribution

|            |
|------------|
| \$Cash     |
| \$ In-kind |

Are you willing to accept partial funding?

(Please tick as appropriate)

If yes, indicate priorities:

Please provide as part of your application: Attached detailed Financial statement or Treasurer's report for the past 2 years.

No

Yes

Will this project have any direct environmental or energy sustainability benefits such as water or energy saving

No

Yes

If yes, indicate examples:

**3** When will your project take place?  
 (Please note that requests for projects or purchases that have commenced or been made prior this application form being received by Council are not eligible for funding).

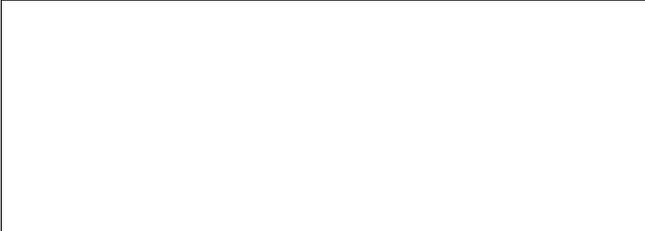
**4** Has your organisation received funding from Council in the past three years?

No

Yes

Please provide details of ALL funding support provided by the Colac Otway Shire in the past 3 years (including any current applications to the Festival & Event Support Scheme.)

| Council Department | Project | Amount \$ | Year |
|--------------------|---------|-----------|------|
|                    |         |           |      |
|                    |         |           |      |
|                    |         |           |      |





Please detail the cost of your project by completing the budget section below. When estimating your expenses, take into consideration the materials for activities that will be used throughout the Community project such as:

- Purchase costs (including quotes where applicable).
- Advertising, printing and stationery costs.

**Please note that INCOME plus IN-KIND (if applicable) MUST EQUAL EXPENDITURE**

**Income:**

Please list **ALL** sources of income (the grant sum sought, plus any fees, sponsorship, advertising, donations etc that come from any other sources for the project.

| <b>INCOME</b><br>List all sources of income you expect will fund your project |           |
|-------------------------------------------------------------------------------|-----------|
| Grant amount you wish to apply for is:                                        | \$        |
|                                                                               | \$        |
|                                                                               | \$        |
|                                                                               | \$        |
|                                                                               | \$        |
| <b>TOTAL INCOME</b>                                                           | <b>\$</b> |

**Expenditure:**

Please estimate and list **ALL** project costs and tick which components are likely to use funds received from this grant. **(Please supply estimates/quotes)**

| <b>EXPENDITURE</b><br>List all expenses that you expect to incur for your project.                                                                 |           |
|----------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| <i>(Please indicate which components of the expenditure you wish to use the grant funds to cover by placing an (X) next to the dollar amount).</i> |           |
|                                                                                                                                                    | \$        |
|                                                                                                                                                    | \$        |
|                                                                                                                                                    | \$        |
|                                                                                                                                                    | \$        |
| <b>TOTAL EXPENDITURE</b>                                                                                                                           | <b>\$</b> |

**In kind assistance:**

Please describe how the group intends to contribute to the project through voluntary services or in-kind services. Please estimate a value for these contributions. **(\$25 per hour is a suggested figure to use when estimating voluntary labour costs).**

| Description of in kind Assistance/contribution eg: how much volunteer time has been spent on this project or list goods or services provided at no cost to the project | Amount \$ |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
|                                                                                                                                                                        |           |
| <b>Total Contribution</b>                                                                                                                                              | <b>\$</b> |

**OPTIONAL: In support of your application – attach extra pages/documents if you wish.**

**APPLICATION FORM AUTHORISATION**

This section requires completion and signature by a committee or authorised staff member of the organisation that are managing the funds for this project (or the auspice if applicable).

|                |                      |
|----------------|----------------------|
| Name           | <input type="text"/> |
| Position/Title | <input type="text"/> |
| Signature      | <input type="text"/> |
| Date           | <input type="text"/> |

**DECLARATION**

I affirm, on behalf of the applicant organisation, that any funds provided by the Colac Otway Shire will be expended in accordance with the terms and conditions outlined in the Funding Agreement. I affirm that all details supplied in this application and attachments are true and correct to the best of my knowledge. The application form has been submitted with the full knowledge and agreement of the applicant organisation. I/We acknowledge that the Guidelines and Funding Agreement have been read and fully understood.

**PRIVACY NOTIFICATION**

Council is collecting the personal information on this form for the purposes of assessing your application and to maintain statistical information. The personal information will be used solely by the Council for that primary purpose or directly related purposes. The applicant understands that they may apply to Council for access to and/or amendment of the information. Requests for access and/or correction should be made to 5232 9472.



Please read and sign this Agreement.

**THIS AGREEMENT IS MADE BETWEEN COLAC OTWAY SHIRE COUNCIL** of 2-6 Rae Street Colac ("the Council") and the Applicant

**BACKGROUND**

- A The Council makes available funds for community programs each year for the benefit of residents of and for activities that take place in the Colac Otway Shire.
- B The Council has criteria which must be met by the Applicant before funding is provided as set out in this agreement.
- C The Council has agreed to fund the Applicant on the terms and conditions set out in the agreement.

**AGREEMENT**

- 1. The Council may provide to the Applicant funds for the Applicant's activity. **Signing this Agreement does not commit Council to provide any funds unless the Applicant's submission is successful.**
- 2. The Applicant confirms and agrees that:
  - (a) it is a not for profit incorporated association or a natural person authorised by the incorporated association to enter into this agreement.
  - (b) activities arising from the grant allocation must take place within the Colac Otway Shire and/or benefit Colac Otway Shire residents and workers.
  - (c) if funds are granted by Council they must be spent on the approved activity. Any significant change to the activity must be approved by the Council.
  - (d) funds provided under this agreement must be spent by the Applicant within 12 months of the date of this agreement, unless otherwise agreed by the Council.
  - (e) the Applicant must return any funds not spent on the activity to Council.
  - (f) the Council is not responsible for any shortfall should the activity run over budget.
  - (g) the Applicant is required to recognise the Council as a funding source of the project. Contact must be made with the appropriate Council officer to obtain the relevant logo and to ensure that the Council sights and approves proofs of all materials prior to production. Unauthorised use of the Council logo on other material will result in the Applicant being ineligible to apply for further grants.
  - (h) accurate financial records of the recipient organisation be maintained and made available to the staff of Council in the event of any further audit by Council into the use of the Grant. Council officers may request meetings with

the Applicant to check on progress during the period of the activity.

- (i) it will complete a reporting form for the grant. If the reporting form is incomplete the Applicant will be ineligible for further grants. A statement of the expenditure of the funds will be required within the reporting process.
- 3. The Council, its servants, agents and employees shall not be responsible at any time for any liability incurred or entered into by the Applicant as a result of or arising out of the Applicant's responsibilities under this agreement.
- 4. The Applicant shall release and indemnify the Council, its servants, agents and employees against any claim, demand, liability, costs, expenses, actions arising out of or in any way connected with the activities of the Applicant, or the Applicant's agents in consequence of this agreement except where the claim, demand, liability, costs or action are caused by the Council or its servants or agents.
- 5. Any variation of this agreement shall only be made in writing between the parties.
- 6. Projects that commence prior to this application being received by Council will be ineligible.
- 7. A "Tax Invoice" is required to be submitted prior to payment of the grant (only if the applicant is registered for GST).
- 8. Note that Council will publicly report grants awarded.

Signature





# Statement by a supplier

## Reason for not quoting an Australian Business Number (ABN) to an enterprise

|                     |                      |
|---------------------|----------------------|
| Name of supplier    | <input type="text"/> |
| Address of Supplier | <input type="text"/> |

Under the Pay As You Go legislation and guidelines produced by the Australian Taxation Office I provide you with a written statement that, for the supply I am making and further supplies of type that I make to you:

|                                                                                                                                                                                                                                                  | Tick the<br>Appropriate<br>Box |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|
| The supply is made to you in my capacity as an individual, and the supply is made in the course of an activity that is a <b>private recreational pursuit or hobby</b>                                                                            | <input type="checkbox"/>       |
| The supply is made to you in my capacity as an individual, and the supply is wholly of a <b>private or domestic nature for me</b>                                                                                                                | <input type="checkbox"/>       |
| I (or the supplier that I represent) am/is a <b>non-resident who is not carrying on an enterprise in Australia</b>                                                                                                                               | <input type="checkbox"/>       |
| The whole of the payment that I (or the supplier that I represent) will receive for the supply is <b>exempt from income tax</b>                                                                                                                  | <input type="checkbox"/>       |
| I (or the partnership that I represent) have <b>no reasonable expectation of profit or gain</b> from the activity undertaken and consider that I (or the partnership that I represent) do not meet the definition of enterprise for tax purposes | <input type="checkbox"/>       |

Therefore, I am not quoting you an ABN. You should not withhold an amount from the payment you make to me for the supply. I agree to advise you in writing if circumstances change to the extent that this statement becomes invalid.

|                                            |                      |                                                                         |
|--------------------------------------------|----------------------|-------------------------------------------------------------------------|
| Name of Authorised Person if not supplier  | <input type="text"/> |                                                                         |
| Signature of supplier Or authorised person | <input type="text"/> | Date <input type="text"/> / <input type="text"/> / <input type="text"/> |
| Daytime contact Phone number               | <input type="text"/> |                                                                         |

**The person/entity to whom this statement is made should retain the statement for 5 years**

The personal information requested on this form/document is be collected for **Taxation purposes**. The personal information will be used solely by Council for the primary purpose for which it was collected or a purpose the person would reasonably expect. The person providing the information understands that the personal information provided is for **Taxation** and that he or she may apply to Council for access to and/or amendment of the information. Requests for access and or correction should be made to the responsible officer or the Privacy Officer.





**Referrals** (for internal use only)

| Internal                                      | Name of Officer | Date sent | Date Rec | Approved |
|-----------------------------------------------|-----------------|-----------|----------|----------|
| <input type="checkbox"/> Environment          |                 | / /       | / /      |          |
| <input type="checkbox"/> Infrastructure       |                 | / /       | / /      |          |
| <input type="checkbox"/> Building             |                 | / /       | / /      |          |
| <input type="checkbox"/> Planning             |                 | / /       | / /      |          |
| <input type="checkbox"/> Economic Development |                 | / /       | / /      |          |
| <input type="checkbox"/> Health               |                 | / /       | / /      |          |
| <input type="checkbox"/> Local Laws           |                 | / /       | / /      |          |
| <input type="checkbox"/> AAV                  |                 | / /       | / /      |          |

**Comments** for internal use only

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**FESTIVAL & EVENT SUPPORT SCHEME  
APPLICATION FORM 2012/2013**

**ORGANISATION DETAILS:**

**Name of applicant organisation**

|  |
|--|
|  |
|--|

**Name and Date of Event for this application:**

|  |
|--|
|  |
|--|

**Postal Address**

|  |
|--|
|  |
|--|

**Contact Details**

(Please ensure the nominated contact person/s are aware of all project details)

| Details    | Primary Contact Person | Secondary Contact Person |
|------------|------------------------|--------------------------|
| Name       |                        |                          |
| Position   |                        |                          |
| Work phone |                        |                          |
| Home phone |                        |                          |
| Mobile     |                        |                          |
| Email      |                        |                          |
| Fax        |                        |                          |

**Incorporation**

|            |  |               |           |  |
|------------|--|---------------|-----------|--|
| <b>Yes</b> |  | <b>Number</b> | <b>No</b> |  |
|------------|--|---------------|-----------|--|

**Auspecting body if not incorporated** (support letter required with this application)

|                     |  |               |  |
|---------------------|--|---------------|--|
| <b>Auspice body</b> |  |               |  |
| <b>Address</b>      |  |               |  |
| <b>Contact Name</b> |  |               |  |
| <b>Position</b>     |  |               |  |
| <b>B. H. phone</b>  |  | <b>Mobile</b> |  |

**ABN Number**

|  |
|--|
|  |
|--|

**Supplier Statement must be completed if no ABN**

**GST Registration**

|            |  |               |           |  |
|------------|--|---------------|-----------|--|
| <b>Yes</b> |  | <b>Number</b> | <b>No</b> |  |
|------------|--|---------------|-----------|--|

**EVENT PROJECT DETAILS:**

1. **Name and description of event** - Please include event name and a brief description of the type of event you are running, including estimated number of visitors this event is likely to attract and estimated number of participants from the community.

2. **Detail event component to be funded by Council** - (Please itemise the specific event component(s) that Council funding will be expended upon i.e. hire of stage, hire of performers, etc.

**3. Nominate Sponsorship Funding Category**

- |                                |            |                          |           |                          |
|--------------------------------|------------|--------------------------|-----------|--------------------------|
| 1. Platinum (up to \$7,500)    | Commercial | <input type="checkbox"/> | Community | <input type="checkbox"/> |
| 2. Gold (up to \$5,000)        | Commercial | <input type="checkbox"/> | Community | <input type="checkbox"/> |
| 3. Silver (up to \$2,500)      | Commercial | <input type="checkbox"/> | Community | <input type="checkbox"/> |
| 4. Bronze (under \$1,000)      | Commercial | <input type="checkbox"/> | Community | <input type="checkbox"/> |
| 5. Seed funding (up to \$1000) | Commercial | <input type="checkbox"/> | Community | <input type="checkbox"/> |

4. **Social opportunities** - Detail the community benefits provided by the project both short and long term.

**Short term community benefits:**

**Long term community benefits:**

5. **Economic Development opportunities** - Describe how the event encourages increased tourism opportunities to this municipality, and how your festival will generate local economic activity.

|  |
|--|
|  |
|--|

6. **Cultural opportunities** - Describe how the event contributes towards the development of community arts and culture development, networks, programs and/or projects.

|  |
|--|
|  |
|--|

7. **Please provide details of community need for this proposal.** Please attach support letters and detail what discussions you have held with related groups in the area about this project.

|  |
|--|
|  |
|--|

8. **Proposed Timelines for Project:** Please indicate the key actions required for your project.

| Key tasks | Completed date |
|-----------|----------------|
|           |                |
|           |                |
|           |                |
|           |                |

9. **To assist Council in forward planning please indicate future planned projects**

|                |  |
|----------------|--|
| <b>2013/14</b> |  |
| <b>2014/15</b> |  |

10. **Survey Monkey**  
What method of data collection will be used at your event?

Survey Monkey

- Other – postcode collection  
 Other – attendance numbers

**FINANCIAL DETAILS:**

- 11. Does your organisation currently receive funding support from Federal or State Government sources (tick as appropriate)**

Yes

No

- 12. Please provide details of any commercial source of income**

| Source | Amount \$ |
|--------|-----------|
|        |           |
|        |           |

- 13. Has your organisation received ANY funding support from the Colac Otway Shire in the past 3 years (please tick as appropriate)?**

Yes

No

- 14. Please provide details of ALL funding support provided by the Colac Otway Shire in the past 3 years? (i.e. Community, Festival & Events Support Scheme or other)**

| Council Department | Project | Amount \$ | Year |
|--------------------|---------|-----------|------|
|                    |         |           |      |
|                    |         |           |      |
|                    |         |           |      |

**\*\*Audited financial statements are required for Gold and Platinum level applications.**

- 15. Has funding for this project been sought from any other body for this project?**

Yes

No

**If yes, please list**

| Source | Amount \$ |
|--------|-----------|
|        |           |

- 16. Total cost of project (please attach quotes, including COS Works)**

\$

- 17. Total of group/organisation contribution. NB - \$25 per hour is a suggested figure to use when estimating voluntary labour costs).**

| Cash                    | In-kind                 |
|-------------------------|-------------------------|
| \$ <input type="text"/> | \$ <input type="text"/> |

- 18. Funds requested from Council's Festival and Event Support Scheme**

\$

19. Are you willing to accept partial funding?

|     |                          |
|-----|--------------------------|
| Yes | <input type="checkbox"/> |
|-----|--------------------------|

|    |                          |
|----|--------------------------|
| No | <input type="checkbox"/> |
|----|--------------------------|

20. If yes, indicate priorities:

|  |
|--|
|  |
|  |
|  |

Does the organisation have the following?

Risk Management Plan?                      Yes                       No                       In progress

Strategic, Action or Business Plan?    Yes                       No                       In progress

### BUDGET FORM

Applicants must use the budget form provided. (Please advise if you require this table in excel as it is available to send electronically). The budget should list the total income and expenditure and reflect all costs associated with the project.

Applicants are expected to make at least a matching contribution in cash and/or volunteer labour costed **\$25 per hour**. Other in-kind contribution such as donated goods or materials may also be included, as well as use of plant and equipment. Indicate in-kind on the expenditure column under the relevant headings as well as the income column. You may also have grants, financial support and sponsorship from other sources. This should be indicated in the budget.

Please ensure that total income **EQUALS** total expenditure i.e. the project must break even.

| EXPECTED INCOME                                     | \$ AMOUNT | EXPECTED EXPENDITURE                                  | \$ AMOUNT        |
|-----------------------------------------------------|-----------|-------------------------------------------------------|------------------|
| Earned Income                                       |           | Project Costs                                         |                  |
| <b>Participant's Fees</b>                           | \$        | <b>Fees</b>                                           | \$               |
| <b>Ticket sales</b>                                 | \$        | <b>Travel</b>                                         | \$               |
| <b>Other (Describe)</b>                             | \$        | <b>Accommodation</b>                                  | \$               |
| Grants                                              |           | <b>Materials/ Equipment</b>                           | <b>(itemise)</b> |
| Council Festival and Event Support Scheme           | \$        |                                                       | \$               |
| <b>Other (Describe)</b>                             | \$        |                                                       | \$               |
|                                                     |           |                                                       | \$               |
| Applicants contribution                             |           |                                                       | \$               |
| <b>Cash</b>                                         | \$        |                                                       | \$               |
| <b>In-kind equipment (Describe)</b>                 | \$        | <b>Insurance</b>                                      | \$               |
| <b>Volunteer labour @ \$25 per hour. (Describe)</b> | \$        | <b>Other (Describe)</b>                               | \$               |
|                                                     |           |                                                       |                  |
| Other Income                                        |           | Administration Costs                                  |                  |
| <b>Donations</b>                                    |           | <b>Telephone, fax, photocopying etc.</b>              | \$               |
| <b>Sponsorship</b>                                  |           | <b>Marketing Costs e.g. publicity and advertising</b> | \$               |
| <b>Other (Describe)</b>                             |           | <b>Documentation Costs e.g. photographs, videos</b>   | \$               |
|                                                     |           | <b>Contingency @ 3%</b>                               | \$               |
|                                                     |           |                                                       |                  |
| Total Income \$                                     |           | Total Expenditure \$                                  |                  |

Please read and sign this Agreement.

**THIS AGREEMENT IS MADE  
BETWEEN COLAC OTWAY SHIRE  
COUNCIL** of 2-6 Rae Street Colac ("the  
Council") and the Applicant

**BACKGROUND**

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Council logo on other material will result in the Applicant being ineligible to apply for further grants.

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  - 5.** Any variation of this agreement shall only be made in writing between the parties.
  - 6.** Projects that commence prior to this application being received by Council will be ineligible.
  - 7.** A "Tax Invoice" is required to be submitted prior to payment of the grant (only if the applicant is registered for GST).
  - 8.** Note that Council will publicly report grants awarded.

Signature

**CHECK LIST Please confirm that you have included the following with your submission:**

|   |                                                                                          |
|---|------------------------------------------------------------------------------------------|
| ✓ | Keep a copy of your application, including all attachments                               |
|   | Completed application form                                                               |
|   | Budget Table showing break even result                                                   |
|   | Detailed Financial Statement or Treasurer's Report for the previous 2 years.             |
|   | Audited financial statements are required for Gold and Platinum level applications.      |
|   | Attached Quotes (For items to be funded by Council)                                      |
|   | Details of previous grants provided by council to your organisation in the past 3 years. |
|   | Support Letters                                                                          |
|   | Supplier Statement (if applicable)                                                       |

**Privacy Notification**

Council is collecting the personal information on this form for the purposes of assessing your application and to maintain statistical information. The personal information will be used solely by the Council for that primary purpose or directly related purposes. The applicant understands that they may apply to Council for access to and/or amendment of the information. Requests for access and/or correction should be made to 5232 9516.

I/we acknowledge the above and confirm the above information is correct and approve the use of this data on the Colac Otway Shire applicants' data base.

Signed: .....Date: ...../...../20.....





## **FESTIVAL AND EVENT SUPPORT SCHEME FOR THE PERIOD JULY 2012 – JUNE 2013**

### **APPLICATION GUIDELINES**

The Colac Otway Shire recognises the importance of Festival and Events development in the municipality. The contribution of Festivals and Events to celebrating the region's diversity and cultural, economic and social development is highly valued.

The information contained in the package includes:

1. Eligibility Criteria
2. How to Apply
3. Scope
4. Aims and objectives
5. Sponsorship categories
6. Non conforming applications
7. Sponsorship agreement
8. Event Evaluation – "Survey Monkey"
9. Public liability and insurance
10. Financial acquittal and reporting form
11. Application assessment
12. Funding available
13. Implementation

## 1. ELIGIBILITY CRITERIA

For the purposes of the Colac Otway Shire Festival and Support Scheme, the definition of an event is:

***“Any planned activity where any structure (permanent or temporary), open area, roadway, (fenced or unfenced) will contain a number of persons greater than that normally surrounding the area prior to, during or after the event.”***

*Event Management: Planning Guide for Event Managers in Victoria, 2002.*

Applications should assist in establishing new or providing support to existing community events and activities for the citizens and/or the promotion of the Colac Otway Shire. Preference is to be given to projects and to groups making a significant financial or “in kind” contribution to the project or program.

Applications are to be for financial assistance for costs related to the delivery of new or established events, not for general ongoing administration costs. Applicants must demonstrate how their event contributes to the social, cultural and economic growth of the Colac Otway Shire. Applicants are required to provide details of ALL previous grants provided by Council in the past 3 years.

This funding program provides seed funding to assist with the establishment of new event initiatives. The funding program also supports the development and growth of established events. (An established event is defined as an event that has been conducted for more than 3 years.)

**This scheme can support events that raise money for the local community where the majority of funds raised remain within the Colac Otway Shire.** The scheme does not support external fundraising events, activities or projects where funds raised are distributed to fundraising organisations outside the Colac Otway Shire.

The Colac Otway Shire Festival and Support Scheme is targeted at organisations with limited financial resources. Groups with commercial sources of income and organisations which receive recurrent State Government support should declare their source of income in the application. Details of previous grants provided by Council also need to be provided for the past 3 years and detailed financial statements for the past 2 years. **Audited financial statements are required for Gold and Platinum level applications.**

Funding under this scheme is restricted. Applicants with proposals for funding valued in excess of \$7,500 are encouraged to discuss event/festival related proposals with the Colac Otway Shire Council's Events Officer with an opportunity to explore alternative funding sources. Special consideration for promotional assistance will be given to organisations/groups which propose to conduct events on dates which are not utilised by other local events and events which are unique to this area and build on local features, products, environments and Council's strategic directions. Preference will be given to events that are supported by a business plan, that are organised co-operatively and where some of the funds are sourced through the organisation's own initiatives. Preference will be given to events where profits will be distributed back into the community.

## 2. HOW TO APPLY

Applications must be submitted on the attached application form. Applications should be typed where possible or completed in black ink. Any application that is considered incomplete or not in the required format may **not** be accepted. You are encouraged to discuss the eligibility of your application with the Events Officer, Phone: 5232 9516 before you apply.

Electronic versions of guidelines and application forms are available on Council's web site: [www.colacotway.vic.gov.au](http://www.colacotway.vic.gov.au) and can be downloaded. Email applications can be accepted only if a scanned signature is included on the final page. Email applications as a Microsoft Office compatible attachment to [inq@colacotway.vic.gov.au](mailto:inq@colacotway.vic.gov.au) All applications must be received by the closing date.

### GST

GST legislation will apply to allocation of these funds. Organisations will be required to quote an Australian Business Number (ABN) or if an exemption applies to provide a written statement of entitlement to exemption (Supplier Statement). Supplier Statement forms are available on Council's web site: [www.colacotway.vic.gov.au](http://www.colacotway.vic.gov.au) and can be downloaded.

Where an applicant organisation is GST registered, grant allocations will be calculated and assessed on income and expenditure excluding GST. In addition, organisations registered for GST will be required to submit a Tax Invoice to Council upon approval of their grant, including an additional 10% added to the approved grant amount.

### Lodgement

**The closing date for applications is 4.00pm Friday 4 May 2012.** All applications must be received by this time. Late applications cannot be considered.

Hard Copy Applications should be sent to:

**Festival and Events Support Scheme 2012/2013**  
**Colac Otway Shire**  
**PO Box 283**  
**COLAC VIC 3250**

Email Applications must be sent by the closing date, as a Microsoft Office compatible attachment to [inq@colacotway.vic.gov.au](mailto:inq@colacotway.vic.gov.au) with the subject: **Festival and Events Scheme 2012/2013.**

All applicants will receive written advice acknowledging receipt of their application within 1 week of receipt.

### **IMPLEMENTATION FOR 2012**

|                                                |                                |
|------------------------------------------------|--------------------------------|
| Applications open                              | Friday 23 March 2012           |
| Closing date for applications                  | Friday 4 May 2012              |
| Evaluation of applications                     | May - July 2012                |
| Notification of funding                        | July 2012                      |
| Project completion, evaluation forms completed | three months after your event. |

### **3. SCOPE**

The scope of the Colac Otway Shire Festival and Support Scheme is broad and potential applicants are required to discuss their proposal with Council's Events Officer.

The Scheme supports new and established community events through the provision of financial assistance for costs associated with events. Examples of costs associated with events could include signage, promotional material, and professional project management and hire costs (including performers, PA equipment, staging, portable toilets etc).

Events can include but are not restricted to cultural, historical, artistic (music, theatre, visual) sporting, culinary, environmental or could include markets, festivals and shows. Events should enhance the region's profile, develop community co-operation and cohesion, build local skills or in other ways have a positive impact on the local community.

### **4. AIMS AND OBJECTIVES**

The aims and objectives of the Festivals and Events Support Scheme are to:

- Provide assistance to conduct established professional and quality festival or event activities within Colac Otway Shire.
- Improve the quality of life experiences for communities within the municipality by increasing access to quality festivals and events.
- Promote cultural diversity and greater awareness, appreciation and participation in activities within the Colac Otway Shire area.
- Promote a sense of pride and community identity.
- Stimulate visitation and tourism to the Colac Otway Shire area and increase economic and social development opportunities.
- Contribute to the recognition of the Colac Otway Shire area as a region to host festivals and events.
- Create an environment for innovation and creativity within the municipality.
- Assist established Festivals and Events (where appropriate and where feasible) to enable the Festival or Event to become as self-sufficient as possible.

## 5. COLAC OTWAY SHIRE SPONSORSHIP CATEGORIES

The level of assistance recommended will be determined by the current or potential value of the festival/event to generate positive economic impacts and enhance the social and cultural benefits within the community.

There are five levels of funding categories specific to the Colac Otway Shire Festival and Support Scheme in relation to the sponsorship of events. They are Platinum, Gold, Silver, Bronze and Seed funding which are defined as follows:

| Sponsorship Funding Category                         | Sponsorship Benefit Commercial Event                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Sponsorship Benefit Community Event                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>1. Platinum Sponsorship (up to \$7500)</b></p> | <p>This level of sponsorship is available to Major Events with an international significance, significant "Icon Status" events within the Colac Otway Shire.</p> <p>Events in this category attract 5,000 or more attendees.</p> <p>Events within this category will provide significant benefits to the Colac Otway Shire in terms of economic, social and cultural growth to the region.</p> <p>The event will also provide a significant promotional and marketing opportunity (including print, signage, TV, radio and web) to the Colac Otway Shire.</p> | <p>This level of sponsorship is available to Major Community Events.</p> <p>Events in this category attract 5,000 or more attendees.</p> <p>Events within this category will provide significant benefits to the Colac Otway Shire in terms of at least two of the following areas: economic, social and cultural contributions to the local community.</p> <p>Events within this category must demonstrate a significant community focus.</p>                                                  |
| <p><b>2. Gold Sponsorship (up to \$5,000)</b></p>    | <p>This level of sponsorship is available to Major Events with considerable significance within the Colac Otway Shire.</p> <p>Events in this category attract between 2,000-5,000 attendees</p> <p>Events within this category will provide strong benefits to the Colac Otway Shire in terms of economic, social and cultural contributions to the local community.</p> <p>The event will also provide considerable promotional marketing opportunity (including print, signage, radio and web) to the Colac Otway Shire and</p>                             | <p>This level of sponsorship is available to Community Events with considerable significance within the Colac Otway Shire.</p> <p>Events in this category attract between 2,000-5,000 attendees</p> <p>Events within this category will provide strong benefits to the Colac Otway Shire in terms of at least two of the following areas: economic, social and cultural contributions to the local community.</p> <p>Events within this category must demonstrate a strong community focus.</p> |

|                                                     | be a motivator for people to visit the region.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|-----------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Sponsorship Funding Category</b>                 | <b>Sponsorship Benefit Commercial</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <b>Sponsorship Benefit Community</b>                                                                                                                                                                                                                                                                                                                                                                                                                |
| <p><b>3. Silver Sponsorship (up to \$2,500)</b></p> | <p>This level of sponsorship is available to Minor Events within the Colac Otway Shire.</p> <p>Events in this category attract between 1,000 - 2,000 attendees.</p> <p>Events within this category will provide reasonable benefits to the Colac Otway Shire in terms of economic, social and cultural growth to the region.</p> <p>The event will also provide some promotional and marketing opportunity (including print, signage, and web) to the Colac Otway Shire and may be a motivator for people to visit the region.</p> | <p>This level of sponsorship is available to Community Events within the Colac Otway Shire, which attract between 1,000 - 2,000 attendees.</p> <p>Events within this category will provide reasonable benefits to the Colac Otway Shire in terms of at least two of the following areas: economic, social and cultural contributions to the local community.</p> <p>Events within this category must demonstrate reasonable community focus.</p>    |
| <p><b>4. Bronze Sponsorship (under \$1000)</b></p>  | <p>This level of sponsorship is available to Minor Events within the Colac Otway region.</p> <p>Events in this category will have an attendance of up to 1,000</p> <p>Events within this category will provide some benefits to the Colac Otway Shire in terms of economic, cultural and social growth to the region.</p> <p>The event will also provide some promotional marketing opportunity (including print, signage and web) to the Colac Otway Shire and may be a motivator for people to visit the region.</p>             | <p>This level of sponsorship is available to Minor Community Events within the Colac Otway region.</p> <p>Events in this category will have an attendance of up to 1,000.</p> <p>Events within this category will provide some benefits to the Colac Otway Shire in terms of at least two of the following areas: economic, cultural and social growth to the region.</p> <p>Events within this category must demonstrate some community focus.</p> |
| <p><b>5. Seed Funding (under \$1000)</b></p>        | <p>This level of sponsorship is available to newly established events within the Colac Otway region.</p>                                                                                                                                                                                                                                                                                                                                                                                                                           | <p>This level of sponsorship is available to newly established events within the Colac Otway region.</p>                                                                                                                                                                                                                                                                                                                                            |

## 6. NON-CONFORMING APPLICATIONS

Applications found to be ineligible will be notified in writing as part of the assessment process.

Council will not sponsor the following:

- Festivals or Events that do not have a strong community base.
- Festivals or Events which are conducted completely outside the boundaries of the Colac Otway Shire.
- Duplication or replacement of other sources of funding for existing activities.
- Festivals which start before 1 July 2012 or after 30 June 2013.
- A major Festival or Event clashes with another Colac Otway Shire Festival or Event.

## 7. THE SPONSORSHIP AGREEMENT

Successful applicants will be required to enter into an agreement with the Colac Otway Shire Council.

Larger festivals and events may wish to select one or more aspects of their program to be sponsored by the Colac Otway Shire. The Colac Otway Shire would then be recognised as a major sponsor of that event component or as a general sponsor of the overall festival or event. Acknowledgment will be commensurate with the nature of the project and level of support provided.

At a minimum, the Sponsorship Agreement includes:

- Colac Otway Shire signage at all activities and events related to the project.
- Recognition of Colac Otway Shire sponsorship in all advertising and promotional material.
- All printed material including invitations, fliers, posters and programs must include the Colac Otway Shire logo.
- An opportunity must be provided for a Colac Otway Shire representative to speak at key events and activities.
- Inclusion of sponsor message in the festival or event program and related publications at no charge.
- Colac Otway Shire flags or banners may be required by Council to be erected in designated positions.
- The organisers must provide the Colac Otway Shire Events Officer with regular information updates on the project, i.e. minutes of meetings.
- Sponsor invitations for Colac Otway Shire councillors and key representatives.
- Agreement of Event/Festival organiser to implement "Survey Monkey" Evaluations or suitable equivalent for Platinum and Gold categories.
- Agreement of Event/Festival organiser to ensure the event is a "Waste Managed" event.
- Access to the Colac Otway Shire Waste Trailer.
- Colac Otway Shire marquees (6m x 3m and/or 3m x 3m) for use at the event.

## 8. SURVEY MONKEY EVENT EVALUATION (or equivalent)

Successful applicants will be required to implement the "Survey Monkey Evaluation" system under Platinum and Gold categories. This system will enable festival and event organisers to assess the amount of new funds that are injected into the region as a result of their event by either on-line or via hard copy survey. "Survey Monkey" enables a method of collecting key demographic, marketing and visitor satisfaction

data to assist the ongoing improvement of festivals and events. All other categories, excluding Platinum and Gold must provide information regarding visitor numbers and place of origin. Numbers and locations of visiting numbers need to be supplied.

#### 9. PUBLIC LIABILITY AND INSURANCE

A Public Liability Insurance Policy for at least ten million dollars (\$10 million) ?? for the festival/event must be obtained by the Festival organiser prior to the funds being released by the Colac Otway Shire Festivals and Events Support Fund.

#### 10. FINANCIAL AND REPORTING FORMS

It is a condition of sponsorship that a written, detailed brief be submitted within six (6) weeks of the end of the festival. Financial Reports are also required within ten (10) to twelve (12) weeks of the end of the festival. If a Financial Report cannot be returned in this time frame, please contact the Events Officer to advise the agreed date to be submitted. The financial statement must detail the expenditure of the amount and purpose of the grant against the budget submitted. Any unexpended funds must be returned to the Colac Otway Shire. Audited financial statements are required for Gold and Platinum level applications. Failure to meet these time frames, may affect further applications for future funding.

Evidence of all printed material is imperative. Printed material featuring the Council logo and clippings of media exposure should accompany the evaluation report. Colac Otway Shire will utilise promotional material for their own promotional purposes.

The Reporting form and financial acquittal will be issued within two (2) weeks after your event by the Events Officer either via email or hard copy.

#### 11. ASSESSMENT

Applications will be submitted to a Council Sub-committee who will assess the recommended applications which will then be ratified by Council. Your application will form part of Council's Budget process for the following financial year.

##### Assessment Criteria

Factors taken into account when assessing applications include:

| Assessment Criteria                                                                                                                                                                        | Weighting |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| <b>Social opportunities</b> - Detail the community benefits provided by the project both short and long term                                                                               | 20%       |
| <b>Economic Development opportunities</b> - Describe how the project stimulates visitation/tourism and increases economic development opportunities for residents of the Colac Otway Shire | 20%       |
| <b>Cultural opportunities</b><br>Describe how the event contributes towards the development of community arts & culture, networks, programs and/or projects.                               | 20%       |
| Does the organisation meet <b>eligibility requirements</b> including availability of the organisation's contribution                                                                       | 10%       |
| Whether the <b>aim and objectives</b> of the proposal are <b>achievable and realistic</b> .                                                                                                | 10%       |
| Provision of <b>sufficient documentation</b> for the proposal including letters of support, quotes etc                                                                                     | 10%       |
| Marketing/promotional opportunity                                                                                                                                                          | 10%       |

Applicants should note that the submission of an application **does not** necessarily guarantee funding of the proposal.



**12. AVAILABLE FUNDING**

The level of assistance available through the Festivals and Events Support Scheme is limited by Council's budget.

No applicant can be guaranteed sponsorship nor can any applicant be guaranteed funding to the level requested. Please note that Council cannot totally fund any festival or event, nor does it fund retrospectively. Council's ongoing support should not be relied upon as each year applications will be assessed in conjunction with other applications and will be determined on funding available.

An unsuccessful application does not necessarily mean that the project or activity is unworthy of support. An application could be rejected because of limited resources or the need to balance support given to a wide range of festivals and events after considering the assessment criteria.

**13. IMPLEMENTATION**

Upon notification of a successful application, the applicant organisation will negotiate the required services with the Events Officer. This may include participation in Council's Event approval process and attendance at Council "E Team" meetings as part of the Event Approval process.



Maddocks Delegations and Authorisations

**S6. Instrument of Delegation – Members of Staff**

**Colac Otway Shire Council**

**Instrument of Delegation**

**to**

**Members of Council Staff**

22 February 2012

S6. Instrument of Delegation – Members of Staff

### Instrument of Delegation

In exercise of the power conferred by section 98(1) of the *Local Government Act 1989* and the other legislation referred to in the attached Schedule, the Council:

1. delegates each duty and/or function and/or power described in column 1 of the Schedule (and summarised in column 2 of the Schedule) to the member of Council staff holding, acting in or performing the duties of the office or position described opposite each such duty and/or function and/or power in column 3 of the Schedule;
2. records that a reference in the Schedule to:

|         |                                                            |
|---------|------------------------------------------------------------|
| "BEA"   | means Building and Environment Administrator               |
| "CC"    | means Contracts Co-ordinator                               |
| "EHC"   | means Environmental Health Co-ordinator                    |
| "EHO"   | means Environmental Health Officer (FSO)                   |
| "EO"    | means Environment Officer                                  |
| "EP"    | means Environment Planner                                  |
| "GMCCS" | means General Manager Corporate and Community Services     |
| "GMSPD" | means General Manager Sustainable Planning and Development |
| "GMIS"  | means General Manager Infrastructure and Services          |
| "LLC"   | means Local Laws Co-ordinator                              |
| "LLO"   | means Local Laws Officer                                   |
| "MBS"   | means Municipal Building Surveyor                          |
| "MCW"   | means Manager Capital Works                                |
| "MCWS"  | means Manager Cosworks                                     |
| "MECS"  | means Manager Environment & Community Safety               |
| "MFCS"  | means Manager Finance & Customer Services                  |
| "MFPO"  | means Municipal Fire Prevention Officer                    |
| "MHCS"  | means Manager Health & Community Services                  |
| "MPB"   | means Manager Planning and Building                        |
| "MSA"   | means Manager Sustainable Assets                           |
| "PA"    | means Planning Assistant                                   |
| "PC"    | means Planning Co-ordinator                                |
| "PCofC" | means Planning Committee of Council                        |
| "PRC"   | means Property & Rates Co-ordinator                        |
| "PLO"   | means Planning Officer (inc. Planning Enforcement Officer) |
3. declares that:
  - 3.1 this Instrument of Delegation is authorised by resolution of Council passed on .
  - 3.2 the delegation:
    - 3.1.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
    - 3.1.2 remains in force until varied or revoked;
    - 3.1.3 is subject to any conditions and limitations set out in the Schedule;and
  - 3.1.4 must be exercised in accordance with any guidelines or policies which Council from time to time adopts.

Deleted:  
Deleted: 27 July 2011

This Delegation was amended by Resolution of the Colac Otway Shire Council on

THE COMMON SEAL of the )  
COLAC OTWAY SHIRE COUNCIL was )  
hereunto affixed in the presence of: )

.....  
Chief Executive Officer

| S6. Instrument of Delegation – Members of Staff

22 February 2012

Deleted:  
Deleted: 27 July 2011

**SCHEDULE**

S6. Instrument of Delegation – Members of Staff

22 February 2012

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Deleted: pursuant to section 8(1)(a)(ii) of this Act

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| Column 1        | Column 2                                                                                                                                                       | Column 3             | Column 4                                                                                                    |
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| PROVISION       | THING DELEGATED                                                                                                                                                | DELEGATE             | CONDITIONS & LIMITATIONS                                                                                    |
| s.8(1)(a)(ii)   | power to manage one or more public cemeteries                                                                                                                  | PRC<br>GMCCS<br>MFCS | <ul style="list-style-type: none"> <li>where appointed to manage cemetery by Governor in Council</li> </ul> |
| s.12(1)         | function to properly and efficiently manage and maintain each public cemetery for which responsible and carry out any other function conferred under this Act. | PRC<br>GMCCS<br>MFCS | where Council is a Class B cemetery trust                                                                   |
| s.12(2)         | duty to have regard to the matters set out in paragraphs (a)-(c) in exercising its functions                                                                   | PRC<br>GMCCS<br>MFCS | where Council is a Class B cemetery trust                                                                   |
| s.13            | duty to do anything necessary or convenient to enable it to carry out its functions                                                                            | PRC<br>GMCCS<br>MFCS |                                                                                                             |
| s.14            | power to manage multiple public cemeteries as if they are one cemetery                                                                                         | PRC<br>GMCCS<br>MFCS |                                                                                                             |
| s.15(1) and (2) | power to delegate powers or functions other than those listed                                                                                                  | PRC<br>GMCCS<br>MFCS |                                                                                                             |
| s.15(4)         | duty to keep records of delegations                                                                                                                            | PRC<br>GMCCS<br>MFCS |                                                                                                             |
| s.17(1)         | power to employ any persons necessary                                                                                                                          | PRC<br>GMCCS<br>MFCS |                                                                                                             |

**CEMETERIES AND CREMATORIA ACT 2003**  
The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53).

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| <b>CEMETERIES AND CREMATORIA ACT 2003</b>                                                                                                                                                                                                             |                                                                                      |                      |                                                                                                             |
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| PROVISION                                                                                                                                                                                                                                             | THING DELEGATED                                                                      | DELEGATE             | CONDITIONS & LIMITATIONS                                                                                    |
| s.17(2)                                                                                                                                                                                                                                               | power to engage any professional, technical or other assistance considered necessary | PRC<br>GMCCS<br>MFCS |                                                                                                             |
| s.17(3)                                                                                                                                                                                                                                               | power to determine the terms and conditions of employment or engagement              | PRC<br>GMCCS<br>MFCS | subject to any guidelines or directions of the Secretary                                                    |
| s.18(3)                                                                                                                                                                                                                                               | duty to comply with a direction from the Secretary                                   | PRC<br>GMCCS<br>MFCS |                                                                                                             |
| s.19                                                                                                                                                                                                                                                  | power to carry out or permit the carrying out of works                               | PRC<br>GMCCS<br>MFCS |                                                                                                             |
| s.20(1)                                                                                                                                                                                                                                               | duty to set aside areas for the interment of human remains                           | PRC<br>GMCCS<br>MFCS |                                                                                                             |
| s.20(2)                                                                                                                                                                                                                                               | power to set aside areas for the purposes of managing a public cemetery              | PRC<br>GMCCS<br>MFCS |                                                                                                             |
| s.20(3)                                                                                                                                                                                                                                               | power to set aside areas for those things in paragraphs (a) – (e)                    | PRC<br>GMCCS<br>MFCS |                                                                                                             |
| s.21(1)                                                                                                                                                                                                                                               | power to establish and operate a crematorium in a public cemetery                    | PRC<br>GMCCS<br>MFCS | Council must not establish or operate a crematorium set aside for particular religious or community groups. |
| s.22                                                                                                                                                                                                                                                  | power to establish mausolea facilities                                               | PRC<br>GMCCS<br>MFCS | subject to the prior written approval of the secretary                                                      |

Deleted: pursuant to section 8(1)(e)(ii) of this Act

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S6. Instrument of Delegation – Members of Staff

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| <b>CEMETERIES AND CREMATATORIA ACT 2003</b><br>The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53) |                                                                                                                            |                      |                                                                                                                          |
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| PROVISION                                                                                                                                                                                                                                                                                            | THING DELEGATED                                                                                                            | DELEGATE             | CONDITIONS & LIMITATIONS                                                                                                 |
| s.24(2)                                                                                                                                                                                                                                                                                              | power to apply to the Secretary for approval to alter the existing distribution of land                                    | PRC<br>GMCCS<br>MFCS |                                                                                                                          |
| s.26(1)                                                                                                                                                                                                                                                                                              | power to make rules for or with respect to the general care, protection and management of a public cemetery                | PRC<br>GMCCS<br>MFCS |                                                                                                                          |
| s.36                                                                                                                                                                                                                                                                                                 | power to grant licences to enter and use part of the land or building in a public cemetery in accordance with this section | PRC<br>GMCCS<br>MFCS | subject to the approval of the Minister                                                                                  |
| s.37                                                                                                                                                                                                                                                                                                 | power to grant leases over land in a public cemetery in accordance with this section                                       | PRC<br>GMCCS<br>MFCS | subject to the Minister approving the purpose                                                                            |
| s.39(1)                                                                                                                                                                                                                                                                                              | power to fix fees and charges or a scale of fees and charges for its services in accordance with this section              | PRC<br>GMCCS<br>MFCS | Subject to the Minister approving the purpose                                                                            |
| s.39(3)                                                                                                                                                                                                                                                                                              | power to fix different fees and charges for different cases or classes of cases                                            | PRC<br>GMCCS<br>MFCS |                                                                                                                          |
| s.40                                                                                                                                                                                                                                                                                                 | duty to notify Secretary of fees and charges fixed under section 39                                                        | PRC<br>GMCCS<br>MFCS |                                                                                                                          |
| s.45                                                                                                                                                                                                                                                                                                 | power to invest money                                                                                                      | PRC<br>GMCCS<br>MFCS | subject to any direction of the Minister.<br>This provision does not apply if the management of the public cemetery is a |

Deleted, pursuant to section 8(1)(a)(ii) of this Act

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| <b>CEMETERIES AND CREMATORIA ACT 2003</b>                                                                                                                                                                                                             |                                                                                                                                        |                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
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| PROVISION                                                                                                                                                                                                                                             | THING DELEGATED                                                                                                                        | DELEGATE             | CONDITIONS & LIMITATIONS                                                                                                                                                                                                                                                                                                                                                                                                                         |
| s.46                                                                                                                                                                                                                                                  | power to borrow money to enable it to perform its functions and exercise its powers                                                    | PRC<br>GMCCS<br>MFCS | municipal council, not a cemetery trust. In this case the borrowing and investment powers are governed by the <i>Local Government Act 1989</i> .<br><br>subject to the approval and conditions of the Treasurer.<br>This provision does not apply if the management of the public cemetery is a municipal council, not a cemetery trust. In this case the borrowing and investment powers are governed by the <i>Local Government Act 1989</i> . |
| s.47                                                                                                                                                                                                                                                  | power to pay a contribution toward the cost of the construction and maintenance of any private street adjoining or abutting a cemetery | PRC<br>GMCCS<br>MFCS | provided the street was constructed pursuant to the <i>Local Government Act 1989</i>                                                                                                                                                                                                                                                                                                                                                             |
| s.57(1)                                                                                                                                                                                                                                               | duty to submit a report to the Secretary every financial year in respect of powers and functions under the Act                         | PRC<br>GMCCS<br>MFCS | applies only to municipal councils, not cemetery trusts.<br>Report must contain the particulars listed in s.57(2)                                                                                                                                                                                                                                                                                                                                |
| s.59                                                                                                                                                                                                                                                  | duty to keep records for each public cemetery                                                                                          | PRC<br>GMCCS<br>MFCS |                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| s.60(1)                                                                                                                                                                                                                                               | duty to make information in records available to the public for historical or research purposes                                        | PRC<br>GMCCS<br>MFCS |                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

Deleted: pursuant to section 8(1)(a)(ii) of this Act

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Deleted: pursuant to section 8(1)(a)(ii) of this Act

| <b>CEMETERIES AND CREMATORIA ACT 2003</b><br>The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53) |                                                                                                                                 |                      |                                                                        |
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| PROVISION                                                                                                                                                                                                                                                                                          | THING DELEGATED                                                                                                                 | DELEGATE             | CONDITIONS & LIMITATIONS                                               |
| s.60(2)                                                                                                                                                                                                                                                                                            | power to charge fees for providing information                                                                                  | PRC<br>GMCCS<br>MFCS |                                                                        |
| s.64(4)                                                                                                                                                                                                                                                                                            | duty to comply with a direction from the Secretary under section 64(3)                                                          | PRC<br>GMCCS<br>MFCS |                                                                        |
| s.64B(d)                                                                                                                                                                                                                                                                                           | power to permit interments at a reopened cemetery                                                                               | PRC<br>GMCCS<br>MFCS |                                                                        |
| s.66(1)                                                                                                                                                                                                                                                                                            | power to apply to the Minister for approval to convert the cemetery, or part of it, to a historic cemetery park                 | PRC<br>GMCCS<br>MFCS | the application must include the requirements listed in s.66(2)(a)-(d) |
| s.69                                                                                                                                                                                                                                                                                               | duty to take reasonable steps to notify of conversion to historic cemetery park                                                 | PRC<br>GMCCS<br>MFCS |                                                                        |
| s.70(1)                                                                                                                                                                                                                                                                                            | duty to prepare plan of existing places of interment and make a record of any inscriptions on memorials which are to be removed | PRC<br>GMCCS<br>MFCS |                                                                        |
| s.70(2)                                                                                                                                                                                                                                                                                            | duty to make plans of existing place of interment available to the public                                                       | PRC<br>GMCCS<br>MFCS |                                                                        |
| s.71(1)                                                                                                                                                                                                                                                                                            | power to remove any memorials or other structures in an area to which an approval to convert applies                            | PRC<br>GMCCS<br>MFCS |                                                                        |

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| Column 1  | Column 2                                                                                                                                             | Column 3             | Column 4                 |
|-----------|------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|--------------------------|
| PROVISION | THING DELEGATED                                                                                                                                      | DELEGATE             | CONDITIONS & LIMITATIONS |
| s.71(2)   | power to dispose of any memorial or other sriture removed                                                                                            | PRC<br>GMCCS<br>MFCS |                          |
| s.72(2)   | duty to comply with request received under section 72                                                                                                | PRC<br>GMCCS<br>MFCS |                          |
| s.73(1)   | power to grant a right of interment                                                                                                                  | PRC<br>GMCCS<br>MFCS |                          |
| s.73(2)   | power to impose conditions on the right of interment                                                                                                 | PRC<br>GMCCS<br>MFCS |                          |
| s.75      | power to grant the rights of interment set out in subsections (a) and (b)                                                                            | PRC<br>GMCCS<br>MFCS |                          |
| s.76(3)   | duty to allocate a piece of interment if an unallocated right is granted                                                                             | PRC<br>GMCCS<br>MFCS |                          |
| s.77(4)   | power to authorise and impose terms and conditions on the removal of cremated human remains or body parts from the place of interment on application | PRC<br>GMCCS<br>MFCS |                          |
| s.80(1)   | function of receiving notification and payment of transfer of right of interment                                                                     | PRC<br>GMCCS<br>MFCS |                          |

Deleted: pursuant to section 8(1)(a)(ii) of this Act

**CEMETERIES AND CREMATORIA ACT 2003**  
The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)

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| <b>CEMETERIES AND CREMATORIA ACT 2003</b><br>The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53). |                                                                                                                                        |                      |                                                                              |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------|----------------------|------------------------------------------------------------------------------|
| Column 1                                                                                                                                                                                                                                                                                            | Column 2                                                                                                                               | Column 3             | Column 4                                                                     |
| PROVISION                                                                                                                                                                                                                                                                                           | THING DELEGATED                                                                                                                        | DELEGATE             | CONDITIONS & LIMITATIONS                                                     |
| s.80(2)                                                                                                                                                                                                                                                                                             | function of recording transfer of right of interment                                                                                   | PRC<br>GMCCS<br>MFCS |                                                                              |
| s.82(2)                                                                                                                                                                                                                                                                                             | duty to pay refund on the surrender of an unexercised right of interment                                                               | PRC<br>GMCCS<br>MFCS |                                                                              |
| s.83(2)                                                                                                                                                                                                                                                                                             | duty to pay refund on the surrender of an unexercised right of interment (sold holder)                                                 | PRC<br>GMCCS<br>MFCS |                                                                              |
| s.83(3)                                                                                                                                                                                                                                                                                             | power to remove any memorial and grant another right of interment for a surrendered right of interment                                 | PRC<br>GMCCS<br>MFCS |                                                                              |
| s.84(1)                                                                                                                                                                                                                                                                                             | function of receiving notice of surrendering an entitlement to a right of interment                                                    | PRC<br>GMCCS<br>MFCS |                                                                              |
| s.85(1)                                                                                                                                                                                                                                                                                             | duty to notify holder of 25 year right of interment of expiration at least 12 months before expiry                                     | PRC<br>GMCCS<br>MFCS | the notice must be in writing and contain the requirements listed in s.85(2) |
| s.86                                                                                                                                                                                                                                                                                                | power to remove and dispose of cremated human remains and remove any memorial if no action taken by right holder within time specified | PRC<br>GMCCS<br>MFCS |                                                                              |
| s.87(3)                                                                                                                                                                                                                                                                                             | duty, if requested, to extend the right for a further 25 years or convert the right to a perpetual right of interment                  | PRC<br>GMCCS<br>MFCS |                                                                              |

Deleted: pursuant to section 8(1)(a)(ii) of this Act

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S6. Instrument of Delegation – Members of Staff

| Column 1  | Column 2                                                                                                                                              | Column 3             | Column 4                                                                                                                                                               |
|-----------|-------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| PROVISION | THING DELEGATED                                                                                                                                       | DELEGATE             | CONDITIONS & LIMITATIONS                                                                                                                                               |
| s.88      | function to receive applications to carry out a life and reposition procedure at a place of interment                                                 | PRC<br>GMCCS<br>MFCS |                                                                                                                                                                        |
| s.89(1)   | power to approve or refuse an application for a lift and re-position procedure in accordance with sub-section (2) & (3)                               | PRC<br>GMCCS<br>MFCS | <ul style="list-style-type: none"> <li>Can only be delegated to members of a committee established under section 86 of the <i>Local Government Act 1989</i></li> </ul> |
| s.90      | power to authorise a person without an exhumation licence to carry out a lift and re-position procedure as set out in section 90(1)(a)-(d)            | PRC<br>GMCCS<br>MFCS | <ul style="list-style-type: none"> <li>Can only be delegated to members of a committee established under section 86 of the <i>Local Government Act 1989</i></li> </ul> |
| s.91(1)   | power to cancel a right of interment in accordance with this section                                                                                  | PRC<br>GMCCS<br>MFCS |                                                                                                                                                                        |
| s.91(3)   | duty to publish notice of intention to cancel right of interment                                                                                      | PRC<br>GMCCS<br>MFCS |                                                                                                                                                                        |
| s.92      | power to pay refund or grant a right of interment in respect of another place of interment to the previous holder of the cancelled right of interment | PRC<br>GMCCS<br>MFCS |                                                                                                                                                                        |
| s.98(1)   | function of receiving application to establish or alter a memorial or a place of interment                                                            | PRC<br>GMCCS<br>MFCS |                                                                                                                                                                        |
| s.99      | power to approve or refuse an application made under section 98 or to cancel an approval                                                              | PRC<br>GMCCS<br>MFCS |                                                                                                                                                                        |

Deleted: pursuant to section 8(1)(a)(ii) of this Act

**CEMETERIES AND CREMATORIA ACT 2003**  
The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)

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S6. Instrument of Delegation – Members of Staff

Deleted: pursuant to section 8(1)(a)(ii) of this Act

| <b>CEMETERIES AND CREMATORIA ACT 2003</b>                                                                                                                                                                                                             |                                                                                                                                                                               |                      |                          |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|--------------------------|
| The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53) |                                                                                                                                                                               |                      |                          |
| Column 1                                                                                                                                                                                                                                              | Column 2                                                                                                                                                                      | Column 3             | Column 4                 |
| PROVISION                                                                                                                                                                                                                                             | THING DELEGATED                                                                                                                                                               | DELEGATE             | CONDITIONS & LIMITATIONS |
| s.99(4)                                                                                                                                                                                                                                               | duty to make a decision on an application under section 98 within 45 days after receipt of the application or within 45 days of receiving further information where requested | PRC<br>GMCCS<br>MFCS |                          |
| s.100(1)                                                                                                                                                                                                                                              | power to require a person to remove memorials or places of interment                                                                                                          | PRC<br>GMCCS<br>MFCS |                          |
| s.100(2)                                                                                                                                                                                                                                              | power to remove and dispose a memorial or place of interment or remedy a person's failure to comply with section 100(1)                                                       | PRC<br>GMCCS<br>MFCS |                          |
| s.100(3)                                                                                                                                                                                                                                              | power to recover costs of taking action under section 100(2)                                                                                                                  | PRC<br>GMCCS<br>MFCS |                          |
| s.101                                                                                                                                                                                                                                                 | function of receiving applications to establish or alter a building for ceremonies in the cemetery                                                                            | PRC<br>GMCCS<br>MFCS |                          |
| s.102(1)                                                                                                                                                                                                                                              | power to approve or refuse (if satisfied of the matters in (b) and (c)) an application under section 101                                                                      | PRC<br>GMCCS<br>MFCS |                          |
| S.102(2)&(3)                                                                                                                                                                                                                                          | power to set terms and conditions in respect of, or to cancel, an approval granted under section 102(1)                                                                       | PRC<br>GMCCS<br>MFCS |                          |

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Deleted: pursuant to section 8(1)(a)(ii) of this Act

| <b>CEMETERIES AND CREMATORIA ACT 2003</b><br>The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53) |                                                                                                                                                                    |                      |                          |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|--------------------------|
| Column 1                                                                                                                                                                                                                                                                                           | Column 2                                                                                                                                                           | Column 3             | Column 4                 |
| PROVISION                                                                                                                                                                                                                                                                                          | THING DELEGATED                                                                                                                                                    | DELEGATE             | CONDITIONS & LIMITATIONS |
| s.103(1)                                                                                                                                                                                                                                                                                           | power to require a person to remove a building for ceremonies                                                                                                      | PRC<br>GMCCS<br>MFCS |                          |
| s.103(2)                                                                                                                                                                                                                                                                                           | power to remove and dispose of a building for ceremonies or remedy the failure to comply with section 103(1)                                                       | PRC<br>GMCCS<br>MFCS |                          |
| s.103(3)                                                                                                                                                                                                                                                                                           | power to recover costs of taking action under section 103(2)                                                                                                       | PRC<br>GMCCS<br>MFCS |                          |
| s.106(1)                                                                                                                                                                                                                                                                                           | power to require the holder of the right of interment of the requirement to make the memorial or place of interment safe and proper or carry out specified repairs | PRC<br>GMCCS<br>MFCS |                          |
| s.106(2)                                                                                                                                                                                                                                                                                           | power to require the holder of the right of interment to provide for an examination                                                                                | PRC<br>GMCCS<br>MFCS |                          |
| s.106(3)                                                                                                                                                                                                                                                                                           | power to open and examine the place of interment if section 106(2) not complied with                                                                               | PRC<br>GMCCS<br>MFCS |                          |
| s.106(4)                                                                                                                                                                                                                                                                                           | power to repair or – with the approval of the Secretary - take down, remove and dispose any memorial or place of interment if notice under                         | PRC<br>GMCCS<br>MFCS |                          |

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Deleted: pursuant to section 8(1)(a)(ii) of this Act

| <b>CEMETERIES AND CREMATORIA ACT 2003</b>                                                                                                                                                                                                             |                                                                                                                                                               |                      |                                                                              |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|------------------------------------------------------------------------------|
| The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53) |                                                                                                                                                               |                      |                                                                              |
| Column 1                                                                                                                                                                                                                                              | Column 2                                                                                                                                                      | Column 3             | Column 4                                                                     |
| PROVISION                                                                                                                                                                                                                                             | THING DELEGATED                                                                                                                                               | DELEGATE             | CONDITIONS & LIMITATIONS                                                     |
| s.107(1)                                                                                                                                                                                                                                              | section 106(1) is not complied with<br>power to require person responsible to make the building for ceremonies safe and proper or carry out specified repairs | PRC<br>GMCCS<br>MFCS |                                                                              |
| s.107(2)                                                                                                                                                                                                                                              | power to repair or take down, remove and dispose any building for ceremonies if notice under section 107(1) is not complied with                              | PRC<br>GMCCS<br>MFCS |                                                                              |
| s.108                                                                                                                                                                                                                                                 | power to recover costs and expenses                                                                                                                           | PRC<br>GMCCS<br>MFCS |                                                                              |
| s.109(1)(a)                                                                                                                                                                                                                                           | power to open, examine and repair a place of interment                                                                                                        | PRC<br>GMCCS<br>MFCS | where the holder of right of interment or responsible person cannot be found |
| s.109(1)(b)                                                                                                                                                                                                                                           | power to repair a memorial or, with the Secretary's consent, take down, remove and dispose of a memorial                                                      | PRC<br>GMCCS<br>MFCS | where the holder of right of interment or responsible person cannot be found |
| s.109(2)                                                                                                                                                                                                                                              | power to repair the building for ceremonies or, with the consent of the Secretary, take down, remove and dispose of a building for ceremonies                 | PRC<br>GMCCS<br>MFCS | where the holder of right of interment or responsible person cannot be found |
| s.110(1)                                                                                                                                                                                                                                              | power to maintain, repair or restore a memorial or place of interment from other funds if unable to find right of interment holder with consent of the        | PRC<br>GMCCS<br>MFCS |                                                                              |

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Deleted, pursuant to section 8(1)(a)(ii) of this Act

| <b>CEMETERIES AND CREMATORIA ACT 2003</b><br>The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53) |                                                                                                                                                                       |                      |                          |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|--------------------------|
| Column 1                                                                                                                                                                                                                                                                                           | Column 2                                                                                                                                                              | Column 3             | Column 4                 |
| PROVISION                                                                                                                                                                                                                                                                                          | THING DELEGATED                                                                                                                                                       | DELEGATE             | CONDITIONS & LIMITATIONS |
| s.110(2)                                                                                                                                                                                                                                                                                           | Secretary<br>power to maintain, repair or restore any building for ceremonies from other funds if unable to find responsible person and with consent of the Secretary | PRC<br>GMCCS<br>MFCS |                          |
| s.111                                                                                                                                                                                                                                                                                              | power to enter into agreement with a holder of the right of interment to maintain a memorial or place of interment                                                    | PRC<br>GMCCS<br>MFCS |                          |
| s.112                                                                                                                                                                                                                                                                                              | power to sell and supply memorials                                                                                                                                    | PRC<br>GMCCS<br>MFCS |                          |
| s.116(4)                                                                                                                                                                                                                                                                                           | duty to notify the Secretary of an interment authorisation granted                                                                                                    | PRC<br>GMCCS<br>MFCS |                          |
| s.116(5)                                                                                                                                                                                                                                                                                           | power to require an applicant to produce evidence of the right of interment holder's consent to application                                                           | PRC<br>GMCCS<br>MFCS |                          |
| s.118                                                                                                                                                                                                                                                                                              | power to grant an interment authorisation if satisfied that the requirements of Division 2 of Part 8 have been met                                                    | PRC<br>GMCCS<br>MFCS |                          |
| s.119                                                                                                                                                                                                                                                                                              | power to set terms and conditions for interment authorisations                                                                                                        | PRC<br>GMCCS<br>MFCS |                          |
| s.131                                                                                                                                                                                                                                                                                              | function of receiving an application for cremation                                                                                                                    | PRC<br>GMCCS         |                          |

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| <b>CEMETERIES AND CREMATORIA ACT 2003</b>                                                                                                                                                                                                             |                                                                                                                                        |                               |                                          |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|------------------------------------------|
| The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53) |                                                                                                                                        |                               |                                          |
| Column 1                                                                                                                                                                                                                                              | Column 2                                                                                                                               | Column 3                      | Column 4                                 |
| PROVISION                                                                                                                                                                                                                                             | THING DELEGATED                                                                                                                        | DELEGATE                      | CONDITIONS & LIMITATIONS                 |
| s.133(1)                                                                                                                                                                                                                                              | authorisation<br>duty not to grant a cremation authorisation unless satisfied that requirements of section 133 have been complied with | MFCSS<br>PRC<br>GMCCS<br>MFCS |                                          |
| s.145                                                                                                                                                                                                                                                 | duty to comply with an order made by the Magistrates' Court or a coroner                                                               | PRC<br>GMCCS<br>MFCS          |                                          |
| s.146                                                                                                                                                                                                                                                 | power to dispose of bodily remains by a method other than interment or cremation with the approval of the Secretary                    | PRC<br>GMCCS<br>MFCS          | subject to the approval of the Secretary |
| s.147                                                                                                                                                                                                                                                 | power to apply to the Secretary for approval to dispose of bodily remains by a method other than interment or cremation                | PRC<br>GMCCS<br>MFCS          |                                          |
| s.149                                                                                                                                                                                                                                                 | duty to cease using method of disposal if approval revoked by the Secretary                                                            | PRC<br>GMCCS<br>MFCS          |                                          |
| s.150 & 152(1)                                                                                                                                                                                                                                        | power to authorise the interment or cremation of body parts if the requirements of Division 1 of Part 11 are met                       | PRC<br>GMCCS<br>MFCS          |                                          |
| s.151                                                                                                                                                                                                                                                 | function of receiving an application to inter or cremate body parts                                                                    | PRC<br>GMCCS<br>MFCS          |                                          |

Deleted; pursuant to section 8(1)(a)(ii) of this Act

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| Column 1                   | Column 2                                                                                                                                   | Column 3             | Column 4                                                      |
|----------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|----------------------|---------------------------------------------------------------|
| <b>PROVISION</b>           | <b>THING DELEGATED</b>                                                                                                                     | <b>DELEGATE</b>      | <b>CONDITIONS &amp; LIMITATIONS</b>                           |
| s.152(2)                   | power to impose terms and conditions on authorisation granted under section 150                                                            | PRC<br>GMCCS<br>MFCS |                                                               |
| Schedule 1A<br>Clause 8(3) | power to permit members to participate in a particular meeting by telephone, closed-circuit television or any other means of communication | PRC<br>GMCCS<br>MFCS | where Council is a Class B cemetery trust                     |
| Schedule 1<br>Clause 8(8)  | power to regulate own proceedings                                                                                                          | PRC<br>GMCCS<br>MFCS | where Council is a Class B cemetery trust subject to clause 8 |

Deleted: pursuant to section 8(1)(a)(ii) of this Act

**CEMETERIES AND CREMATORIA ACT 2003**  
The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)

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| DOMESTIC ANIMALS ACT 1994 |                                             |                 |                                                          |
|---------------------------|---------------------------------------------|-----------------|----------------------------------------------------------|
| Column 1                  | Column 2                                    | Column 3        | Column 4                                                 |
| <b>PROVISION</b>          | <b>THING DELEGATED</b>                      | <b>DELEGATE</b> | <b>CONDITIONS AND LIMITATIONS</b>                        |
| s.41A(1)                  | power to declare a dog to be a menacing dog | LLC             | Council may delegate this power to an authorised officer |

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S6. Instrument of Delegation – Members of Staff

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| ENVIRONMENT PROTECTION ACT 1970 |                                                                   |                                          |                                                           |
|---------------------------------|-------------------------------------------------------------------|------------------------------------------|-----------------------------------------------------------|
| Column 1                        | Column 2                                                          | Column 3                                 | Column 4                                                  |
| PROVISION                       | THING DELEGATED                                                   | DELEGATE                                 | CONDITIONS & LIMITATIONS                                  |
| s.53M(3)                        | power to require further information                              | MHCS<br>EHC<br>EHO<br>MECS<br>LLC<br>LLO |                                                           |
| s.53M(4)                        | duty to advise applicant that application is not to be dealt with | MHCS<br>EHC<br>EHO<br>MECS<br>LLC<br>LLO |                                                           |
| s.53M(5)                        | duty to approve plans, issue permit or refuse permit              | MHCS<br>EHC<br>EHO                       | refusal must be ratified by Council or it is of no effect |
| s.53M(6)                        | power to refuse to issue septic tank permit                       | MHCS<br>EHC<br>EHO                       | refusal must be ratified by Council or it is of no effect |
| s.53M(7)                        | duty to refuse to issue a permit in circumstances in (a)-(c)      | MHCS<br>EHC<br>EHO                       | refusal must be ratified by Council or it is of no effect |

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| FOOD ACT 1984 |                                                                                                                                                                                                 |                    |                                                                           |
|---------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|---------------------------------------------------------------------------|
| Column 1      | Column 2                                                                                                                                                                                        | Column 3           | Column 4                                                                  |
| PROVISION     | THING DELEGATED                                                                                                                                                                                 | DELEGATE           | CONDITIONS & LIMITATIONS                                                  |
| s.19(2)(a)    | power to direct by written order that the food premises be put into a clean and sanitary condition                                                                                              | MHCS<br>EHC<br>EHO | If section 19(1) applies                                                  |
| s.19(2)(b)    | power to direct by written order that specified steps be taken to ensure that food prepared, sold or handled is safe and suitable                                                               | MHCS<br>EHC<br>EHO | If section 19(1) applies                                                  |
| s.19(4)(a)    | power to direct that an order made under section 19(3)(a) or (b), (i) be affixed to conspicuous part of the premises and (ii) inform the public by notice in a published newspaper or otherwise | MHCS<br>EHC<br>EHO | If section 19(1) applies                                                  |
| s.19(4)(b)    | duty to notify the Department of the making of the order                                                                                                                                        | MHCS<br>EHC<br>EHO | If section 19(1) applies                                                  |
| s.19(4)(c)    | duty to notify the registration authority of the making of the order any appeal and the outcome of the appeal                                                                                   | MHCS<br>EHC<br>EHO | If section 19(1) applies and if Council is not the registration authority |
| s.19(6)(a)    | duty to revoke any order under s.19 where the subject of the order has been attended to                                                                                                         | MHCS<br>EHC<br>EHO |                                                                           |
| s.19(6)(b)    | duty to give written notice of revocation under s.19(6)(a)                                                                                                                                      | MHCS<br>EHC<br>EHO | If section 19(1) applies                                                  |
| s.19A(4)(b)   | function of receiving notice from authorised officer                                                                                                                                            | MHCS<br>EHC<br>EHO | Where Council is the registration authority                               |

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| FOOD ACT 1984        |                                                                                                                                                                                                         |                    |                                                                        |
|----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|------------------------------------------------------------------------|
| Column 1             | Column 2                                                                                                                                                                                                | Column 3           | Column 4                                                               |
| PROVISION            | THING DELEGATED                                                                                                                                                                                         | DELEGATE           | CONDITIONS & LIMITATIONS                                               |
| s.19BA(3)            | duty to give notice of the variation or revocation of the order to the general public in the same manner as the original notice                                                                         | MHCS<br>EHC<br>EHO | Must be done by the same person as gave the original notice            |
| s.19CB(4)(b)         | power to request copy of records                                                                                                                                                                        | MHCS<br>EHC<br>EHO | Where Council is the registration authority                            |
| s.19E(1)(d)          | power to request a copy of the food safety program                                                                                                                                                      | MHCS<br>EHC<br>EHO | Where Council is the "registration authority"                          |
| s.19EA(3)            | function of receiving a copy of any significant revision made to the food safety program                                                                                                                | MHCS<br>EHC<br>EHO | Where Council is the registration authority                            |
| s.19GB               | power to request proprietor to provide written details of the name, qualification or experience of the current food safety supervisor                                                                   | MHCS<br>EHC<br>EHO | Where Council is the registration authority                            |
| s.19H(5)(a) & (5)(b) | duty to take into account (a) the food safety performance of the food business; and (b) any guidelines issued by the secretary in determining the frequency and intervals of the assessments and audits | MHCS<br>EHC<br>EHO | Where Council is the registration authority                            |
| s.19I                | duty to conduct a food safety assessment as required under section 19H                                                                                                                                  | MHCS<br>EHC<br>EHO | Subject to section 19J.<br>Where Council is the registration authority |
| s.191A(2)            | duty to give written notice to proprietor if food safety requirements or section 19DC(2) have not been complied with unless subsection (3) applies                                                      | MHCS<br>EHC<br>EHO | Where Council is the registration authority                            |

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| FOOD ACT 1984   |                                                                                                                                                                               |                    |                                                                                                                      |
|-----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|----------------------------------------------------------------------------------------------------------------------|
| Column 1        | Column 2                                                                                                                                                                      | Column 3           | Column 4                                                                                                             |
| PROVISION       | THING DELEGATED                                                                                                                                                               | DELEGATE           | CONDITIONS & LIMITATIONS                                                                                             |
| s.19M(4)(a)&(5) | power to conduct a food safety audit and take actions where deficiencies are identified                                                                                       | MHCS<br>EHC<br>EHO | Where Council is the registration authority                                                                          |
| s.19N           | function of receiving information from a food safety auditor                                                                                                                  | MHCS<br>EHC<br>EHO | Where Council is the registration authority                                                                          |
| s.19NA(1)       | power to request food safety audit reports                                                                                                                                    | MHCS<br>EHC<br>EHO | Where Council is the registration authority                                                                          |
| s.19U(3)        | power to waive and vary the costs of a food safety audit if there are special circumstances                                                                                   | MHCS<br>EHC<br>EHO |                                                                                                                      |
| s.19U(4)        | duty to ensure that information relating to costs of a food safety audit are available for inspection by the public                                                           | MHCS<br>EHC<br>EHO |                                                                                                                      |
| s.19UA          | power to charge fees for conducting a food safety assessment or inspection                                                                                                    | MHCS<br>EHC<br>EHO | Except for an assessment required by a declaration under section 19C or an inspection under sections 38B(1)(c) or 39 |
| s.19UA(4)       | duty to consider proprietor's history of compliance in deciding whether to charge the fee                                                                                     | MHCS<br>EHC<br>EHO |                                                                                                                      |
| s.19UA(5)       | duty to ensure that the method of determining a fee under subsection (3)(a) and the considerations that apply under subsection (4) are available for inspection by the public | MHCS<br>EHC<br>EHO |                                                                                                                      |

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| FOOD ACT 1984 |                                                                                                                                                                                        |                    |                                                                                                                                       |
|---------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|---------------------------------------------------------------------------------------------------------------------------------------|
| Column 1      | Column 2                                                                                                                                                                               | Column 3           | Column 4                                                                                                                              |
| PROVISION     | THING DELEGATED                                                                                                                                                                        | DELEGATE           | CONDITIONS & LIMITATIONS                                                                                                              |
| s.19W         | power to direct a proprietor of a food premises to comply with any requirement under Part IIIB                                                                                         | MHCS<br>EHC<br>EHO | power of registration authority                                                                                                       |
| s.19W(3)(a)   | power to direct a proprietor of a food premises to have staff at the premises undertake training or induction                                                                          | MHCS<br>EHC<br>EHO | power of registration authority                                                                                                       |
| s.19W(3)(b)   | power to direct a proprietor of a food premises to have details of any staff training incorporated into the minimum records required to be kept or food safety program of the premises | MHCS<br>EHC<br>EHO | power of registration authority                                                                                                       |
| ---           | power to register, renew or transfer registration                                                                                                                                      | MHCS<br>EHC<br>EHO | Where Council is the registration authority refusal to grant/renew/transfer registration must be ratified by Council (see sec.58A(2)) |
| s.35A         | function of registering food premises                                                                                                                                                  | MHCS<br>EHC<br>EHO |                                                                                                                                       |
| s.35A(2)      | function of receiving notice of operation from the proprietor of a food premises                                                                                                       | MHCS<br>EHC<br>EHO | where Council is the registration authority                                                                                           |
|               |                                                                                                                                                                                        |                    |                                                                                                                                       |
| s.37          | function of receiving application, information and documents required under section 36 from the proprietor of a food business                                                          |                    |                                                                                                                                       |

Deleted: s.35B(1)  
 Deleted: power to recognise, in writing, the registration of another registration authority for a specified temporary or mobile food premises  
 Deleted: MHCS  
 EHC  
 EHO

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| FOOD ACT 1984  |                                                                                                                                            |                    |                                              |
|----------------|--------------------------------------------------------------------------------------------------------------------------------------------|--------------------|----------------------------------------------|
| Column 1       | Column 2                                                                                                                                   | Column 3           | Column 4                                     |
| PROVISION      | THING DELEGATED                                                                                                                            | DELEGATE           | CONDITIONS & LIMITATIONS                     |
| s.38(3)        | duty to consult with the secretary about the proposed exemption under section 38(2)                                                        | MHCS<br>EHC<br>EHO |                                              |
| s.38AA(2)      | Function of being notified of operation                                                                                                    | MHCS<br>EHC<br>EHO | Where Council is the registration authority  |
| s.38AA(4)      | duty to determine whether the food premises are exempt from the requirement of registration                                                | MHCS<br>EHC<br>EHO | Where Council is the registration authority. |
| s.38AA(5)      | power to (a) request further information; or (b) advise the proprietor that the premises must be registered if the premises are not exempt | MHCS<br>EHC<br>EHO | Where Council is the registration authority  |
| s.38AB(4)      | power to fix a fee for the receipt of a notification under section 38AA in accordance with a declaration under subsection (1)              | MHCS<br>EHC<br>EHO | Where Council is the registration authority  |
| s.38A(4)       | Power to request a copy of a completed food safety program template                                                                        | MHCS<br>EHC<br>EHO | Where Council is the registration authority  |
| s.38A(5) & (6) | function of receiving a food safety audit certificate from a proprietor                                                                    | MHCS<br>EHC<br>EHO | Where Council is the registration authority  |
| s.38B(1)(a)    | duty to assess the application and determine which class of food premises under section 19C the food premises belongs                      | MHCS<br>EHC<br>EHO | Where Council is the registration authority  |

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| FOOD ACT 1984 |                                                                                                                            |                    |                                                                                                                     |
|---------------|----------------------------------------------------------------------------------------------------------------------------|--------------------|---------------------------------------------------------------------------------------------------------------------|
| Column 1      | Column 2                                                                                                                   | Column 3           | Column 4                                                                                                            |
| PROVISION     | THING DELEGATED                                                                                                            | DELEGATE           | CONDITIONS & LIMITATIONS                                                                                            |
| s.38B(1)(b)   | duty to ensure proprietor has complied with requirements of section 38A                                                    | MHCS<br>EHC<br>EHO | Where Council is the registration authority                                                                         |
| s.38B(1)(c)   | duty to inspect premises                                                                                                   | MHCS<br>EHC<br>EHO | Where Council is the registration authority                                                                         |
| s.38B(2)      | duty to be satisfied of the matters in section 38B(2)(a)-(b)                                                               | MHCS<br>EHC<br>EHO | Where Council is the registration authority                                                                         |
| s.38D(1)      | duty to ensure compliance with the applicable provisions of section 38C and inspect the premises if required by section 39 | MHCS<br>EHC<br>EHO | Where Council is the registration authority                                                                         |
| s.38D(2)      | duty to be satisfied of the matters in section 38D(2)(a)-(d)                                                               | MHCS<br>EHC<br>EHO | Where Council is the registration authority                                                                         |
| s.38D(3)      | power to request copies of any audit reports                                                                               | MHCS<br>EHC<br>EHO | Where Council is the registration authority                                                                         |
| s.38E(1)(c)   | function of assessing the requirement for a food safety program                                                            | MHCS<br>EHC<br>EHO | Where Council is the registration authority                                                                         |
| s.38E(2)      | power to register the food premises on a conditional basis                                                                 | MHCS<br>EHC<br>EHO | Where Council is the registration authority<br>Not exceeding the prescribed time limit defined under subsection (5) |

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S6. Instrument of Delegation – Members of Staff

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| FOOD ACT 1984 |                                                                                                               |                    |                                                                                                      |
|---------------|---------------------------------------------------------------------------------------------------------------|--------------------|------------------------------------------------------------------------------------------------------|
| Column 1      | Column 2                                                                                                      | Column 3           | Column 4                                                                                             |
| PROVISION     | THING DELEGATED                                                                                               | DELEGATE           | CONDITIONS & LIMITATIONS                                                                             |
| s.38E(3)(a)   | function of receiving certificates                                                                            | MHCS<br>EHC<br>EHO | Where Council is the registration authority                                                          |
| s.38E(4)      | duty to register the food premises when conditions are satisfied                                              | MHCS<br>EHC<br>EHO | Where Council is the registration authority                                                          |
| s.38F(3)(a)   | duty to note the change to the classification of the food premises on the certificate of registration         | MHCS<br>EHC<br>EHO | Where Council is the registration authority                                                          |
| s.38F(3)(b)   | power to require proprietor to comply with requirements of this Act                                           | MHCS<br>EHC<br>EHO | Where Council is the registration authority                                                          |
| s.39(2)       | duty to inspect within 12 months before renewal of registration                                               | MHCS<br>EHC<br>EHO | Where Council is the registration authority                                                          |
| s.39(3)       | duty to inspect within 3 months before renewal of registration if circumstances in section 39(3)(a)-(d) apply | MHCS<br>EHC<br>EHO | Where Council is the registration authority                                                          |
| s.39A         | power to register, renew or transfer food premises despite minor defects                                      | MHCS<br>EHC<br>EHO | Where Council is the registration authority<br>Only if satisfied of matters in subsections (2)a)-(c) |
| s.39A(6)      | duty to comply with direction of Secretary                                                                    | MHCS<br>EHC<br>EHO |                                                                                                      |
| s.40(1)       | duty to issue a certificate of registration in the prescribed form                                            | MHCS<br>EHC<br>EHO | Where Council is the registration authority                                                          |

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| FOOD ACT 1984   |                                                                                                                                                                                  |                    |                                             |
|-----------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|---------------------------------------------|
| Column 1        | Column 2                                                                                                                                                                         | Column 3           | Column 4                                    |
| PROVISION       | THING DELEGATED                                                                                                                                                                  | DELEGATE           | CONDITIONS & LIMITATIONS                    |
| s.40(2)         | power to incorporate the certificate of registration in one document with any certificate of registration under the <i>Public Health and Wellbeing Act 2008</i>                  | MHCS<br>EHC<br>EHO |                                             |
| s.40C(2)        | power to grant or renew the registration of food premises for a period less than 1 year                                                                                          | MHCS<br>EHC<br>EHO | Where Council is the registration authority |
| s.40D(1)        | power to suspend or revoke the registration of food premises                                                                                                                     | MHCS<br>EHC        | Where Council is the registration authority |
| s.40D(2)        | duty to specify how long a suspension is to last under s.40D(1)                                                                                                                  | MHCS<br>EHC        | Where Council is the registration authority |
| s.40E(4)        | duty to comply with direction of Secretary                                                                                                                                       | MHCS<br>EHC<br>EHO | Where Council is the registration authority |
| s.43(1) and (2) | duty to maintain records of the prescribed particulars and orders in force under Part III                                                                                        | MHCS<br>EHC        | Where Council is the registration authority |
| s.43(3)         | duty to make available information held in records, free of charge, on request                                                                                                   | MHCS<br>EHC<br>EHO | Where Council is the registration authority |
| s.43F(6)        | duty to be satisfied that registration requirements under Division 3 have been met prior to registering, transferring or renewing registration of a component of a food business | MHCS<br>EHC<br>EHO | Where Council is the registration authority |

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| FOOD ACT 1984 |                                                                                                                                                                                                                                                                                  |                    |                                             |
|---------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|---------------------------------------------|
| Column 1      | Column 2                                                                                                                                                                                                                                                                         | Column 3           | Column 4                                    |
| PROVISION     | THING DELEGATED                                                                                                                                                                                                                                                                  | DELEGATE           | CONDITIONS & LIMITATIONS                    |
| s.43F(7)      | power to register the components of the food business that meet requirements in Division 3 and power to refuse to register the components that do not meet the requirements                                                                                                      | MHCS<br>EHC<br>EHO | Where Council is the registration authority |
| s.43I         | function of receiving a statement of trade of a proprietor of a food business                                                                                                                                                                                                    | MHCS<br>EHC<br>EHO |                                             |
| s.46(5)       | power to institute proceedings against another person where the offence was due to an act or default by that other person and where the first person charged could successfully defend a prosecution without proceedings first being instituted against the person first charged | MHCS<br>EHC<br>EHO | Where Council is the registration authority |

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| HERITAGE ACT 1995 |                                                      |                 |                                                         |
|-------------------|------------------------------------------------------|-----------------|---------------------------------------------------------|
| Column 1          | Column 2                                             | Column 3        | Column 4                                                |
| <b>PROVISION</b>  | <b>THING DELEGATED</b>                               | <b>DELEGATE</b> | <b>CONDITIONS &amp; LIMITATIONS</b>                     |
| s.84(2)           | power to sub-delegate Executive Director's functions | GMSPD           | must obtain Executive Director's written consent first. |

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| PLANNING AND ENVIRONMENT ACT 1987 |                                                                                                                                                                                     |                                 |                               |
|-----------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|-------------------------------|
| Column 1                          | Column 2                                                                                                                                                                            | Column 3                        | Column 4                      |
| PROVISION                         | THING DELEGATED                                                                                                                                                                     | DELEGATE                        | CONDITIONS & LIMITATIONS      |
| s.4B                              | power to prepare an amendment to the Victoria Planning Provisions                                                                                                                   | PCofC<br>GMSPD<br>PC<br>MPB     | if authorised by the Minister |
| s.4G                              | function of receiving prescribed documents and a copy of the Victoria Planning Provisions from the Minister                                                                         | GMSPD<br>PC<br>MPB              |                               |
| s.4H                              | duty to make amendment to Victorian Planning Provisions available                                                                                                                   | GMSPD<br>PC<br>MPB<br>PLO<br>PA |                               |
| s.4I                              | duty to keep Victoria Planning Provisions and other documents available                                                                                                             | GMSPD<br>PC<br>MPB<br>PLO<br>PA |                               |
| s.8A(3)                           | power to apply to Minister to prepare an amendment to the planning scheme                                                                                                           | PCofC<br>GMSPD<br>PC<br>MPB     |                               |
| s.11(3)(b)                        | duty to submit amendment to planning scheme to Minister for approval if the Minister withdraws authorisation                                                                        | GMSPD<br>PC<br>MPB              |                               |
| s 12A (1)                         | duty to prepare a municipal strategic statement (including power to prepare a municipal strategic statement under s 19 of the Planning and Environment (Planning Schemes) Act 1996) | PCofC<br>GMSPD<br>PC<br>MPB     |                               |

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| PLANNING AND ENVIRONMENT ACT 1987 |                                                                                                                                                                                                               |                                           |                          |
|-----------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|--------------------------|
| Column 1                          | Column 2                                                                                                                                                                                                      | Column 3                                  | Column 4                 |
| PROVISION                         | THING DELEGATED                                                                                                                                                                                               | DELEGATE                                  | CONDITIONS & LIMITATIONS |
| s.12(3)                           | power to carry out studies and do things to ensure proper use of land in which Council is the planning authority and consult with other persons to ensure co-ordination of planning scheme with these persons | PCoIC<br>GMSPD<br>PC<br>MPB<br>EP<br>MECS |                          |
| s.12B(1)                          | duty to review planning scheme                                                                                                                                                                                | PCoIC<br>GMSPD<br>PC<br>MPB<br>EP<br>MECS |                          |
| s.12B(2)                          | Duty to review planning scheme at direction of Minister                                                                                                                                                       | PCoIC<br>GMSPD<br>PC<br>MPB<br>EP<br>MECS |                          |
| s.12B(5)                          | duty to report findings of review of planning scheme to Minister without delay                                                                                                                                | PCoIC<br>GMSPD<br>PC<br>MPB<br>EP<br>MECS |                          |

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| PLANNING AND ENVIRONMENT ACT 1987 |                                                                                                                                                                         |                                                  |                          |
|-----------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|--------------------------|
| Column 1                          | Column 2                                                                                                                                                                | Column 3                                         | Column 4                 |
| PROVISION                         | THING DELEGATED                                                                                                                                                         | DELEGATE                                         | CONDITIONS & LIMITATIONS |
| s.14                              | Duties of a Responsible Authority as set out in subsections (a) to (d)                                                                                                  | PCofC<br>GMSPD<br>PC<br>PLO<br>EP<br>MPB<br>MECS |                          |
| s.17(1)                           | duty of giving copy amendment to the planning scheme                                                                                                                    | GMSPD<br>PC<br>MPB<br>PLO<br>PA                  |                          |
| s.17(2)                           | duty of giving copy s.173 agreement                                                                                                                                     | GMSPD<br>PC<br>PLO<br>MPB<br>PA<br>EP<br>MECS    |                          |
| s.18                              | duty to make amendment etc. available                                                                                                                                   | GMSPD<br>PC<br>MPB<br>PLO<br>PA                  |                          |
| s.19                              | power to give notice, to decide not to give notice, to publish notice of amendment to a planning scheme and to exercise any other power under s 19 to a planning scheme | GMSPD<br>PC<br>MPB                               |                          |

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| PLANNING AND ENVIRONMENT ACT 1987 |                                                                        |                                               |                          |
|-----------------------------------|------------------------------------------------------------------------|-----------------------------------------------|--------------------------|
| Column 1                          | Column 2                                                               | Column 3                                      | Column 4                 |
| PROVISION                         | THING DELEGATED                                                        | DELEGATE                                      | CONDITIONS & LIMITATIONS |
| s.20(1)                           | power to apply to Minister for exemption from the requirements of s 19 | PCoIc<br>GMSPD<br>PC<br>MPB                   |                          |
| s.21 (2)                          | duty to make submissions available                                     | GMSPD<br>PC<br>MPB<br>PLO<br>PA<br>EP<br>MECS |                          |
| s.21A(4)                          | duty to publish notice in accordance with section                      | GMSPD<br>PC<br>MPB<br>PLO<br>PA<br>EP<br>MECS |                          |
| s.22                              | duty to consider all submissions                                       | PCoIc<br>GMSPD<br>PC<br>MPB                   |                          |
| s.23(2)                           | power to refer submissions to a panel                                  | PCoIc<br>GMSPD<br>PC<br>MPB                   |                          |

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| PLANNING AND ENVIRONMENT ACT 1987 |                                                                                                                      |                                 |                                                                                |
|-----------------------------------|----------------------------------------------------------------------------------------------------------------------|---------------------------------|--------------------------------------------------------------------------------|
| Column 1                          | Column 2                                                                                                             | Column 3                        | Column 4                                                                       |
| PROVISION                         | THING DELEGATED                                                                                                      | DELEGATE                        | CONDITIONS & LIMITATIONS                                                       |
| s.24                              | function to represent Council and present a submission at a panel hearing (including a hearing referred to in s 96D) | GMSPD<br>PC<br>PLO<br>MPB       |                                                                                |
| s.26(1)                           | power to make report available for inspection                                                                        | GMSPD<br>PC<br>MPB<br>PLO<br>PA |                                                                                |
| s.26(2)                           | duty to keep report of panel available for inspection                                                                | GMSPD<br>PC<br>MPB<br>PLO<br>PA |                                                                                |
| s.27 (2)                          | power to apply for exemption if panel's report not received                                                          | PCofC<br>GMSPD<br>PC<br>MPB     |                                                                                |
| s.28                              | duty to notify the Minister if abandoning an amendment                                                               | GMSPD<br>PC<br>MPB              | Note: the power to make a decision to abandon an amendment cannot be delegated |
| s.30(4)(a)                        | duty to say if amendment has lapsed                                                                                  | GMSPD<br>PC<br>MPB              |                                                                                |
| s.30(4)(b)                        | duty to provide information in writing upon request                                                                  | GMSPD<br>PC<br>MPB              |                                                                                |

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| PLANNING AND ENVIRONMENT ACT 1987 |                                                                                                       |                             |                          |
|-----------------------------------|-------------------------------------------------------------------------------------------------------|-----------------------------|--------------------------|
| Column 1                          | Column 2                                                                                              | Column 3                    | Column 4                 |
| PROVISION                         | THING DELEGATED                                                                                       | DELEGATE                    | CONDITIONS & LIMITATIONS |
| s.31                              | duty to submit adopted amendment to Minister and, if applicable, details under s.19(1B)               | GMSPD<br>PC<br>MPB          |                          |
| s.32(2)                           | duty to give more notice if required                                                                  | GMSPD<br>PC<br>MPB          |                          |
| s.33(1)                           | duty to give more notice of changes to an amendment                                                   | GMSPD<br>PC<br>MPB          |                          |
| s.35A(2)                          | duty to not approve an amendment under s.35B unless the amendment has been certified by the Secretary | GMSPD<br>PC<br>MPB          |                          |
| s.35B(1)                          | power to approve amendment in form certified under s.35A                                              | PCofC<br>GMSPD<br>PC<br>MPB |                          |
| s.35B(2)                          | duty to give to Minister notice of approval, copy of approved amendment and other documents           | PCofC<br>GMSPD<br>PC<br>MPB |                          |
| s.36(2)                           | duty to give notice of approval of amendment                                                          | GMSPD<br>PC<br>MPB          |                          |
| s.38(5)                           | duty to give notice of revocation of an amendment                                                     | GMSPD<br>PC<br>MPB          |                          |

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| PLANNING AND ENVIRONMENT ACT 1987 |                                                                                                              |                                 |                          |
|-----------------------------------|--------------------------------------------------------------------------------------------------------------|---------------------------------|--------------------------|
| Column 1                          | Column 2                                                                                                     | Column 3                        | Column 4                 |
| PROVISION                         | THING DELEGATED                                                                                              | DELEGATE                        | CONDITIONS & LIMITATIONS |
| s.39                              | function of being a party to a proceeding commenced under s.39 and duty to comply with determination by VCAT | GMSPD<br>PC<br>MPB              |                          |
| s.40(1)                           | function of lodging copy of approved amendment                                                               | GMSPD<br>PC<br>MPB              |                          |
| s.40(1A)                          | duty to lodge prescribed documents and copy of approved amendment with the relevant authorities              | GMSPD<br>PC<br>MPB              |                          |
| s.41                              | duty to make approved amendment available                                                                    | GMSPD<br>PC<br>MPB<br>PLO<br>PA |                          |
| s.42                              | duty to make copy of planning scheme available                                                               | GMSPD<br>PC<br>PLO<br>MPB<br>PA |                          |
| s.46N(1)                          | duty to include condition in permit regarding payment of development infrastructure levy                     | PCofC<br>GMSPD<br>PC<br>MPB     |                          |
| s.46N(2)(c)                       | function of determining time and manner for receipt of development contributions levy                        | PCofC<br>GMSPD<br>PC<br>MPB     |                          |

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| PLANNING AND ENVIRONMENT ACT 1987 |                                                                                                                                            |                                     |                          |
|-----------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|--------------------------|
| Column 1                          | Column 2                                                                                                                                   | Column 3                            | Column 4                 |
| PROVISION                         | THING DELEGATED                                                                                                                            | DELEGATE                            | CONDITIONS & LIMITATIONS |
| s.46N(2)(d)                       | power to enter into an agreement with the applicant regarding payment of development infrastructure levy                                   | GMSPD<br>PC<br>MPB                  |                          |
| s.46O(1)(a) & (2)(a)              | power to ensure that community infrastructure levy is paid, or agreement is in place, prior to issuing building permit                     | GMSPD<br>PC<br>MPB<br>MBS           |                          |
| s.46O(1)(d) & (2)(d)              | power to enter into agreement with the applicant regarding payment of community infrastructure levy                                        | GMSPD<br>PC<br>MPB<br>MBS           |                          |
| s.46P(1)                          | power to require payment of amount of levy under s.46N or s.46O to be satisfactorily secured                                               | GMSPD<br>PC<br>MPB                  |                          |
| s.46P(2)                          | power to accept provision of land, works, services or facilities in part or full payment of levy payable                                   | GMSPD<br>CEO<br>PC<br>MPB           |                          |
| s.46Q(1)                          | duty to keep proper accounts of levies paid                                                                                                | GMSPD<br>GMCCS<br>MFCS<br>PC<br>MPB |                          |
| s.46Q(1A)                         | duty to forward to development agency part of levy imposed for carrying out works, services, or facilities on behalf of development agency | GMSPD<br>GMCCS<br>MFCS<br>PC<br>MPB |                          |

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| PLANNING AND ENVIRONMENT ACT 1987 |                                                                                                                                                  |                            |                                                                                                                                                                                                                               |
|-----------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Column 1                          | Column 2                                                                                                                                         | Column 3                   | Column 4                                                                                                                                                                                                                      |
| PROVISION                         | THING DELEGATED                                                                                                                                  | DELEGATE                   | CONDITIONS & LIMITATIONS                                                                                                                                                                                                      |
| s.46Q(2)                          | duty to apply levy only for a purpose relating to the provision of the works, services and facilities in respect of which the levy was paid etc. | GMSPD<br>CEO<br>PC<br>MPB  |                                                                                                                                                                                                                               |
| s.46Q(3)                          | power to refund any amount of levy paid if it is satisfied the development is not to proceed                                                     | GMSPD<br>PC<br>MPB         |                                                                                                                                                                                                                               |
| s.46Q(4)(c)                       | duty to pay amount to current owners of land in the area                                                                                         | GMSPD<br>CEO<br>PC<br>MPB  | <ul style="list-style-type: none"> <li>must be done within six months of the end of the period required by the development contributions plan and with the consent of, and in the manner approved by, the Minister</li> </ul> |
| s.46Q(4)(d)                       | duty to submit to the Minister an amendment to the approved development contributions plan                                                       | GMSPD<br>CEO<br>PC<br>MPB  | <ul style="list-style-type: none"> <li>must be done in accordance with Part 3</li> </ul>                                                                                                                                      |
| s46Q(4)(e)                        | duty to expend that amount on other works etc.                                                                                                   | GMSPD<br>CEO<br>PC<br>MPB  | <ul style="list-style-type: none"> <li>with the consent of, and in the manner approved by, the Minister</li> </ul>                                                                                                            |
| s.46QC                            | power to recover any amount of levy payable under Part 3B                                                                                        | GMSPD<br>MFCs<br>PC<br>MPB |                                                                                                                                                                                                                               |

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| PLANNING AND ENVIRONMENT ACT 1987 |                                                                                                                                                   |                                                  |                          |
|-----------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|--------------------------|
| Column 1                          | Column 2                                                                                                                                          | Column 3                                         | Column 4                 |
| PROVISION                         | THING DELEGATED                                                                                                                                   | DELEGATE                                         | CONDITIONS & LIMITATIONS |
| s.46V(3)                          | duty to make a copy of the approved strategy plan (being the Melbourne Airport Environs Strategy Plan) and any documents lodged with it available | GMSPD<br>PC<br>MPB                               |                          |
| s.46Y                             | duty to carry out works in conformity with the approved strategy plan                                                                             | PCoFC<br>GMSPD<br>GMS<br>PC<br>MPB<br>EP<br>MECS |                          |
| s.47                              | power to decide that an application for a planning permit does not comply with that Act.                                                          | GMSPD<br>PC<br>MPB<br>EP<br>MECS                 |                          |
| s.49(1)                           | duty to keep a register of all applications for permits and determinations relating to permits                                                    | GMSPD<br>PC<br>MPB<br>PLO<br>PA<br>EP<br>MECS    |                          |
| s.49(2)                           | duty to make register available for inspection                                                                                                    | GMSPD<br>PA<br>PC<br>PLO<br>MPB                  |                          |

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| PLANNING AND ENVIRONMENT ACT 1987 |                                                                                              |                                 |                          |
|-----------------------------------|----------------------------------------------------------------------------------------------|---------------------------------|--------------------------|
| Column 1                          | Column 2                                                                                     | Column 3                        | Column 4                 |
| PROVISION                         | THING DELEGATED                                                                              | DELEGATE                        | CONDITIONS & LIMITATIONS |
| s.50(4)                           | duty to amend application                                                                    | GMSPD<br>PC<br>PLO<br>MPB       |                          |
| s.50(5)                           | power to refuse to amend application                                                         | GMSPD<br>PC<br>PLO<br>MPB       |                          |
| s.50(6)                           | duty to make note of amendment to application in register                                    | GMSPD<br>PC<br>PLO<br>MPB<br>PA |                          |
| s.50A(1)                          | power to make amendment to application                                                       | GMSPD<br>PC<br>PLO<br>MPB       |                          |
| s.50A(3)                          | power to require applicant to notify owner and make a declaration that notice has been given | GMSPD<br>PC<br>PLO<br>MPB       |                          |
| s.50A(4)                          | duty to note amendment to application in register                                            | GMSPD<br>PC<br>PLO<br>MPB<br>PA |                          |

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| PLANNING AND ENVIRONMENT ACT 1987 |                                                                                                                                                                               |                                 |                          |
|-----------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|--------------------------|
| Column 1                          | Column 2                                                                                                                                                                      | Column 3                        | Column 4                 |
| PROVISION                         | THING DELEGATED                                                                                                                                                               | DELEGATE                        | CONDITIONS & LIMITATIONS |
| s.51                              | duty to make copy of application available for inspection                                                                                                                     | GMSPD<br>PC<br>PLO<br>MPB<br>PA |                          |
| s.52(1)(a)                        | duty to give notice of the application to owners/occupiers of adjoining allotments unless satisfied that the grant of permit would not cause material detriment to any person | GMSPD<br>PC<br>PLO<br>MPB       |                          |
| s.52(1)(b)                        | duty to give notice of the application to other municipal councils where appropriate                                                                                          | GMSPD<br>PC<br>PLO<br>MPB       |                          |
| s.52(1)(c)                        | duty to give notice of the application to all persons required by the planning scheme                                                                                         | GMSPD<br>PC<br>PLO<br>MPB       |                          |
| s.52(1)(ca)                       | duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if may result in breach of covenant                     | GMSPD<br>PC<br>PLO<br>MPB       |                          |
| s.52(1)(cb)                       | duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if application is to remove or vary the covenant        | GMSPD<br>PC<br>PLO<br>MPB       |                          |

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| PLANNING AND ENVIRONMENT ACT 1987 |                                                                                              |                                    |                          |
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| Column 1                          | Column 2                                                                                     | Column 3                           | Column 4                 |
| PROVISION                         | THING DELEGATED                                                                              | DELEGATE                           | CONDITIONS & LIMITATIONS |
| s.52(1)(d)                        | duty to give notice of the application to other persons who may be detrimentally effected    | GMSPD<br>PC<br>PLO<br>MPB          |                          |
| s.52(1A)                          | power to refuse an application                                                               | PCofC<br>GMSPD<br>PC<br>MPB        |                          |
| 52(1AA)                           | duty to give notice of an application to remove or vary a registered restrictive covenant    | PCofC<br>GMSPD<br>PC<br>MPB        |                          |
| s.52(3)                           | power to give any further notice of an application where appropriate                         | GMSPD<br>PC<br>PLO<br>MPB          |                          |
| s.53(1)                           | power to require the applicant to give notice under section 52(1) to persons specified by it | GMSPD<br>PC<br>PLO<br>MPB          |                          |
| s.53(1A)                          | power to require the applicant to give the notice under section 52(1AA)                      | PCofC<br>GMSPD<br>PC<br>PLO<br>MPB |                          |
| s.54(1)                           | power to require the applicant to provide more information                                   | GMSPD<br>PC<br>MPB<br>PLO          |                          |

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| PLANNING AND ENVIRONMENT ACT 1987 |                                                                                                |                                 |                          |
|-----------------------------------|------------------------------------------------------------------------------------------------|---------------------------------|--------------------------|
| Column 1                          | Column 2                                                                                       | Column 3                        | Column 4                 |
| PROVISION                         | THING DELEGATED                                                                                | DELEGATE                        | CONDITIONS & LIMITATIONS |
| s.54(1A)                          | duty to give notice in writing of information required under s.54(1)                           | GMSPD<br>PC<br>PLO<br>MPB       |                          |
| s.54(1B)                          | duty to specify the lapse date for an application                                              | GMSPD<br>PC<br>PLO<br>MPB       |                          |
| s.54A(3)                          | power to decide to extend time or refuse to extend time to give required information           | GMSPD<br>PC<br>PLO<br>MPB       |                          |
| s.54A(4)                          | duty to give written notice of decision to extend or refuse to extend time und s.54A(3)        | GMSPD<br>PC<br>PLO<br>MPB       |                          |
| s.55(1)                           | duty to give copy application to every referral authority specified in the planning scheme     | GMSPD<br>PC<br>PLO<br>MPB       |                          |
| s.57(2A)                          | power to reject objections considered made primarily for commercial advantage for the objector | GMSPD<br>PC<br>MPB              |                          |
| s.57(3)                           | function of receiving name and address of persons to whom notice of decision is to go          | GMSPD<br>PC<br>PLO<br>PA<br>MPB |                          |

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| PLANNING AND ENVIRONMENT ACT 1987 |                                                                                       |                                 |                          |
|-----------------------------------|---------------------------------------------------------------------------------------|---------------------------------|--------------------------|
| Column 1                          | Column 2                                                                              | Column 3                        | Column 4                 |
| PROVISION                         | THING DELEGATED                                                                       | DELEGATE                        | CONDITIONS & LIMITATIONS |
| s.57(5)                           | duty to make available for inspection copy of all objections                          | GMSPD<br>PC<br>PLO<br>PA<br>MPB |                          |
| s.57A(4)                          | duty to amend application in accordance with applicant's request, subject to s.57A(5) | GMSPD<br>PC<br>PLO<br>MPB       |                          |
| s.57A(5)                          | power to refuse to amend application                                                  | GMSPD<br>PC<br>CEO<br>MPB       |                          |
| s.57A(6)                          | duty to note amendments to application in register                                    | GMSPD<br>PC<br>PLO<br>PA<br>MPB |                          |
| s.57B(1)                          | duty to determine whether and to whom notice should be given                          | GMSPD<br>PC<br>PLO<br>MPB       |                          |
| s.57B(2)                          | duty to consider certain matters in determining whether notice should be given        | GMSPD<br>PC<br>PLO<br>MPB       |                          |

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| PLANNING AND ENVIRONMENT ACT 1987 |                                                                |                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|-----------------------------------|----------------------------------------------------------------|----------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Column 1                          | Column 2                                                       | Column 3                               | Column 4                                                                                                                                                                                                                                                                                                                                                                                                                           |
| PROVISION                         | THING DELEGATED                                                | DELEGATE                               | CONDITIONS & LIMITATIONS                                                                                                                                                                                                                                                                                                                                                                                                           |
| s.57C(1)                          | duty to give copy of amended application to referral authority | GMSPD<br>PC<br>PLO<br>PA<br>MPB        |                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| s.58                              | duty to consider every application for a permit                | PCoFC<br>GMSPD<br>PC<br>PLO<br>MPB     |                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| s.60                              | duty to consider certain matters                               | PCoFC<br><br>GMSPD<br>PLO<br>PA<br>MPB | <p>Save where the proposed use and/or development.</p> <ul style="list-style-type: none"> <li>Does not provide the required amount of car parking spaces pursuant to Clause 52.06, Colac Olway Planning Scheme.</li> <li>Or proposed development is in excess of eight (8) metres in overall height above natural ground level.</li> <li>Or four (4) or more objections have been lodged against the grant of a permit.</li> </ul> |

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| PLANNING AND ENVIRONMENT ACT 1987 |                                                                  |                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|-----------------------------------|------------------------------------------------------------------|------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Column 1                          | Column 2                                                         | Column 3                           | Column 4                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| PROVISION                         | THING DELEGATED                                                  | DELEGATE                           | CONDITIONS & LIMITATIONS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| s60(1A)                           | power to consider certain matters before deciding on application | PcofC<br>GMSPD<br>PC<br>PLO<br>MPB | Or where the application may have an affect on the broader community.                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| s.61(1)(a)                        | power to decide to grant a permit                                | GMSPD<br>PC<br>PLO<br>MPB          | Save where the proposed use and/or development. <ul style="list-style-type: none"> <li>Does not provide the required amount of car parking spaces pursuant to Clause 52.06, Colac Otway Planning Scheme.</li> <li>Or proposed development is in excess of eight (8) metres in overall height above natural ground level.</li> <li>Or four (4) or more objections have been lodged against the grant of a permit.</li> </ul> Save where the application may have an affect on the broader community.<br>The permit must not be |

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| PLANNING AND ENVIRONMENT ACT 1987 |                                                   |                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
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| Column 1                          | Column 2                                          | Column 3                                          | Column 4                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| PROVISION                         | THING DELEGATED                                   | DELEGATE                                          | CONDITIONS & LIMITATIONS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| s.61(1)(b)                        | power to decide to grant a permit with conditions | <p>P/CofC</p> <p>GMSPD<br/>PC<br/>PLO<br/>MPB</p> | <p>inconsistent with a cultural heritage management plan under the <i>Aboriginal Heritage Act 2006</i>.</p> <p>Save where the proposed use and/or development.</p> <ul style="list-style-type: none"> <li>Does not provide the required amount of car parking spaces pursuant to Clause 52.06 Colac Otway Planning Scheme.</li> <li>Or proposed development is in excess of eight (8) metres in overall height above natural ground level.</li> <li>Or four (4) or more objections have been lodged against the grant of a permit.</li> </ul> <p>Save where the application may have an affect on the broader community.</p> <p>The permit must not be inconsistent with a cultural heritage management plan under the <i>Aboriginal Heritage Act 2006</i>.</p> |

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| PLANNING AND ENVIRONMENT ACT 1987 |                                                                                             |                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|-----------------------------------|---------------------------------------------------------------------------------------------|---------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Column 1                          | Column 2                                                                                    | Column 3                        | Column 4                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| PROVISION                         | THING DELEGATED                                                                             | DELEGATE                        | CONDITIONS & LIMITATIONS                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| s.61(1)(c)                        | power to refuse the permit                                                                  | PCofC<br><br>GMSPD<br>PC<br>MPB | Save where the proposed use and/or development.<br><ul style="list-style-type: none"> <li>Does not provide the required amount of car parking spaces pursuant to Clause 52.06, Colac Otway Planning Scheme;</li> <li>Or proposed development is in excess of eight (8) metres in overall height above natural ground level.</li> <li>Or four (4) or more objections have been lodged against the grant of a permit.</li> </ul> Save where the application may have an affect on the broader community. |
| s.61(2)                           | duty to decide to refuse to grant a permit if referral authority objects to grant of permit | PCofC<br>GMSPD<br>PC<br>MPB     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| s.61(3)(a)                        | duty not to decide to grant a permit to use coastal Crown land without Minister's consent   | PCofC<br>GMSPD<br>PC<br>MPB     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

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| PLANNING AND ENVIRONMENT ACT 1987 |                                                                                                           |                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|-----------------------------------|-----------------------------------------------------------------------------------------------------------|------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Column 1                          | Column 2                                                                                                  | Column 3                           | Column 4                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| PROVISION                         | THING DELEGATED                                                                                           | DELEGATE                           | CONDITIONS & LIMITATIONS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| s.61(3)(b)                        | duty to refuse to grant the permit without the Minister's consent                                         | PCofC<br>GMSPD<br>PC<br>MPB        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| s.61(4)                           | duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant | PCofC<br>GMSPD<br>PC<br>MPB        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| s.62(1)                           | duty to include certain conditions in deciding to grant a permit                                          | PCofC<br>GMSPD<br>PC<br>PLO<br>MPB | <p>Save where the proposed use and/or development.</p> <ul style="list-style-type: none"> <li>Does not provide the required amount of car parking spaces pursuant to Clause 52.06, Colac Otway Planning Scheme.</li> <li>Or proposed development is in excess of eight (8) metres in overall height above natural ground level.</li> <li>Or four (4) or more objections have been lodged against the grant of a permit.</li> <li>Or where the application may have an affect on the broader community.</li> </ul> |

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| PLANNING AND ENVIRONMENT ACT 1987 |                                                                                             |                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|-----------------------------------|---------------------------------------------------------------------------------------------|------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Column 1                          | Column 2                                                                                    | Column 3                           | Column 4                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| PROVISION                         | THING DELEGATED                                                                             | DELEGATE                           | CONDITIONS & LIMITATIONS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| s.62(2)                           | power to include other conditions                                                           | PCofC<br>GMSPD<br>PC<br>PLO<br>MPB | Save where the proposed use and/or development. <ul style="list-style-type: none"> <li>Does not provide the required amount of car parking spaces pursuant to Clause 52.06, Colac Otway Planning Scheme.</li> <li>Or proposed development is in excess of eight (8) metres in overall height above natural ground level.</li> <li>Or four (4) or more objections have been lodged against the grant of a permit.</li> <li>Or where the application may have an affect on the broader community.</li> </ul> |
| s.62(4)                           | duty to ensure conditions are consistent with subsections (a), (b) and (c)                  | PCofC<br>GMSPD<br>PC<br>PLO<br>MPB |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| s.62(5)(a)                        | power to include a permit condition to implement an approved development contributions plan | PCofC<br>GMSPD<br>PC<br>PLO<br>MPB |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

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| PLANNING AND ENVIRONMENT ACT 1987 |                                                                                                                                             |                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|-----------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Column 1                          | Column 2                                                                                                                                    | Column 3                            | Column 4                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| PROVISION                         | THING DELEGATED                                                                                                                             | DELEGATE                            | CONDITIONS & LIMITATIONS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| s.62(5)(b)                        | power to include a permit condition that specified works be provided on or to the land or paid for in accordance with section 173 agreement | PCoifC<br>GMSPD<br>PC<br>PLO<br>MPB | Save where the proposed use and/or development. <ul style="list-style-type: none"> <li>Does not provide the required amount of car parking spaces pursuant to Clause 52.06, Colac Otway Planning Scheme.</li> <li>Or proposed development is in excess of eight (8) metres in overall height above natural ground level.</li> <li>Or four (4) or more objections have been lodged against the grant of a permit.</li> <li>Or where the application may have an affect on the broader community.</li> </ul> |
| s.62(5)(c)                        | power to include a permit condition that specified works be provided or paid for by the applicant                                           | PCoifC<br>GMSPD<br>PC<br>PLO<br>MPB |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| s.62(6)(a)                        | duty not to include a permit condition requiring a person to pay an amount for or provide works except in accordance with s.46N             | PCoifC<br>GMSPD<br>PC<br>PLO<br>MPB |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

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| PLANNING AND ENVIRONMENT ACT 1987 |                                                                                                                                                                                                |                                    |                          |
|-----------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|--------------------------|
| Column 1                          | Column 2                                                                                                                                                                                       | Column 3                           | Column 4                 |
| PROVISION                         | THING DELEGATED                                                                                                                                                                                | DELEGATE                           | CONDITIONS & LIMITATIONS |
| s.62(6)(b)                        | duty not to include a permit condition requiring a person to pay an amount for or provide works except a condition that a planning scheme requires to be included as referred to in s.62(1)(a) | PCofC<br>GMSPD<br>PC<br>PLO<br>MPB |                          |
| s.63                              | duty to issue the permit where made a decision in favour of the application (if no one has objected)                                                                                           | GMSPD<br>PC<br>PLO<br>MPB          |                          |
| s.64(1)                           | duty to give notice of decision to grant a permit to applicant and objectors                                                                                                                   | GMSPD<br>PC<br>PLO<br>PA<br>MPB    |                          |
| s.64(3)                           | duty not to issue a permit until after the specified period                                                                                                                                    | GMSPD<br>PC<br>PLO<br>PA<br>MPB    |                          |
| s.64(5)                           | duty to give each objector a copy of an exempt decision                                                                                                                                        | GMSPD<br>PC<br>PLO<br>PA<br>MPB    |                          |
| s.65(1)                           | duty to give notice of refusal to grant permit to applicant and objector                                                                                                                       | GMSPD<br>PC<br>PLO<br>PA<br>MPB    |                          |

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| PLANNING AND ENVIRONMENT ACT 1987 |                                                                                |                                    |                          |
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| Column 1                          | Column 2                                                                       | Column 3                           | Column 4                 |
| PROVISION                         | THING DELEGATED                                                                | DELEGATE                           | CONDITIONS & LIMITATIONS |
| s.66                              | duty to give notice under s.64 or s.65 and copy permit to referral authorities | GMSPD<br>PC<br>PLO<br>PA<br>MPB    |                          |
| s.69(1)                           | function of receiving application for extension of time of permit              | GMSPD<br>PC<br>PLO<br>PA<br>MPB    |                          |
| s.69(2)                           | power to extend time                                                           | PCofC<br>GMSPD<br>PC<br>PLO<br>MPB |                          |
| s.70                              | duty to make copy permit available for inspection                              | GMSPD<br>PC<br>PLO<br>PA<br>MPB    |                          |
| s.71(1)                           | power to correct certain mistakes                                              | GMSPD<br>PC<br>PLO<br>MPB          |                          |
| s.71(2)                           | duty to note corrections in register                                           | GMSPD<br>PC<br>PLO<br>PA<br>MPB    |                          |

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| PLANNING AND ENVIRONMENT ACT 1987 |                                                                                                |                                    |                          |
|-----------------------------------|------------------------------------------------------------------------------------------------|------------------------------------|--------------------------|
| Column 1                          | Column 2                                                                                       | Column 3                           | Column 4                 |
| PROVISION                         | THING DELEGATED                                                                                | DELEGATE                           | CONDITIONS & LIMITATIONS |
| s.73                              | power to decide to grant amendment subject to conditions                                       | PCofC<br>GMSPD<br>PC<br>PLO<br>MPB |                          |
| s.74                              | duty to issue amended permit to applicant if no objectors                                      | GMSPD<br>PC<br>PLO<br>MPB          |                          |
| s.76                              | duty to give applicant and objectors notice of decision to refuse to grant amendment to permit | GMSPD<br>PC<br>PLO<br>PA<br>MPB    |                          |
| s.76A                             | duty to give referral authorities copy of amended permit and copy of notice                    | GMSPD<br>PC<br>PLO<br>PA<br>MPB    |                          |
| s.76D                             | duty to comply with direction of Minister to issue amended permit                              | GMSPD<br>PC<br>PLO<br>MPB          |                          |
| s.83                              | function of being respondent to an appeal                                                      | GMSPD<br>PC<br>PLO<br>MPB          |                          |

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| PLANNING AND ENVIRONMENT ACT 1987 |                                                                                                                                    |                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|-----------------------------------|------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Column 1                          | Column 2                                                                                                                           | Column 3                    | Column 4                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| PROVISION                         | THING DELEGATED                                                                                                                    | DELEGATE                    | CONDITIONS & LIMITATIONS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| s.83B                             | duty to give or publish notice of application for review                                                                           | GMSPD<br>PC<br>PLO<br>MPB   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| s.84(1)                           | power to decide on an application at any time after an appeal is lodged against failure to grant a permit                          | PCoIC<br>GMSPD<br>PC<br>MPB | Save where the proposed use and/or development. <ul style="list-style-type: none"> <li>• Does not provide the required amount of car parking spaces pursuant to Clause 52.06, Colac Otway Planning Scheme.</li> <li>• Or proposed development is in excess of eight (8) metres in overall height above natural ground level.</li> <li>• Or four (4) or more objections have been lodged against the grant of a permit</li> </ul> Save where the application may have an affect on the broader community. |
| s.84(2)                           | duty not to issue a permit or notice of decision or refusal after an application is made for review of a failure to grant a permit | GMSPD<br>PC<br>MPB          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |

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| PLANNING AND ENVIRONMENT ACT 1987 |                                                                                                                                       |                           |                          |
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| Column 1                          | Column 2                                                                                                                              | Column 3                  | Column 4                 |
| PROVISION                         | THING DELEGATED                                                                                                                       | DELEGATE                  | CONDITIONS & LIMITATIONS |
| s.84(3)                           | duty to tell principal registrar if decide to grant a permit after an application is made for review of its failure to grant a permit | GMSPD<br>PC<br>MPB        |                          |
| s.84(6)                           | duty to issue permit on receipt of advice within 3 working days                                                                       | GMSPD<br>PC<br>PLO<br>MPB |                          |
| s.86                              | duty to issue a permit at order of Tribunal within 3 working days                                                                     | GMSPD<br>PC<br>PLO<br>MPB |                          |
| s.87(3)                           | power to apply to VCAT for the cancellation or amendment of a permit                                                                  | GMSPD<br>PC<br>MPB        |                          |
| s.90(1)                           | function of being heard at hearing of request for cancellation or amendment of a permit                                               | GMSPD<br>PC<br>PLO<br>MPB |                          |
| s.91(2)                           | duty to comply with the directions of VCAT                                                                                            | GMSPD<br>PC<br>PLO<br>MPB |                          |
| s.91(2A)                          | Duty to issue amended permit to owner if Tribunal so directs                                                                          | GMSPD<br>PC<br>PLO<br>MPB |                          |

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| PLANNING AND ENVIRONMENT ACT 1987 |                                                                                                                   |                           |                          |
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| Column 1                          | Column 2                                                                                                          | Column 3                  | Column 4                 |
| PROVISION                         | THING DELEGATED                                                                                                   | DELEGATE                  | CONDITIONS & LIMITATIONS |
| s.92                              | duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s.90        | GMSPD<br>PC<br>PLO<br>MPB |                          |
| s.93(2)                           | duty to give notice of VCAT order to stop development                                                             | GMSPD<br>PC<br>PLO<br>MPB |                          |
| s.95(3)                           | function of referring certain applications to the Minister                                                        | GMSPD<br>PC<br>MPB        |                          |
| s.95(4)                           | duty to comply with an order or direction                                                                         | GMSPD<br>PC<br>PLO<br>MPB |                          |
| s.96(1)                           | duty to obtain a permit from the Minister to use and develop its land                                             | GMSPD<br>PC<br>MPB        |                          |
| s.96(2)                           | function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land | GMSPD<br>PC<br>MPB        |                          |
| s.96A(2)                          | power to agree to consider an application for permit concurrently with preparation of proposed amendment          | GMSPD<br>PC<br>PLO<br>MPB |                          |
| s.96C                             | power to give notice, to decide not to give notice, to publish notice and to exercise any other power under s.96C | GMSPD<br>PC<br>MPB        |                          |

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| PLANNING AND ENVIRONMENT ACT 1987 |                                                                                                                                                                                                                                                                                |                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
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| Column 1                          | Column 2                                                                                                                                                                                                                                                                       | Column 3                        | Column 4                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| PROVISION                         | THING DELEGATED                                                                                                                                                                                                                                                                | DELEGATE                        | CONDITIONS & LIMITATIONS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| s.96F                             | duty to consider the panel's report under section 96E                                                                                                                                                                                                                          | GMSPD<br>PC<br>MPB              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| s.96G(1)                          | power to determine to recommend that a permit be granted or to refuse to recommend that a permit be granted and power to notify applicant of the determination (including power to give notice under s 23 of the <i>Planning and Environment (Planning Schemes) Act 1996</i> ) | PCofC<br><br>GMSPD<br>PC<br>MPB | <p>Save where the proposed use and/or development.</p> <ul style="list-style-type: none"> <li>Does not provide the required amount of car parking spaces pursuant to Clause 52.06, Coliac Otway Planning Scheme.</li> <li>Or proposed development is in excess of eight (8) metres in overall height above natural ground level.</li> <li>Or four (4) or more objections have been lodged against the grant of a permit.</li> <li>Or where the application may have an affect on the broader community.</li> </ul> |
| s.96H(3)                          | power to give notice in compliance with Minister's direction                                                                                                                                                                                                                   | GMSPD<br>PC<br>MPB              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| s.96J                             | power to issue permit as directed by the Minister                                                                                                                                                                                                                              | GMSPD<br>PC<br>PLO<br>MPB       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |

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| PLANNING AND ENVIRONMENT ACT 1987 |                                                                                                                                        |                                 |                          |
|-----------------------------------|----------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|--------------------------|
| Column 1                          | Column 2                                                                                                                               | Column 3                        | Column 4                 |
| PROVISION                         | THING DELEGATED                                                                                                                        | DELEGATE                        | CONDITIONS & LIMITATIONS |
| s.96K                             | duty to comply with direction of the Minister to give notice of refusal                                                                | GMSPD<br>PC<br>PLO<br>MPB       |                          |
| s.97C                             | power to request Minister to decide the application                                                                                    | GMSPD<br>PC<br>MPB              |                          |
| s.97D(1)                          | duty to comply with directions of Minister to supply any document or assistance relating to application                                | GMSPD<br>PC<br>PLO<br>MPB       |                          |
| s.97G(3)                          | function of receiving from Minister copy of notice of refusal to grant permit or copy of any permit granted by the Minister            | GMSPD<br>PC<br>PLO<br>MPB       |                          |
| s.97G(6)                          | duty to make a copy of permits issued under s.97F available for inspection                                                             | GMSPD<br>PC<br>PLO<br>PA<br>MPB |                          |
| s.97L                             | duty to include Ministerial decisions in a register kept under s.49                                                                    | GMSPD<br>PC<br>PLO<br>PA<br>MPB |                          |
| s.97MCA(2)                        | function of consulting with advisory committee regarding the areas for which the Development Assessment Committee is to be established | GMSPD<br>PC<br>MPB              |                          |

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| PLANNING AND ENVIRONMENT ACT 1987 |                                                                                                                              |                                         |                          |
|-----------------------------------|------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|--------------------------|
| Column 1                          | Column 2                                                                                                                     | Column 3                                | Column 4                 |
| PROVISION                         | THING DELEGATED                                                                                                              | DELEGATE                                | CONDITIONS & LIMITATIONS |
| s.97MG                            | duty to provide documents and information to development assessment committee                                                | PLO<br>PA<br>MPB                        |                          |
| s.97MH                            | duty to provide assistance to the development assessment committee                                                           | PLO<br>PA<br>MPB                        |                          |
| s.97MJ(2)                         | duty to ensure that the register of application specifies whether the development assessment committee has made the decision | PLO<br>PA<br>MPB                        |                          |
| s.97MK                            | function of nominating member of the development assessment committee                                                        | PLO<br>PA<br>MPB                        |                          |
| s.97ML(4)                         | power to nominate alternate members of the development assessment committee                                                  | PLO<br>PA<br>MPB                        |                          |
| s.97O                             | duty to consider application and issue or refuse to issue certificate of compliance                                          | GMSPD<br>PC<br>PLO<br>MPB               |                          |
| s.97P(3)                          | duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate    | GMSPD<br>PC<br>PLO<br>MPB               |                          |
| s.97Q(2)                          | function of being heard by VCAT at hearing of request for amendment or cancellation of certificate                           | GMSPD<br>PC<br>PLO<br>EP<br>MPB<br>MECS |                          |

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| PLANNING AND ENVIRONMENT ACT 1987 |                                                                                               |                                 |                          |
|-----------------------------------|-----------------------------------------------------------------------------------------------|---------------------------------|--------------------------|
| Column 1                          | Column 2                                                                                      | Column 3                        | Column 4                 |
| PROVISION                         | THING DELEGATED                                                                               | DELEGATE                        | CONDITIONS & LIMITATIONS |
| s.97(4)                           | duty to comply with directions of VCAT                                                        | GMSPD<br>PC<br>PLO<br>MPB       |                          |
| s.97R                             | duty to keep register of all applications for certificate of compliance and related decisions | GMSPD<br>PC<br>PLO<br>PA<br>MPB |                          |
| s.98(1)&(2)                       | function of receiving claim for compensation in certain circumstances                         | GMSPD<br>MPB                    |                          |
| s.98(4)                           | duty to inform any person of the name of the person from whom compensation can be claimed     | GMSPD<br>MPB                    |                          |
| s.101                             | function of receiving claim for expenses in conjunction with claim                            | GMSPD                           |                          |
| s.103                             | power to reject a claim for compensation in certain circumstances                             | MPB<br>PCofC<br>GMSPD<br>MPB    |                          |
| s.107(1)                          | function of receiving claim for compensation                                                  | GMSPD<br>MPB                    |                          |
| s.107(3)                          | power to agree to extending time for making claim                                             | GMSPD<br>MPB                    |                          |
| s.114(1)                          | power to apply to the VCAT for an enforcement order                                           | GMSPD<br>PC<br>MPB              |                          |

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| PLANNING AND ENVIRONMENT ACT 1987 |                                                                                                                           |                                         |                          |
|-----------------------------------|---------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|--------------------------|
| Column 1                          | Column 2                                                                                                                  | Column 3                                | Column 4                 |
| PROVISION                         | THING DELEGATED                                                                                                           | DELEGATE                                | CONDITIONS & LIMITATIONS |
| s.117(1)(a)                       | function of making a submission to the VCAT where objections are received                                                 | GMSPD<br>PC<br>PLO<br>EP<br>MPB<br>MECS |                          |
| s.120(1)                          | power to apply for an interim enforcement order where s.114 application has been made                                     | GMSPD<br>PC<br>MPB                      |                          |
| s.123(1)                          | power to carry out work required by enforcement order and recover costs                                                   | GMSPD<br>PC<br>MPB                      |                          |
| s.123(2)                          | power to sell buildings, materials, etc salvaged in carrying out work under s.123(1)                                      | GMSPD<br>MPB                            | Except Crown Land        |
| s.125                             | power to apply for an injunction restraining a person from contravening an enforcement order or interim enforcement order | GMSPD<br>MPB                            |                          |
| s.129                             | function of recovering penalties                                                                                          | GMSPD<br>MFCS<br>MPB                    |                          |
| s.130(5)                          | power to allow person served with an infringement notice further time                                                     | GMSPD<br>PC<br>PLO<br>MPB               |                          |
| s.149A(1)                         | power to refer a matter to the VCAT for determination                                                                     | GMSPD<br>PC<br>MPB                      |                          |

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| PLANNING AND ENVIRONMENT ACT 1987 |                                                                                                                                                                                                                                                                                                                                                                                              |                             |                                                   |
|-----------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|---------------------------------------------------|
| Column 1                          | Column 2                                                                                                                                                                                                                                                                                                                                                                                     | Column 3                    | Column 4                                          |
| PROVISION                         | THING DELEGATED                                                                                                                                                                                                                                                                                                                                                                              | DELEGATE                    | CONDITIONS & LIMITATIONS                          |
| s.156                             | duty to pay fees and allowances (including a payment to the Crown under subsection (2A) and payment or reimbursement for reasonable costs and expenses incurred by the panel in carrying out its functions unless the Minister directs otherwise under subsection (2B)), power to ask for contribution under subsection (3) and power to abandon amendment or part of it under subsection(4) | GMSPD<br>PC<br>MPB          | Where Council is the relevant planning authority. |
| s.171(2)(f)                       | power to carry out studies and commission reports                                                                                                                                                                                                                                                                                                                                            | GMSPD<br>PC<br>MPB          |                                                   |
| s.171(2)(g)                       | power to grant and reserve easements                                                                                                                                                                                                                                                                                                                                                         | PCofC<br>GMSPD<br>PC<br>MPB |                                                   |
| s.173                             | power to enter into agreement covering matters set out in s.174                                                                                                                                                                                                                                                                                                                              | GMSPD<br>PC<br>MPB          |                                                   |
| ---                               | power to decide whether something is to the satisfaction of Council, where an agreement made under section 173 of the <i>Planning and Environment Act 1987</i> requires something to be to the satisfaction of Council or Responsible Authority                                                                                                                                              | GMSPD<br>PC<br>PLO<br>MPB   |                                                   |

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| PLANNING AND ENVIRONMENT ACT 1987 |                                                                                                                                                                                                                                       |                             |                          |
|-----------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|--------------------------|
| Column 1                          | Column 2                                                                                                                                                                                                                              | Column 3                    | Column 4                 |
| PROVISION                         | THING DELEGATED                                                                                                                                                                                                                       | DELEGATE                    | CONDITIONS & LIMITATIONS |
| --                                | power to give consent on behalf of Council, where an agreement made under section 173 of the <i>Planning and Environment Act 1987</i> requires that something may not be done without the consent of Council or Responsible Authority | GMSPD<br>PC<br>MPB          |                          |
| s.177(2)                          | power to end a section 173 agreement with approval of the Minister or the consent of all those bound by any covenant in the agreement                                                                                                 | GMSPD<br>PC<br>MPB          |                          |
| s.178                             | power to amend a s.173 agreement                                                                                                                                                                                                      | PCofC<br>GMSPD<br>PC<br>MPB |                          |
| s.179(1)                          | duty to lodge agreement with Minister                                                                                                                                                                                                 | GMSPD<br>PC<br>PLO<br>MPB   |                          |
| s.179(2)                          | duty to make available for inspection copy agreement                                                                                                                                                                                  | GMSPD<br>PC<br>PLO<br>MPB   |                          |
| s.181                             | power to apply to the Registrar of Titles for registration of the agreement and to deliver a memorial to Registrar-General                                                                                                            | GMSPD<br>PC<br>PLO<br>MPB   |                          |

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| PLANNING AND ENVIRONMENT ACT 1987 |                                                                        |                                 |                          |
|-----------------------------------|------------------------------------------------------------------------|---------------------------------|--------------------------|
| Column 1                          | Column 2                                                               | Column 3                        | Column 4                 |
| PROVISION                         | THING DELEGATED                                                        | DELEGATE                        | CONDITIONS & LIMITATIONS |
| s.182                             | power to enforce an agreement                                          | GMSPD<br>PC<br>PLO<br>MPB       |                          |
| s.183                             | duty to tell Registrar of Titles of ending/amendment of agreement      | GMSPD<br>PC<br>PLO<br>MPB       |                          |
| s.198(1)                          | function to receive application for planning certificate               | GMSPD<br>PC<br>PLO<br>PA<br>MPB |                          |
| s.199(1)                          | duty to give planning certificate to applicant                         | GMSPD<br>PC<br>PLO<br>MPB       |                          |
| s.201(1)                          | function of receiving application for declaration of underlying zoning | GMSPD<br>PC<br>PLO<br>PA<br>MPB |                          |
| s.201(3)                          | duty to make declaration                                               | GMSPD<br>PC<br>PLO<br>MPB       |                          |

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| PLANNING AND ENVIRONMENT ACT 1987 |                                                                                                                                                       |                                    |                          |
|-----------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|--------------------------|
| Column 1                          | Column 2                                                                                                                                              | Column 3                           | Column 4                 |
| PROVISION                         | THING DELEGATED                                                                                                                                       | DELEGATE                           | CONDITIONS & LIMITATIONS |
|                                   | power to decide, in relation to any planning scheme or permit, that a specified thing has or has not been done to the satisfaction of Council         | PCofC<br>GMSPD<br>PC<br>PLO<br>MPB |                          |
|                                   | power, in relation to any planning scheme or permit, to consent or refuse to consent to any matter which requires the consent or approval of Council. | PCofC<br>GMSPD<br>PC<br>PLO<br>MPB |                          |
|                                   | power to approve any plan or any amendment to a plan or other document in accordance with a provision of a planning scheme or a condition in a permit | PCofC<br>GMSPD<br>PC<br>PLO<br>MPB |                          |
|                                   | power to give written authorisation in accordance with a provision of a planning scheme                                                               | PCofC<br>GMSPD<br>PC<br>PLO<br>MPB |                          |
| s.201UAB(1)                       | function of providing the Growth Areas Authority with information relating to any land within municipal district                                      | GMSPD<br>MPB                       |                          |
| s.201UAB(2)                       | duty to provide the Growth Areas Authority with information requested under subsection (1) as soon as possible                                        | GMSPD<br>MPB                       |                          |

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| PLANNING AND ENVIRONMENT REGULATIONS 2005 |                                                                                                                                                                                                                                                                                 |                                 |                          |
|-------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|--------------------------|
| Column 1                                  | Column 2                                                                                                                                                                                                                                                                        | Column 3                        | Column 4                 |
| PROVISION                                 | THING DELEGATED                                                                                                                                                                                                                                                                 | DELEGATE                        | CONDITIONS & LIMITATIONS |
| r 6                                       | duty of responsible authority to provide copy of matter considered under section 60(1A)(g) for inspection free of charge                                                                                                                                                        | GMSPD<br>PC<br>PLO<br>PA<br>MPB |                          |
| r7                                        | duty of responsible authority to provide copy information or report requested by Minister                                                                                                                                                                                       | GMSPD<br>PC<br>PLO<br>PA<br>MPB |                          |
| r22                                       | power of responsible authority to require verification of information (by statutory declaration or other written confirmation satisfactory to the responsible authority) in application for permit or to amend a permit or any information provided under section 54 of the Act | GMSPD<br>PC<br>PLO<br>PA<br>MPB |                          |
| r 55                                      | duty of responsible authority to tell Registrar of Titles under r 183 of the Act of the cancellation or amendment of an agreement                                                                                                                                               | GMSPD<br>PC<br>PLO<br>PA<br>MPB |                          |

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|  |  |  |  |  |                                                                                                                            |
|--|--|--|--|--|----------------------------------------------------------------------------------------------------------------------------|
|  |  |  |  |  | Deleted: PLANNING AND ENVIRONMENT (FEES) REGULATIONS 2000                                                                  |
|  |  |  |  |  | Deleted: Column 1                                                                                                          |
|  |  |  |  |  | Deleted: Column 2                                                                                                          |
|  |  |  |  |  | Deleted: Column 3                                                                                                          |
|  |  |  |  |  | Deleted: Column 4                                                                                                          |
|  |  |  |  |  | Deleted: PROVISION                                                                                                         |
|  |  |  |  |  | Deleted: THING DELEGATED                                                                                                   |
|  |  |  |  |  | Deleted: DELEGATE                                                                                                          |
|  |  |  |  |  | Deleted: CONDITIONS & LIMITATIONS                                                                                          |
|  |  |  |  |  | Deleted: r.13(1)                                                                                                           |
|  |  |  |  |  | Deleted: power to waive or rebate fee in prescribed circumstances                                                          |
|  |  |  |  |  | Deleted: GMSPD - PCT/MPB                                                                                                   |
|  |  |  |  |  | Deleted:                                                                                                                   |
|  |  |  |  |  | Deleted: r.13(2)                                                                                                           |
|  |  |  |  |  | Deleted: power to waive or rebate fee for amendment to a planning scheme in prescribed circumstances                       |
|  |  |  |  |  | Deleted: GMSPD - PCT/MPB                                                                                                   |
|  |  |  |  |  | Deleted:                                                                                                                   |
|  |  |  |  |  | Deleted: r.13(3)                                                                                                           |
|  |  |  |  |  | Deleted: duty if fee waived or rebated to record the matters taken into account and which formed the basis of the decision |
|  |  |  |  |  | Deleted: GMSPD - PCT/MPB                                                                                                   |
|  |  |  |  |  | Deleted:                                                                                                                   |

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| <b>PLANNING AND ENVIRONMENT (FEES) INTERIM REGULATIONS 2011</b> |                                                                                                                              |                 |                                            |
|-----------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------|-----------------|--------------------------------------------|
| <b>*These regulations expire on 23 July 2012</b>                |                                                                                                                              |                 |                                            |
| <b>Column 1</b>                                                 | <b>Column 2</b>                                                                                                              | <b>Column 3</b> | <b>Column 4</b>                            |
| <b>PROVISION</b>                                                | <b>THING DELEGATED</b>                                                                                                       | <b>DELEGATE</b> | <b>CONDITIONS &amp; LIMITATIONS</b>        |
| r.16                                                            | power to waive or rebate fee in prescribed circumstances                                                                     | MPB<br>PC       | Where Council is the responsible authority |
| r.17                                                            | power to waive or rebate fee for amendment to a planning scheme in prescribed circumstances                                  | MPB<br>PC       | Where Council is the responsible authority |
| r.18                                                            | duty if fee waives or rebated to record in writing the matters taken into account and which formed the basis of the decision | MPB<br>PC       | Where Council is the responsible authority |

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| RAIL SAFETY ACT 2006 |                                                                                                                                                |             |                                             |
|----------------------|------------------------------------------------------------------------------------------------------------------------------------------------|-------------|---------------------------------------------|
| Column 1             | Column 2                                                                                                                                       | Column 3    | Column 4                                    |
| PROVISION            | THING DELEGATED                                                                                                                                | DELEGATE    | CONDITIONS & LIMITATIONS                    |
| s.33                 | duty to comply with a direction of the Safety Director under this section                                                                      | GMIS<br>MCW | duty of Council as a utility under s.3      |
| s.33A                | duty to comply with a direction of the Safety Director to give effect to arrangements under this section.                                      | GMIS<br>MCW | duty of Council as a utility under s.3      |
| s.34                 | duty to comply with a direction of the Safety Director to alter, demolish or take away works carried out contrary to a direction under s.33(1) | GMIS<br>MCW | duty of Council as a utility under s.3      |
| s.34C(2)             | function of entering into safety interface agreements with rail infrastructure manager                                                         | GMIS<br>MCW | where Council is the relevant road manager  |
| s.34D(1)             | function of working in conjunction with rail infrastructure manager in determining whether risks to safety need to be managed                  | GMIS<br>MCW | where Council is the registration authority |
| s.34D(2)             | function of receiving written notice of opinion                                                                                                | GMIS<br>MCW | where Council is the registration authority |
| s.34D(4)             | function entering into safety interface agreement with infrastructure manager                                                                  | GMIS<br>MCW | where Council is the registration authority |
| s.34E(1)(a)          | duty to identify and assess risks to safety                                                                                                    | GMIS<br>MCW | where Council is the registration authority |
| s.34E(1)(b)          | duty to determine measures to manage any risks identified and assessed having regard to items set out in section 34E(2)(a)-(c)                 | GMIS<br>MCW | where Council is the registration authority |

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| RAIL SAFETY ACT 2006 |                                                                                                                                          |             |                                             |
|----------------------|------------------------------------------------------------------------------------------------------------------------------------------|-------------|---------------------------------------------|
| Column 1             | Column 2                                                                                                                                 | Column 3    | Column 4                                    |
| PROVISION            | THING DELEGATED                                                                                                                          | DELEGATE    | CONDITIONS & LIMITATIONS                    |
| s.34E(3)             | duty to seek to enter into a safety interface agreement with rail infrastructure manager                                                 | GMIS<br>MCW | where Council is the registration authority |
| s.34F(1)(a)          | duty to identify and assess risks to safety if written notice has been received under section 34D(2)(a)                                  | GMIS<br>MCW | where Council is the registration authority |
| s.34F(1)(b)          | duty to determine measures to manage any risks identified and assessed if written notice has been received under section 34D(2)(a)       | GMIS<br>MCW | where Council is the registration authority |
| s.34F(2)             | duty to seek to enter into a safety interface agreement with rail infrastructure manager                                                 | GMIS<br>MCW | where Council is the registration authority |
| s.34H                | power to identify and assess risks to safety as required under sections 34B, 34C, 34D, 34E or 34F in accordance with subsections (a)-(c) | GMIS<br>MCW | where Council is the registration authority |
| s.34I                | function of entering into safety interface agreements                                                                                    | GMIS<br>MCW | where Council is the registration authority |
| s.34J(2)             | function of receiving notice from Safety Director                                                                                        | GMIS<br>MCW | where Council is the registration authority |
| s.34J(7)             | duty to comply with a direction of the Safety Director given under section 34J(5)                                                        | GMIS<br>MCW | where Council is the registration authority |
| s.34K(2)             | duty to maintain a register of items set out in subsections (a)-(b)                                                                      | GMIS<br>MCW | where Council is the registration authority |

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| RESIDENTIAL TENANCIES ACT 1997 |                                                                                                                                             |                   |                               |
|--------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|-------------------|-------------------------------|
| Column 1                       | Column 2                                                                                                                                    | Column 3          | Column 4                      |
| PROVISION                      | THING DELEGATED                                                                                                                             | DELEGATE          | CONDITIONS & LIMITATIONS      |
| s.142D                         | function of receiving notice regarding an unregistered rooming house                                                                        | MHCS<br>EHC       |                               |
| s.252                          | power to give tenant a notice to vacate rented premises if subsection(1) applies                                                            | GMCCS<br>PRC      | where Council is the landlord |
| s.262(1)                       | power to give tenant a notice to vacate rented premises                                                                                     | GMCCS<br>PRC      | where Council is the landlord |
| s.262(3)                       | power to publish its criteria for eligibility for the provision of housing by Council                                                       | GMCCS<br>PRC      |                               |
| s.518F                         | power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements | MHCS              |                               |
| s.522(1)                       | give a compliance notice to a person                                                                                                        | PRC<br>LLC<br>LLO |                               |
| s.525(2)                       | power to authorise an officer to exercise powers in s.526 (either generally or in a particular case)                                        | GMCCS             |                               |
| s.525(4)                       | duty to issue identity card to authorised officers                                                                                          | GMCCS             |                               |
| s.526(5)                       | duty to keep record of entry by authorised officer under section 526                                                                        | PRC<br>LLC        |                               |
| s.526A(3)                      | function of receiving report of inspection                                                                                                  | PRC<br>LLC        |                               |
| s.527                          | power to authorise a person to institute proceedings (either generally or in a particular case)                                             | LLC               |                               |

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| ROAD MANAGEMENT ACT 2004 |                                                                                              |                            |                                                                                                                 |
|--------------------------|----------------------------------------------------------------------------------------------|----------------------------|-----------------------------------------------------------------------------------------------------------------|
| Column 1                 | Column 2                                                                                     | Column 3                   | Column 4                                                                                                        |
| PROVISION                | THING DELEGATED                                                                              | DELEGATE                   | CONDITIONS & LIMITATIONS                                                                                        |
| s11(1)                   | power to declare a road by publishing a notice in the Government Gazette                     | GMIS<br>MSA                | obtain consent in circumstances specified in s11(2)                                                             |
| s11(8)                   | power to name a road or change the name of a road by publishing notice in Government Gazette | GMCCS<br>PRC               |                                                                                                                 |
| s11(9)(b)                | duty to advise Registrar                                                                     | GMCCS<br>PRC               |                                                                                                                 |
| s11(10)                  | duty to inform Secretary to Department of Sustainability and Environment of declaration etc. | MSA<br>PRC                 | clause subject to s.11(10A)                                                                                     |
| s.11(10A)                | duty to inform Secretary to Dept of Sustainability and Environment or nominated person       | GMIS<br>MSA<br>MCWS<br>MCW | duty of co-ordinating road authority                                                                            |
| s.12(2)                  | power to discontinue road or part of a road                                                  | GMIS<br>MSA                | power of co-ordinating road authority                                                                           |
| s12(4)                   | power to publish, and provide copy, notice of proposed discontinuance                        | GMIS<br>MSA                | power of coordinating road authority where it is the discontinuing body<br>- unless subsection (11) applies     |
| s.12(5)                  | duty to consider written submissions received within 28 days of notice                       | GMIS<br>MSA                | duty of co-ordinating road authority where it is the discontinuing body<br>- unless subsection (11) applies     |
| s.12(6)                  | function of hearing a person in support of their written submission                          | GMIS<br>MSA                | function of co-ordinating road authority where it is the discontinuing body<br>- unless subsection (11) applies |
| s.12(7)                  | duty to fix day, time and place of meeting under subsection (6) and to give notice           | GMIS<br>MSA                | duty of co-ordinating road authority where it is the discontinuing body<br>- unless subsection (11) applies     |

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| ROAD MANAGEMENT ACT 2004 |                                                                                                                                                                                                                                           |             |                                                                                                                                                                        |
|--------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Column 1                 | Column 2                                                                                                                                                                                                                                  | Column 3    | Column 4                                                                                                                                                               |
| PROVISION                | THING DELEGATED                                                                                                                                                                                                                           | DELEGATE    | CONDITIONS & LIMITATIONS                                                                                                                                               |
| s12(10)                  | duty to notify of decision made                                                                                                                                                                                                           | GMIS<br>MSA | duty of coordinating road authority where it is the discontinuing body<br>- does not apply where an exemption is specified by the regulations or given by the Minister |
| s13(1)                   | power to fix a boundary road by publishing notice in Government Gazette                                                                                                                                                                   | GMIS<br>MSA | power of coordinating road authority and obtain consent under s13(3) and s13(4) as appropriate                                                                         |
| s.14(4)                  | function of receiving notice from VicRoads                                                                                                                                                                                                | GMIS<br>MSA |                                                                                                                                                                        |
| s14(7)                   | power to appeal against decision of VicRoads                                                                                                                                                                                              | GMIS        |                                                                                                                                                                        |
| s15(1)                   | power to enter into arrangement with another road authority, utility or a provider of public transport to transfer a road management function of the road authority to the other road authority, utility or provider of public transport. | GMIS        |                                                                                                                                                                        |
| s15(1A)                  | power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority                                                                                                                | GMIS<br>MSA |                                                                                                                                                                        |
| s15(2)                   | duty to include details of arrangement in public roads register                                                                                                                                                                           | GMIS<br>MSA |                                                                                                                                                                        |
| s16(7)                   | power to enter into an arrangement under s15                                                                                                                                                                                              | GMIS        |                                                                                                                                                                        |
| s16(8)                   | duty to enter details of determination in public roads register                                                                                                                                                                           | GMIS<br>MSA |                                                                                                                                                                        |

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| ROAD MANAGEMENT ACT 2004 |                                                                                                     |             |                                                                                               |
|--------------------------|-----------------------------------------------------------------------------------------------------|-------------|-----------------------------------------------------------------------------------------------|
| Column 1                 | Column 2                                                                                            | Column 3    | Column 4                                                                                      |
| PROVISION                | THING DELEGATED                                                                                     | DELEGATE    | CONDITIONS & LIMITATIONS                                                                      |
| s17(2)                   | duty to register public road in public roads register                                               | MSA         | power of coordinating road authority                                                          |
| s17(3)                   | power to decide that a road is reasonably required for general public use                           | GMIS<br>MSA | power of coordinating road authority                                                          |
| s17(3)                   | duty to register a road reasonably required for general public use in public roads register         | MSA         | power of coordinating road authority                                                          |
| s17(4)                   | power to decide that a road is no longer reasonably required for general public use                 | GMIS        | power of coordinating road authority                                                          |
| s17(4)                   | duty to remove road no longer reasonably required for general public use from public roads register | MSA         | power of coordinating road authority                                                          |
| s18(1)                   | power to designate ancillary area                                                                   | GMIS        | power of coordinating road authority, and obtain consent in circumstances specified in s18(2) |
| s18(3)                   | duty to record designation in public roads register                                                 | GMIS<br>MSA | power of coordinating road authority                                                          |
| s19(1)                   | duty to keep register of public roads in respect of which it is the coordinating road authority     | GMIS<br>MSA |                                                                                               |
| s19(4)                   | duty to specify details of discontinuance in public roads register                                  | GMIS<br>MSA |                                                                                               |
| s19(5)                   | duty to ensure public roads register is available for public inspection                             | GMIS<br>MSA |                                                                                               |

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| ROAD MANAGEMENT ACT 2004 |                                                                                                               |                     |                                                                  |
|--------------------------|---------------------------------------------------------------------------------------------------------------|---------------------|------------------------------------------------------------------|
| Column 1                 | Column 2                                                                                                      | Column 3            | Column 4                                                         |
| PROVISION                | THING DELEGATED                                                                                               | DELEGATE            | CONDITIONS & LIMITATIONS                                         |
| s.21                     | power to reply to request for information or advice                                                           | GMIS<br>MSA         | obtain consent in circumstances specified in s11(2)              |
| s.22(2)                  | power to comment on proposed direction                                                                        | GMIS<br>MSA         |                                                                  |
| s.22(4)                  | duty to publish a copy or summary of any direction made under section 22 by the Minister in its annual report | GMIS<br>MSA         |                                                                  |
| s.22(5)                  | duty to give effect to a direction under this section                                                         | GMIS<br>MSA         |                                                                  |
| s.40(1)                  | duty to inspect, maintain and repair a public road.                                                           | GMIS<br>MSA<br>MCWS |                                                                  |
| s.40(5)                  | power to inspect, maintain and repair a road which is not a public road                                       | GMIS<br>MSA<br>MCW  |                                                                  |
| s.41(1)                  | power to determine the standard of construction, inspection, maintenance and repair                           | GMIS<br>MCWS<br>MSA |                                                                  |
| s42(1)                   | power to declare a public road as a controlled access road                                                    | GMIS                | power of coordinating road authority and Schedule 2 also applies |
| s42(2)                   | power to amend or revoke declaration by notice published in Government Gazette                                | GMIS                | power of coordinating road authority and Schedule 2 also applies |

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| ROAD MANAGEMENT ACT 2004 |                                                                                                                                                                                         |                    |                                                                                                                                         |
|--------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-----------------------------------------------------------------------------------------------------------------------------------------|
| Column 1                 | Column 2                                                                                                                                                                                | Column 3           | Column 4                                                                                                                                |
| PROVISION                | THING DELEGATED                                                                                                                                                                         | DELEGATE           | CONDITIONS & LIMITATIONS                                                                                                                |
| s.42A(3)                 | duty to consult with VicRoads before road is specified                                                                                                                                  | GMIS               | duty of co-ordinating road authority<br>- if road is a municipal road or part thereof                                                   |
| s.42A(4)                 | power to approve Minister's decision to specify a road as a specified freight road                                                                                                      | GMIS<br>MSA        | power of co-ordinating road authority<br>- if road is a municipal road or part thereof and where road is to be specified a freight road |
| s.48EA                   | duty to notify the owner or occupier of land and provider of public transport on which rail infrastructure or rolling stock is located (and any relevant provider of public transport). | GMIS<br>MSA<br>MCW | duty of responsible road authority, infrastructure manager or works manager                                                             |
| s.48M(3)                 | function of consulting with the Secretary for purposes of developing guidelines under section 48M                                                                                       | GMIS<br>MSA<br>MCW |                                                                                                                                         |
| s.48N                    | duty to notify the Secretary of the location of the bus topping point and the action taken by Council                                                                                   | GMIS<br>MSA<br>MCW |                                                                                                                                         |
| s.49                     | power to develop and publish a road management plan                                                                                                                                     | GMIS<br>MSA        |                                                                                                                                         |
| s.51                     | power to determine standards by incorporating the standards in a road management plan                                                                                                   | GMIS<br>MSA        |                                                                                                                                         |
| s.53(2)                  | power to cause notice to be published in Government Gazette of amendment etc of document in road management plan                                                                        | GMIS<br>MSA        |                                                                                                                                         |
| s.54(2)                  | duty to give notice of proposal to make a road management plan                                                                                                                          | GMIS<br>MSA        |                                                                                                                                         |

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| ROAD MANAGEMENT ACT 2004 |                                                                                                        |                            |                                                  |
|--------------------------|--------------------------------------------------------------------------------------------------------|----------------------------|--------------------------------------------------|
| Column 1                 | Column 2                                                                                               | Column 3                   | Column 4                                         |
| PROVISION                | THING DELEGATED                                                                                        | DELEGATE                   | CONDITIONS & LIMITATIONS                         |
| s.54(5)                  | duty to conduct a review of road management plan at prescribed intervals                               | GMIS<br>MSA                |                                                  |
| s.54(6)                  | power to amend road management plan                                                                    | GMIS<br>MSA                |                                                  |
| s.54(7)                  | duty to incorporate the amendments into the road management plan                                       | GMIS<br>MSA                |                                                  |
| s.55(1)                  | duty to cause notice of road management plan to be published in Government Gazette and newspaper       | GMIS<br>MSA                |                                                  |
| s.63(1)                  | power to consent to conduct of works on road                                                           | GMIS<br>MCWS<br>MCW<br>MSA | power of coordinating road authority             |
| s.63(2)(e)               | power to conduct or to authorise the conduct of works in, on, under or over a road in an emergency     | GMIS<br>MCWS<br>MCW<br>MSA | power of infrastructure manager                  |
| s.64(1)                  | duty to comply with clause 13 of Schedule 7                                                            | GMIS<br>MCWS<br>MCW<br>MSA | duty of infrastructure manager or works manager  |
| s.66(1)                  | power to consent to structure etc                                                                      | LLC<br>LLO                 | power of coordinating road authority             |
| s.67(2)                  | function of receiving the name and address of the person responsible for distributing the sign or bill | LLC<br>LLO                 | where Council is the coordinating road authority |

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| ROAD MANAGEMENT ACT 2004 |                                                           |                            |                                      |
|--------------------------|-----------------------------------------------------------|----------------------------|--------------------------------------|
| Column 1                 | Column 2                                                  | Column 3                   | Column 4                             |
| PROVISION                | THING DELEGATED                                           | DELEGATE                   | CONDITIONS & LIMITATIONS             |
| s.67(3)                  | power to request information                              | LLC<br>LLO                 | power of coordinating road authority |
| s.68(2)                  | power to request information                              | LLC<br>LLO                 | power of coordinating road authority |
| s71(3)                   | power to appoint an authorised officer                    | GMSPD<br>GMCCS<br>GMIS     |                                      |
| s.72                     | duty to issue an identity card to each authorised officer | GMCCS                      |                                      |
| s.85                     | function of receiving report from authorised officer      | GMIS<br>MCWS<br>MSA        |                                      |
| s86                      | duty to keep register re s85 matters                      | GMIS                       |                                      |
| s.87(1)                  | function of receiving complaints                          | GMIS<br>MCWS<br>MSA        |                                      |
| s87(2)                   | duty to investigate complaint and provide report          | GMIS                       |                                      |
| s.112(2)                 | power to recover damages in court                         | GMIS<br>MCWS<br>MCW        |                                      |
| s116                     | power to cause or carry out inspection                    | GMIS<br>MCWS<br>MCW<br>MSA |                                      |

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| ROAD MANAGEMENT ACT 2004   |                                                                                                |                            |                          |
|----------------------------|------------------------------------------------------------------------------------------------|----------------------------|--------------------------|
| Column 1                   | Column 2                                                                                       | Column 3                   | Column 4                 |
| PROVISION                  | THING DELEGATED                                                                                | DELEGATE                   | CONDITIONS & LIMITATIONS |
| s.119(2)                   | function of consulting with VicRoads                                                           | GMIS<br>MCWS<br>MCW<br>MSA |                          |
| s.120(1)                   | power to exercise road management functions on an arterial road (with the consent of VicRoads) | GMIS<br>MCWS<br>MSA        |                          |
| s120(2)                    | power to seek consent of VicRoads                                                              | GMIS<br>MCW                |                          |
| s121(1)                    | power to enter into an agreement re works                                                      | GMIS<br>MCW                |                          |
| s.122(1)                   | power to charge and recover fees                                                               | GMIS<br>MCW<br>MSA         |                          |
| s.123(1)                   | power to charge for any service                                                                | GMIS<br>MCW<br>MSA         |                          |
| Schedule 2<br>Clause 2(1)  | power to make a decision re controlled access roads                                            | GMIS                       |                          |
| Schedule 2<br>Clause 3(1). | power to make policy about controlled access roads                                             | GMIS                       |                          |
| Schedule 2<br>Clause 3(2)  | power to amend, revoke or substitute policy about controlled access roads                      | GMIS                       |                          |
| Schedule 2<br>Clause 4     | function of receiving details of proposal from VicRoads                                        | GMIS<br>MCW<br>MSA         |                          |

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| ROAD MANAGEMENT ACT 2004    |                                                                                                                                                                                                                                                                                                    |                            |                                                                                         |
|-----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|-----------------------------------------------------------------------------------------|
| Column 1                    | Column 2                                                                                                                                                                                                                                                                                           | Column 3                   | Column 4                                                                                |
| PROVISION                   | THING DELEGATED                                                                                                                                                                                                                                                                                    | DELEGATE                   | CONDITIONS & LIMITATIONS                                                                |
| Schedule 2<br>Clause 5      | duty to publish notice of declaration                                                                                                                                                                                                                                                              | GMIS                       |                                                                                         |
| Schedule 7,<br>Clause 7(1)  | duty to give notice to relevant coordinating road authority of proposed installation of non-road infrastructure or related works on a road reserve                                                                                                                                                 | GMIS<br>MCW<br>MSA         | duty of infrastructure manager or works manager                                         |
| Schedule 7,<br>Clause 8(1)  | duty to give notice to any other infrastructure manager or works manager responsible for any non-road infrastructure in the area, that could be affected by any proposed installation of infrastructure or related works on a road or road reserve of any road                                     | GMIS<br>MCW<br>MCWS<br>MSA | duty of infrastructure manager or works manager                                         |
| Schedule 7,<br>Clause 9(1)  | duty to comply with request for information from a coordinating road authority, an infrastructure manager or a works manager responsible for existing or proposed infrastructure in relation to the location of any non-road infrastructure and technical advice or assistance in conduct of works | GMIS<br>MCW<br>MSA         | duty of infrastructure manager or works manager responsible for non-road infrastructure |
| Schedule 7,<br>Clause 9(2)  | duty to give information to another infrastructure manager or works manager where becomes aware any infrastructure or works are not in the location shown on records, appear to be in an unsafe condition or appear to need maintenance.                                                           | GMIS<br>MCWS<br>MCW<br>MSA | duty of infrastructure manager or works manager                                         |
| Schedule 7,<br>Clause 10(2) | where Schedule 7 Clause 10(1) applies, duty to, where possible, conduct appropriate consultation with persons likely to be significantly affected                                                                                                                                                  | GMIS<br>MCW<br>MSA         | duty of infrastructure manager or works manager                                         |

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| ROAD MANAGEMENT ACT 2004    |                                                                                                                                       |                            |                                      |
|-----------------------------|---------------------------------------------------------------------------------------------------------------------------------------|----------------------------|--------------------------------------|
| Column 1                    | Column 2                                                                                                                              | Column 3                   | Column 4                             |
| PROVISION                   | THING DELEGATED                                                                                                                       | DELEGATE                   | CONDITIONS & LIMITATIONS             |
| Schedule 7<br>Clause 12(2)  | power to direct infrastructure manager or works manager to conduct reinstatement works                                                | GMIS                       | power of coordinating road authority |
| Schedule 7<br>Clause 12(3)  | power to take measures to ensure reinstatement works are completed                                                                    | GMIS<br>MCW<br>MSA         | power of coordinating road authority |
| Schedule 7<br>Clause 12(4)  | duty to ensure that works are conducted by an appropriately qualified person                                                          | GMIS<br>MCW<br>MSA         | power of coordinating road authority |
| Schedule 7<br>Clause 12(5)  | power to recover costs                                                                                                                | GMIS<br>MCW<br>MFCS<br>MSA | power of coordinating road authority |
| Schedule 7,<br>Clause 13(1) | duty to notify relevant coordinating road authority within 7 days that works have been completed, subject to Schedule 7, Clause 13(2) | GMIS<br>MCWS<br>MCW<br>MSA | duty of works manager                |
| Schedule 7<br>Clause 13(2)  | power to vary notice period                                                                                                           | GMIS<br>MCWS<br>MCW<br>MSA | power of coordinating road authority |
| Schedule 7,<br>Clause 13(3) | duty to ensure works manager has complied with obligation to give notice under Schedule 7, Clause 13(1)                               | GMIS<br>MCW                | duty of infrastructure manager       |

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| ROAD MANAGEMENT ACT 2004   |                                                                      |                            |                                                                                                   |
|----------------------------|----------------------------------------------------------------------|----------------------------|---------------------------------------------------------------------------------------------------|
| Column 1                   | Column 2                                                             | Column 3                   | Column 4                                                                                          |
| PROVISION                  | THING DELEGATED                                                      | DELEGATE                   | CONDITIONS & LIMITATIONS                                                                          |
| Schedule 7<br>Clause 16(1) | power to consent to proposed works                                   | GMIS<br>MCWS<br>MCW<br>MSA | power of coordinating road authority                                                              |
| Schedule 7<br>Clause 16(4) | duty to consult                                                      | GMIS<br>MCWS<br>MCW<br>MSA | where Council is the co-ordinating road authority responsible authority or infrastructure manager |
| Schedule 7<br>Clause 16(5) | power to consent to proposed works                                   | GMIS<br>MCW<br>MSA         | where Council is the co-ordinating road authority                                                 |
| Schedule 7<br>Clause 16(6) | power to set reasonable conditions on consent                        | GMIS<br>MCW<br>MSA         | where Council is the co-ordinating road authority                                                 |
| Schedule 7<br>Clause 16(8) | power to include consents and conditions                             | GMIS<br>MCW<br>MSA         | where Council is the co-ordinating road authority                                                 |
| Schedule 7<br>Clause 17(2) | power to refuse to give consent and duty to give reasons for refusal | GMIS                       | power of coordinating road authority                                                              |
| Schedule 7<br>Clause 18(1) | power to enter into an agreement                                     | GMIS<br>MCW<br>MSA         | power of coordinating road authority                                                              |

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| ROAD MANAGEMENT ACT 2004           |                                                                                                                                           |                                  |                                                                                                                                                                      |
|------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Column 1                           | Column 2                                                                                                                                  | Column 3                         | Column 4                                                                                                                                                             |
| PROVISION                          | THING DELEGATED                                                                                                                           | DELEGATE                         | CONDITIONS & LIMITATIONS                                                                                                                                             |
| Schedule 7<br>Clause 19(1)         | power to give notice requiring rectification of works                                                                                     | GMIS<br>MSA<br>MCW               | power of coordinating road authority                                                                                                                                 |
| Schedule 7<br>Clause 19(2)&<br>(3) | power to conduct the rectification works or engage a person to conduct the rectification works and power to recover costs incurred        | GMIS<br>MSA<br>MCW               | where Council is the co-ordinating road authority                                                                                                                    |
| Schedule 7<br>Clause 20(1)         | power to require removal, relocation, replacement or upgrade of existing non-road infrastructure                                          | GMIS<br>MSA<br>LLC<br>MCW<br>LLO | power of coordinating road authority                                                                                                                                 |
| Schedule 7A<br>Clause 2            | power to cause street lights to be installed on roads                                                                                     | GMIS<br>MSA                      | power of responsible road authority where it is the coordinating road authority or responsible road authority in respect of the road.                                |
| Schedule 7A<br>Clause 3(1)(d)      | duty to pay installation and operation costs of street lighting – where road is not an arterial road.                                     | GMIS<br>MSA                      | where Council is the responsible road authority for the road.                                                                                                        |
| Schedule 7A<br>Clause 3(1)(e)      | duty to pay installation and operation costs of street lighting – where road is a service road on an arterial road and adjacent areas.    | GMIS<br>MSA                      | where Council is the responsible road authority.                                                                                                                     |
| Schedule 7A<br>Clause 3(1)(f)      | duty to pay installation and percentage of operation costs of street lighting – for arterial roads in accordance with clauses 3(2) and 4. | GMIS<br>MSA                      | where Council is responsible road authority that installed the light (re. installation costs) and where Council is relevant municipal Council (re. operating costs). |



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| <b>CEMETERIES AND CREMATORIA REGULATIONS 2005</b><br>These provisions apply to Councils appointed as a cemetery trust under section 5 of the <i>Cemeteries and Crematoria Act 2003</i> and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53) |                                                                                                                                                   |                      |                                 |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|---------------------------------|
| Column 1                                                                                                                                                                                                                                                                                                                              | Column 2                                                                                                                                          | Column 3             | Column 4                        |
| PROVISION                                                                                                                                                                                                                                                                                                                             | THING DELEGATED                                                                                                                                   | DELEGATE             | CONDITIONS & LIMITATIONS        |
| r.17                                                                                                                                                                                                                                                                                                                                  | power to inspect any coffin, container or other receptacle if satisfied of the matters in paragraphs (a) and (b)                                  | PRC<br>GMCCS<br>MFCS |                                 |
| r.18(1)                                                                                                                                                                                                                                                                                                                               | power to remove any fittings on any coffin, container or other receptacle if the fittings may impede the cremation process or damage the cremator | PRC<br>GMCCS<br>MFCS |                                 |
| r.18(2)                                                                                                                                                                                                                                                                                                                               | duty to ensure any fittings removed of are disposed in an appropriate manner                                                                      | PRC<br>GMCCS<br>MFCS |                                 |
| r.19                                                                                                                                                                                                                                                                                                                                  | power to dispose of any metal substance or non-human substance recovered from a cremator                                                          | PRC<br>GMCCS<br>MFCS |                                 |
| r.20(2)                                                                                                                                                                                                                                                                                                                               | power to release cremated human remains to certain persons                                                                                        | PRC<br>GMCCS<br>MFCS | Subject to any order of a court |
| r.21(1)                                                                                                                                                                                                                                                                                                                               | duty to make cremated human remains available for collection within 2 working days after the cremation                                            | PRC<br>GMCCS<br>MFCS |                                 |
| r.21(2)                                                                                                                                                                                                                                                                                                                               | duty to hold cremated human remains for at least 12 months from the date of cremation                                                             | PRC<br>GMCCS<br>MFCS |                                 |
| r.21(3)                                                                                                                                                                                                                                                                                                                               | power to dispose of cremated human remains if no person gives a direction within 12 months of the date of cremation                               | PRC<br>GMCCS<br>MFCS |                                 |

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| <b>CEMETERIES AND CREMATORIA REGULATIONS 2005</b><br>These provisions apply to Councils appointed as a cemetery trust under section 5 of the Cemeteries and Crematoria Act 2003 and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 5) |                                                                                                                                                |                      |                          |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|--------------------------|
| Column 1                                                                                                                                                                                                                                                                                                                      | Column 2                                                                                                                                       | Column 3             | Column 4                 |
| PROVISION                                                                                                                                                                                                                                                                                                                     | THING DELEGATED                                                                                                                                | DELEGATE             | CONDITIONS & LIMITATIONS |
| r.21(4)                                                                                                                                                                                                                                                                                                                       | duty to take reasonable steps notify relevant people of intention to dispose of remains at expiry of 12 month period                           | PRC<br>GMCCS<br>MFCS |                          |
| r.22                                                                                                                                                                                                                                                                                                                          | duty to ensure a mausoleum is constructed in accordance with paragraphs (a)-(d)                                                                | PRC<br>GMCCS<br>MFCS |                          |
| r.26                                                                                                                                                                                                                                                                                                                          | duty to provide statement that alternative vendors or supplier of monuments exist                                                              | PRC<br>GMCCS<br>MFCS |                          |
| r.36                                                                                                                                                                                                                                                                                                                          | power to approve certain activities under the Regulations if satisfied of regulation (1)(a)-(c)                                                | PRC<br>GMCCS<br>MFCS |                          |
| r.38(2)                                                                                                                                                                                                                                                                                                                       | power to approve a person to drive, ride or use a vehicle on any surface other than a road, track or parking area                              | PRC<br>GMCCS<br>MFCS |                          |
| Schedule 6, clause 4                                                                                                                                                                                                                                                                                                          | power to approve the carrying out of an activity referred to in rules 8, 16, 17 and 18 of Schedule 6                                           | PRC<br>GMCCS<br>MFCS |                          |
| Schedule 6, clause 5(1)                                                                                                                                                                                                                                                                                                       | duty to display the hours during which pedestrian access is available to the cemetery                                                          | PRC<br>GMCCS<br>MFCS |                          |
| Schedule 6, clause 5(2)                                                                                                                                                                                                                                                                                                       | duty to notify the Secretary of, (a) the hours during which pedestrian access is available to the cemetery; and (b) any changes to those hours | PRC<br>GMCCS<br>MFCS |                          |
| Schedule 6, clause 6(1)                                                                                                                                                                                                                                                                                                       | power to give directions regarding the manner in which a funeral is to be conducted                                                            | PRC<br>GMCCS<br>MFCS |                          |

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| <b>CEMETERIES AND CREMATORIA REGULATIONS 2005</b>                                                                                                                                                                                                                                |                                                                                                            |                      |                          |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------|----------------------|--------------------------|
| These provisions apply to Councils appointed as a cemetery trust under section 5 of the <i>Cemeteries and Crematoria Act 2003</i> and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53) |                                                                                                            |                      |                          |
| Column 1                                                                                                                                                                                                                                                                         | Column 2                                                                                                   | Column 3             | Column 4                 |
| PROVISION                                                                                                                                                                                                                                                                        | THING DELEGATED                                                                                            | DELEGATE             | CONDITIONS & LIMITATIONS |
| Schedule 6, clause 7(1)                                                                                                                                                                                                                                                          | power to give directions regarding the dressing of places of interment and memorials                       | PRC<br>GMCCS<br>MFCS |                          |
| Schedule 6, clause 11(1)                                                                                                                                                                                                                                                         | power to remove objects from a memorial or place of interment                                              | PRC<br>GMCCS<br>MFCS |                          |
| Schedule 6, clause 11(2)                                                                                                                                                                                                                                                         | duty to ensure objects removed under sub rule (1) are disposed of in an appropriate manner                 | PRC<br>GMCCS<br>MFCS |                          |
| Schedule 6, clause 12                                                                                                                                                                                                                                                            | power to inspect any work being carried out on memorials, places of interment and buildings for ceremonies | PRC<br>GMCCS<br>MFCS |                          |
| Schedule 6, clause 14                                                                                                                                                                                                                                                            | power to approve an animal to enter into or remain in a cemetery                                           | PRC<br>GMCCS<br>MFCS |                          |

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| Column 1      | Column 2                                                                                          | Column 3           | Column 4                 |
|---------------|---------------------------------------------------------------------------------------------------|--------------------|--------------------------|
| PROVISION     | THING DELEGATED                                                                                   | DELEGATE           | CONDITIONS & LIMITATIONS |
| r.7           | function of entering into a written agreement with a caravan park owner                           | MHCS<br>EHC<br>EHO |                          |
| r.11          | function of receiving applications for registration                                               | MHCS<br>EHC<br>EHO |                          |
| r.13(1)       | duty to grant registration if satisfied that the caravan park complies with these regulations     | MHCS<br>EHC<br>EHO |                          |
| r.13(2)       | duty to renew the registration if satisfied that the caravan park complies with these regulations |                    |                          |
| r.13(4) & (5) | duty to issue certificate of registration                                                         |                    |                          |
| r.15(1)       | function of receiving notice of transfer of ownership                                             | MHCS<br>EHC<br>EHO |                          |
| r.15(3)       | power to determine where notice of transfer is displayed                                          | MHCS<br>EHC<br>EHO |                          |
| r.16(1)       | duty to transfer registration to new caravan park owner                                           | MHCS<br>EHC<br>EHO |                          |
| r.16(2)       | duty to issue certificate of transfer of registration                                             | MHCS<br>EHC<br>EHO |                          |

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| RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010 |                                                                                                                   |                    |                          |
|---------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|--------------------|--------------------------|
| Column 1                                                                                                | Column 2                                                                                                          | Column 3           | Column 4                 |
| PROVISION                                                                                               | THING DELEGATED                                                                                                   | DELEGATE           | CONDITIONS & LIMITATIONS |
| r.17(1)                                                                                                 | power to determine the fee to accompany applications for registration or applications for renewal of registration | MHCS<br>EHC<br>EHO |                          |
| r.18                                                                                                    | duty to keep register of caravan parks                                                                            | MHCS<br>EHC        |                          |
| r.19(4)                                                                                                 | power to determine where the emergency contact person's details are displayed                                     | MHCS<br>EHC<br>EHO |                          |
| r.19(6)                                                                                                 | power to determine where certain information is displayed                                                         | MHCS<br>EHC<br>EHO |                          |
| r.22(6)                                                                                                 | duty to notify caravan park owners of emergency service agencies                                                  | MHCS<br>EHC<br>EHO |                          |
| r.22(7)                                                                                                 | duty to consult with relevant emergency services agency                                                           | MHCS<br>EHC<br>EHO |                          |
| r.23(2)                                                                                                 | power to determine places in which caravan park owner must display a copy of emergency procedures                 | MHCS<br>EHC<br>EHO |                          |
| r.24(1)                                                                                                 | power to determine places in which caravan park owner must display copy of public emergency warnings              | MHCS<br>EHC<br>EHO |                          |
| r.25(3)                                                                                                 | duty to consult with relevant floodplain management authority                                                     | MHCS<br>EHC<br>EHO |                          |

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| RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010 |                                                                                                                    |                    |                          |
|---------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------|--------------------|--------------------------|
| Column 1                                                                                                | Column 2                                                                                                           | Column 3           | Column 4                 |
| PROVISION                                                                                               | THING DELEGATED                                                                                                    | DELEGATE           | CONDITIONS & LIMITATIONS |
| r.26                                                                                                    | duty to have regard to any report of the relevant fire authority                                                   | MHCS<br>EHC<br>EHO |                          |
| r.28(c)                                                                                                 | power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling | MHCS<br>EHC<br>EHO |                          |
| r.39                                                                                                    | function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe            | MHCS<br>EHC<br>EHO |                          |
| r.39(b)                                                                                                 | power to require notice of proposal to install unregistrable movable dwelling or rigid annexe                      | MHCS<br>EHC<br>EHO |                          |
| r.40(4)                                                                                                 | function of receiving installation certificate                                                                     | MHCS<br>EHC<br>EHO |                          |
| r.42                                                                                                    | Power to approve use of a non-habitable structure as a dwelling or part of a dwelling                              | MHCS<br>EHC<br>EHO |                          |
| Schedule 3<br>Clause 4(3)                                                                               | power to approve the removal of wheels and axles from unregistrable movable dwelling                               | MHCS<br>EHC<br>EHO |                          |

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| ROAD MANAGEMENT (GENERAL) REGULATIONS 2005 |                                                                                                                                           |             |                                      |
|--------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------|-------------|--------------------------------------|
| Column 1                                   | Column 2                                                                                                                                  | Column 3    | Column 4                             |
| PROVISION                                  | THING DELEGATED                                                                                                                           | DELEGATE    | CONDITIONS & LIMITATIONS             |
| r.301(1)                                   | duty to conduct reviews of road management plan                                                                                           | GMIS<br>MSA |                                      |
| r.302(2)                                   | duty to give notice of review of road management plan                                                                                     | GMIS<br>MSA |                                      |
| r.302(5)                                   | duty to produce written report of review of road management plan and make report available                                                | GMIS<br>MSA |                                      |
| r.303                                      | duty to give notice of amendment which relates to standard of construction, inspection, maintenance or repair under section 41 of the Act | GMIS<br>MSA |                                      |
| r.306(2)                                   | duty to record on road management plan the substance and date of effect of amendment                                                      | MSA         |                                      |
| r.501(1)                                   | power to issue permit                                                                                                                     | GMIS<br>MSA | power of coordinating road authority |
| r.501(4)                                   | power to charge fee for issuing permit under r.501(1)                                                                                     | GMIS<br>MSA | power of coordinating road authority |
| r.503(1)                                   | power to give written consent to person to drive on road a vehicle which is likely to cause damage to road                                | GMIS<br>MSA | power of coordinating road authority |
| r.508(3)                                   | power to make submission to Tribunal                                                                                                      | GMIS        | power of coordinating road authority |
| r.509(1)                                   | power to remove objects, refuse, rubbish or other material deposited or left on road                                                      | LLC<br>MCWS | power of responsible road authority  |

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| ROAD MANAGEMENT (GENERAL) REGULATIONS 2005 |                                                                                                         |             |                                     |
|--------------------------------------------|---------------------------------------------------------------------------------------------------------|-------------|-------------------------------------|
| Column 1                                   | Column 2                                                                                                | Column 3    | Column 4                            |
| PROVISION                                  | THING DELEGATED                                                                                         | DELEGATE    | CONDITIONS & LIMITATIONS            |
| r.509(2)                                   | power to sell or destroy things removed from road or part of road (after first complying with r.509(3)) | GMIS<br>LLC | power of responsible road authority |
| r.509(4)                                   | power to recover in the Magistrates' Court, expenses from person responsible                            | GMIS<br>LLC |                                     |

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| ROAD MANAGEMENT (WORKS AND INFRASTRUCTURE) REGULATIONS 2005 |                                                                                                                                                                                         |             |                                      |
|-------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|--------------------------------------|
| Column 1                                                    | Column 2                                                                                                                                                                                | Column 3    | Column 4                             |
| PROVISION                                                   | THING DELEGATED                                                                                                                                                                         | DELEGATE    | CONDITIONS & LIMITATIONS             |
| r.10                                                        | power, where consent given under s.63(1) of the Act, to exempt a person from requirement under clause 13(1) of Schedule 7 to that Act to give notice as to the completion of those work | GMIS<br>MCW | power of coordinating road authority |
| r.18(2)                                                     | power to waive whole or part of fee in certain circumstances                                                                                                                            | GMIS        | power of coordinating road authority |

S6. Instrument of Delegation – Members of Staff

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FILE COPY

Final lease prepared 9.5.95.

IMPROVEMENTS NOT TO REVERT

CROWN LEASE

VOL.

1212

FOL.

526

MINISTER FOR CONSERVATION AND ENVIRONMENT

AND

APOLLO BAY FISHERMAN'S CO-OPERATIVE SOCIETY LTD

SECTION 137AC

LEASE

LAND ACT 1958



DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES  
REF. NO. 9134

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- 1.2 RATES TAXES
- 1.3 USE OF DEMISED PREMISES
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Section 17(1c) Lease for use of report 122202-8

**IMPROVEMENTS NOT TO REVERT**

**SECTION 137AC Land Act 1958**

Ref No. 4/134

Entered in the Register Book,

Vol.....Fol.....

Assistant Registrar of Titles

THIS LEASE commences on the date set out in the Schedule.  
BETWEEN the parties named and described in the Schedule hereto being the Lessor of the one part and the Lessee of the other part.

RECITALS:

- A. This Lease is granted under Section 137AC of the Land Act 1958 as a replacement lease in substitution for Crown Lease Volume 1210 Folio 007.
- B. A notice specifying, the particulars of the land to be leased, the purpose and term of the lease and the name of the lessee has been published in the Government Gazette and in a newspaper circulating in the district in which the land is situated at least fourteen days before the commencement date hereof, and
- C. The Lessor has power to enter into the Lease pursuant to Division 9 of Part 1 of the Land Act 1958, and
- D. The Lessor in granting this lease has thought fit that it shall be subject to the covenants, conditions and provisions herein contained and to the payment of rent reserved in this lease.

DEMISE:

The Lessor at the request of the Lessee HEREBY GRANTS AND LEASES to the Lessee ALL THAT land more particularly described in the Schedule and hereinafter referred to as "the demised land" TOGETHER WITH all rights, easements and appurtenances belonging thereto or usually held or enjoyed therewith TO HOLD the same unto the Lessee for the term set out in the Schedule with the Lessee paying to the Lessor the rental prescribed in the Schedule, such rental to be payable on the days and in the manner specified in the Schedule.

1. LESSEE'S COVENANTS

The Lessee to the intent that the obligations may continue throughout the said term HEREBY COVENANTS with the Lessor that -

1.1 RENT

The Lessee shall duly and punctually pay or cause to be paid to the Lessor at the address set out in the Schedule or as the Lessor may direct in writing from time to time without demand from the Lessor and without any deduction or abatement whatsoever the rent hereby reserved at the times and in the manner set out in the Schedule.

1.2 RATES TAXES

- (a) The Lessee shall punctually pay, discharge and satisfy as and when the same respectively become due and payable-
  - (i) all taxes including land tax and all municipal and other rates and charges, including water by consumption, assessed on or in respect of the demised land or on the Lessor, Lessee, owner or occupier in respect of the demised land; and
  - (ii) all telephone, gas, electricity and power charges; and
  - (iii) other outgoings of a similar nature charged on or in respect of the demised land.
- (b) If the Lessee makes default in payment of any of these sums the Lessor may pay the same and, in addition to the Lessor's other rights, powers and remedies under this Lease may recover the same from the Lessee on demand.

1.3 USE OF DEMISED LAND

The Lessee agrees to use the demised land for the purpose specified in the Schedule and for no other purpose whatsoever without first obtaining the written consent of the Area Manager.

1.4 ERECTION OF IMPROVEMENTS

The Lessee shall erect and construct on the demised land buildings and erections and any extensions and improvements of the buildings and erections for the time being situate on the demised land only of such materials and according to such plans specifications and designs as shall be first approved in writing by the Area Manager whose consent shall not unreasonably be withheld upon the lessee obtaining planning approval from the relevant local Authority.

1.5 ADVERTISING

- (a) The Lessee shall not permit to be displayed or placed on or over any fence, building or structure or in any building or structure so as to be seen from outside the building or structure or on the demised land any sign, advertisement or other notice without first obtaining the Area Managers written consent; and
- (b) The Lessee accepts that the Area Manager may at any time by notice in writing require the Lessee to discontinue to use any piece or mode of advertising which in the opinion of the Area Manager has ceased to be suitable or has become unsightly or objectionable; and
- (c) The Lessee on receipt of the notice shall comply accordingly;
- (d) This clause shall not apply to any statutory safety signs which may be required by a relevant Authority.

1.6 MAINTENANCE

The Lessee shall as often as is necessary and to the reasonable satisfaction of the Area Manager without being thereunto required repair maintain and keep in good order and substantial repair and condition, fair wear and tear excepted, the demised land and all improvements now or hereafter erected on the demised land.

1.7 NOTICE OF DEFECTS

The Lessee shall-

- (a) give to the Area Manager prompt notice in writing of any accident to or defect or want of repair in any services or fittings in the demised land and of any circumstances likely to be or cause any damage risk or hazard to the demised land or any person therein;
- (b) within seven (7) days of the receipt by the Lessee-
  - (i) give to the Area Manager full particulars of any notice, proposal or order given issued or made by any Statutory, Public or Government Authority in respect of the demised land; and
  - (ii) if so required by the Area Manager to produce such notice order or proposal to it; and
  - (iii) without delay to take all reasonable steps to comply with any such notice order or proposal; and
  - (iv) at the request of the Area Manager make or join with the Lessor in making such objections or representations against or in respect of any such notice order or proposal as they or either of them shall deem expedient.

1.8 INSPECTION

- (a) The Lessee shall permit the Area Manager and any architect, surveyor, officer, servant, agent, contractor or workman of the Lessor at all reasonable notice to enter the demised land to examine and view the condition and state of repair of the demised land; and
- (b) The Area Manager may by notice to the Lessee require the Lessee within the time fixed in the notice (which time shall be such time as is reasonable having regard to the works required but in any event not less than 14 days) to repair, reinstate or make good the same in accordance with the covenants, provisos, conditions and agreements contained or implied in this Lease; and
- (c) The Lessee will repair, reinstate or make good the demised land in accordance with and within the time fixed in such notice insofar as the Lessee may be liable to do so under this Lease.

1.9 HAZARDOUS CHEMICALS

The Lessee shall not keep any hazardous chemicals, inflammable liquid, gas or explosive substance on the demised land without prior consent of the Area Manager. However this sub clause does not apply in the case of usage which is reasonably in accordance with the specified use of the demised land approved by the Lessor.

1.10 ASSIGNMENT

The Lessee shall not assign, sublet, mortgage, charge or otherwise part with or encumber this Lease or the demised land or any part of the demised land or any buildings and structures on the demised land without first obtaining the consent in writing of the Area Manager, which consent shall not be withheld to an assignment to any related body corporate (as defined in Section 9 of the Corporations Law) of the Lessee. The provisions of Section 144 of the *Property Law Act 1938* do not apply to this Lease or to the demised land.

1.11 CONDITION ON TERMINATION

The Lessee shall at the expiration or sooner determination of this Lease remove all of the improvements now or hereafter erected on the demised land and peaceably surrender and yield up unto the Lessor the whole of the demised land in good and substantial order and condition in all respects in accordance with the covenants on the part of the Lessee herein contained clean and free from rubbish.

1.12 INTEREST

The Lessee shall without prejudice to all other rights powers and remedies of the Lessor herein and by law provided, pay to the Lessor interest at the rate set out in the Schedule on any moneys due but unpaid for FOURTEEN (14) days by the Lessee to the Lessor on any account whatsoever pursuant to this Lease. Such interest to be computed from the due date for the payment of the moneys in respect of which the interest is chargeable until payment of such moneys in full and to be recoverable from the Lessee as a liquidated debt payable on demand.

1.13 COMPLIANCE WITH STATUTES

The Lessee shall comply at its own expense with the provisions of all statutes regulations and by-laws affecting the demised land or the use thereof and with all lawful orders and directions made or given by any competent Body or Authority relative to the demised land or the use thereof.

**1.14 PUBLIC LIABILITY INSURANCE**

- (a) The Lessee agrees to maintain a public liability insurance policy which;
- (i) notes the interests of the Crown, as defined in this document, as a co-insured under the policy
  - (ii) provides cover of no less than the amount shown in the Schedule for any single occurrence during the policy period
  - (iii) includes a cross liability clause relevant to the Crown, and
- (b) Agrees to provide a Certificate of Currency for the abovementioned liability policy to the Area Manager.

**1.15 INDEMNITY**

The Lessee hereby indemnifies the Crown in respect of any claim or liability; and releases and discharges the Crown from any loss or liability for -

- (a) property damage and/or injury or death of any person which arises directly or indirectly out of negligence, tort, contract, or breach of a statutory duty, by the Lessee or any associated party, (other than the act, default or negligence of the Lessor its servants, agents, employees contractors or invitees) consequential to the use or occupation of the demised land including, pollution or contamination thereof and,
- (b) any costs, charges and expenses incurred in connection therewith.

**1.16 STAMP DUTY ETC**

The Lessee shall pay all legal costs, fees, Stamp Duty and other disbursements payable in respect of or in connection with-

- (a) the preparation and execution of this Lease; and
- (b) any assignment of this Lease or sub-letting of the demised land; and
- (c) the giving of any consent by the Lessor as required by this Lease; and
- (d) any failure by the Lessee to perform and observe this Lease; and
- (e) any deed or other document executed in connection with this Lease.

**1.17 COMPLY WITH FURTHER CONDITIONS**

The Lessee shall observe perform and fulfil the covenant's conditions and provisions (if any) contained in the Schedule.

**2. LESSORS COVENANTS**

The Lessor to the intent that the obligations hereinafter contained shall continue throughout the said term hereby covenants and agrees with the Lessee and it is hereby declared that :-

**2.1 QUIET ENJOYMENT**

The Lessee paying the rental and other moneys hereby reserved at the times and in the manner aforesaid and duly and punctually performing and observing all of the covenants, provisos, conditions and agreements herein contained or implied and on the Lessee's part to be performed and observed and the right of re-entry not having arisen as hereinafter provided shall and may peaceably and quietly hold, possess and enjoy the demised land without any hindrance interruption or disturbance from or by the Lessor or any person claiming from, through, under or in trust for the Lessor until the expiration or sooner determination of the said term.

**2.2 COMPLY WITH FURTHER CONDITIONS**

The Lessor will observe perform and fulfil the covenants conditions and provisions (if any) contained in the Schedule.



**3. MUTUAL COVENANTS**

PROVIDED ALWAYS and it is agreed as follows :-

**3.1 NOTICE OF DEFAULT**

If the Lessee fails to observe or is in breach of this Lease the Area Manager may give written notice to the Lessee-

- (a) specifying the default and requesting the Lessee to remedy the default within a period of time to be stated in the notice; and
- (b) informing the Lessee that if the default is not remedied before the expiration of that period and to the Area Managers satisfaction, the Lessor may terminate this Lease.

**3.2 LESSEES PROPERTY**

- (a) All buildings, structures, fittings, plant, machinery, equipment and other materials or articles including fixtures and fittings of a structural nature now or hereafter brought on to the demised land by the Lessee shall remain the property of the Lessee.
- (b) The Lessee shall at or prior to the expiration of the Lease, take, remove and carry away the same from the demised land.
- (c) The Lessee shall in such removal make good any damage which it may occasion to the demised land.
- (d) However the Lessee may with the written consent of the Area Manager leave any Lessee's property on the demised land until requested in writing by the Area Manager to remove same.

**3.3 RENTAL ADJUSTMENTS**

That the rental for the demised land shall be reviewed at such time or times and upon such basis as is set out in the Schedule.

**3.4 OTHER LEGISLATION**

All stipulations contained in this Lease shall be construed so as not to infringe the provisions of any Act whether State or Federal but if any such stipulation on its true interpretation does infringe any such provisions the same shall be deemed to be void and severable.

**3.5 NO AGREEMENT OUTSIDE THIS LEASE**

This document embodies the entire understanding and the whole agreement between the parties hereto relative to the subject matter hereof and all previous negotiations representations warranties arrangements and statements (if any) whether expressed or implied with reference to the subject matter hereof or the intentions of either of the parties hereto are merged herein and otherwise are hereby excluded and cancelled.

**3.6 WAIVER**

- (a) No waiver by the Lessor of one breach of any covenant, obligation or provision in this Lease contained or implied shall operate as a waiver of another breach of the same or any such covenant, obligation or provision;
- (b) If the Lessor becomes entitled to determine this Lease under the provisions for re-entry herein contained, the receipt of rent by the Lessor or the doing or omission of any act matter or thing whatsoever by the Lessor, any agent or servant of the Lessor (which but for this covenant would or might amount to a waiver of the Lessor's right in respect of any such breach or default) before or after the happening thereof shall not operate as or be deemed to be a waiver in any way of the Lessor's rights and powers in respect of any such breach or default rule of law or equity to the contrary.

3.7 RESUMPTION

- (a) In the event of the demised land or any part thereof or any estate right interest easement or privilege in over or affecting the demised land is required for any public purpose (other than mining) it shall be lawful for the Minister on behalf of Her Majesty to resume possession thereof by any officer or agent appointed for that purpose by the Minister;
- (b) However the Lessee shall be entitled to receive and shall be paid by the Minister compensation for the value of the interest of the Lessee in the demised land so resumed;
- (c) If no agreement as to the amount of compensation is reached within three calendar months from the date of the resumption, the amount of compensation shall be ascertained by a valuation made by two valuers one to be named by the Minister and the other by the Lessee;
- (d) In the event of the valuers being unable to agree the amount of compensation shall be ascertained by an umpire chosen by them before entering upon the reference which shall as regards the mode and consequence thereof conform in all respects to the provisions of the *Commercial Arbitration Act 1984*.

3.8 SURRENDER

- (a) That if at any time during the term of the Lease the demised land is no longer required by the Lessee for the purpose specified in this Lease the Lessee (without prejudice to any right or remedy which the Lessor may have against the Lessee in respect of any antecedent breach of the provisions of this Lease) may surrender this Lease by giving to the Area Manager at least six months notice in writing;
- (b) If the demised land becomes inaccessible or unfit for the specified purpose of the lease, due to no fault of the Lessee, the Lessee may surrender this lease by giving to the Area Manager at least thirty days notice in writing;
- (c) Any surrender will not be effective until it has been accepted in writing by the Area Manager and until the Lessee has complied with any Office of Titles requirements including the execution of a surrender document and the payment of any statutory fees.

3.9 SERVICE OF NOTICES

- (a) Any notice consent or demand or other communication to be served upon or given to the Lessee by the Lessor under this Lease shall be deemed to have been duly served or given if it is in writing signed by the Lessor or the Area Manager or a person nominated by the Area Manager from time to time and delivered by hand or sent by facsimile or sent by post in a prepaid letter to the Lessee's address set out in the Schedule or to the latest address stated by the Lessee in any written communication with the Lessor.
- (b) Any notice or other communication to be served upon or given to the Lessor under this Lease shall be deemed to have been duly served or given if it is in writing signed by the Lessee or the Lessee's Solicitors or a person nominated by the Lessee from time to time and delivered by hand or sent by facsimile or sent by post in a prepaid letter to the Lessor at the address set out in the Schedule or to the latest address stated by the Lessor or the Area Manager in any written communication with the Lessee.
- (c) Any notice, consent, demand or other communication sent
  - (i) by prepaid letter shall be deemed to have been served or given at the time when in the ordinary course of post it would have been delivered: or
  - (ii) by facsimile shall be deemed to have been served at the time and on the day that the whole of the said notice, consent, demand or other communication has been transmitted from the sending facsimile machine and the answerback of the receiving machine has been received by the sending machine.

3.10 RE-ENTRY

IF-

- (a) the rental or any part of the rental is in arrears or unpaid; or
- (b) there is a breach of any of the covenants on the part of the Lessee to be performed and observed; or
- (c) the Lessor has obtained a judgement in any court against the Lessee for non-payment of rent or any other monies payable by the Lessee pursuant to the terms of this Lease, and judgement has not been satisfied in full; or
- (d) the business conducted in and from the demised land has been discontinued; or
- (e) any distress, execution or other process of any court or authority is issued against or levied or enforced upon any of the assets or property of the Lessee unless such distress, execution or process is fully paid or satisfied within fourteen (14) days from the date of such issue, levy or enforcement or appropriate legal proceedings to invalidate such distress, execution or process are taken within such fourteen (14) days and are duly proceeded with and whether such legal proceedings are by way of appeal or otherwise or a stay of such distress, execution or process is granted; or
- (f) the Lessee is unable to pay its debts within the meaning of the Corporations Law; or
- (g) the Lessee being an individual shall commit an act of bankruptcy or become or be made bankrupt or assign his estate for the benefit of or make any composition or arrangement with creditors or otherwise take advantage of any law for the time being in force relating to insolvent debtors or cause or permit the goods of the Lessee to be levied upon under any execution or other legal process; or
- (h) the Lessee being a Company :-
  - (i) if notice is given of intention to propose a resolution for the winding up of the Lessee or if an order shall be made or a resolution passed or a petition presented for the winding up or dissolution of the Lessee (except for the purpose of reconstruction or amalgamation with the prior written approval of the Lessor) or if the Directors of the Lessee pass a resolution that in their opinion the Lessee cannot any longer continue its business; or
  - (a) if a Receiver of the Lessee's undertaking or any part thereof shall be appointed by any person or corporation including the Lessor; or
  - (b) if any compromise or arrangement is proposed or made between the Lessee and its creditors or any one or more of them or any class of them; or
  - (c) if pursuant to Section 5.3 of the Corporations Law, the Lessee is placed under official management or if the Lessee determines to convene a meeting of creditors for the purpose of placing the Lessee under official management;

THEN and in any such case it shall be lawful for the Lessor or any person duly authorised by the Lessor in that behalf, at any time or times thereafter, to re-enter into and upon the demised land or any part thereof in the name of the whole. Thereupon the term hereby granted shall absolutely cease and determine, without prejudice nevertheless to the rights and remedies of the Lessor in respect of any such breach or non-observance. In any such case this Lease may be produced as a Notice to Quit duly given and expired AND FURTHER upon such re-entry, the Lessor shall be thereupon freed and discharged from any action, suit, claim or demand by or obligation, to the Lessee under or by virtue of this Lease.

**3/11 EXEMPTION FROM LIABILITY**

The Lessor shall not in any way be liable for any injury which may be caused to the Lessee or to the Lessee's, or Sub-Lessee's property, or to the Lessee's servants, clients, visitors, customers or their property by reason of any happening on or in the vicinity of the demised land howsoever caused provided such injury is not as a result of any negligence, act or omission on the part of the Lessor, his servants or agents.

**3.12 NOTICE "TO LET"**

That the Lessee shall at any time during the last three months prior to the expiration of the said term, permit the Lessor or the Lessor's agent to conduct prospective future tenants through the demised land to enable them to view the same, however in exercising such powers, the Lessor or the Lessor's agent shall endeavour not to cause any undue inconvenience to the Lessee.

**3.13 HOLDING OVER**

In the event of the Lessee remaining in occupation of the said demised land after the expiration of the said term with the express or implied permission of the Area Manager, then the Lessee shall be deemed to be as from such expiration a tenant from month to month at the monthly rental applicable immediately prior to the expiration of the said term during any overholdings, subject to the provisions of this Lease so far as the same can be considered to apply to a monthly tenancy and such tenancy may be determined by either party giving to the other one month's notice in writing, which notice may be given on any day PROVIDED HOWEVER that any period of overholding may not exceed 3 months from the date of expiry of the lease.

**3.14 OPTION FOR RENEWAL**

- (a) If the Lessee desires to take a renewed Lease of the demised land for a further term as is specified in the Schedule, the Lessee must notify the Lessor in writing not more than six (6) calendar months nor less than three (3) calendar months prior to the expiration of the term hereby granted of its desire; and
- (b) If the Lessee has duly and punctually paid the rent reserved at the time herein appointed for payment thereof and has performed and observed the covenants and agreements by and on the part of the Lessee contained in this Lease up to the expiration of the term hereby granted the Lessor shall;
  - (i) at the cost (inclusive of stamp duty) of the Lessee grant a new Lease to the Lessee of the demised land for the further term specified in the Schedule.
- (c) At the commencement of the term of the new Lease the rental payable shall be reviewed as is set out in the Schedule hereto; and
- (d) The new Lease shall otherwise be subject to the same covenants, agreements and provisos contained in this Lease including this Option for Renewal PROVIDED THAT;
  - (i) upon each renewal of Lease under this Clause the number of Options for Renewal set out in the Schedule hereto shall be reduced by one; and
  - (ii) upon the exercise of the last option for renewal such renewed lease shall contain no further Option for Renewal; and
  - (iii) any covenants agreements and provisos of the new Lease may be varied from those contained in this Lease only with the mutual consent of both the Lessor and the Lessee.

#### 4. RESERVATIONS

This Lease is granted subject to the following reservations :

- (i) the reservation to Her Majesty of:
  - (a) all gold and minerals within the meaning of the *Mineral Resources Development Act 1990* and petroleum within the meaning of the *Petroleum Act 1958*, all of which are described as "the reserved minerals";
  - (b) the rights of access for the purpose of searching for and obtaining the reserved minerals in any part of the demised land;
  - (c) the rights of access for any pipeline works and other purposes necessary for obtaining and conveying on and from the demised land any of the reserved minerals obtained in any part of the demised land.
- (ii) the right of any person authorised under the *Mineral Resources Development Act 1990* to enter on the demised land and to mine gold or minerals within the meaning of that Act and to erect and use mining plant on the same conditions as those to which a person has the right to mine for gold and silver in and upon Crown land, provided that compensation under that Act is paid for any damage to the demised land by mining;
- (iii) the right of the Minister to resume the demised land for mining purposes under Section 205 of the *Land Act 1958*.

#### 5. INTERPRETATION

In the construction of this Lease:-

- (a) "Crown" is: The State of Victoria and includes the Secretary as the body corporate to the Department of Conservation & Natural Resources and its employees, servants, agents and contractors both collectively and individually.
- (b) "Minister" includes the successor in law to the Minister for Conservation and Environment.
- (c) "demised land" includes the surface of the land and down to a depth of 15 metres below the surface of the land.
- (d) "Lessee" means
  - (i) if the Lessee is one person, the expression includes the executors, administrators and assigns of the person; or
  - (ii) if the Lessee comprise more than one person, the expression must be construed as referring jointly and severally to the persons who constitute the Lessee and includes their executors, administrators and assigns and the survivors or survivor of the persons comprising the Lessee; or
  - (iii) if the Lessee is a body corporate, the said expression shall be deemed to include its successors and assigns.
- (e) "Lessor" includes the person for the time being entitled to the reversion of the demised land.
- (f) "Area Manager" means the Area Manager, Department of Conservation and Natural Resources responsible for the locality in which the area is situated or their nominee.
- (g) If the position of "Area Manager, Department of Conservation and Natural Resources" ceases to exist any reference to "Area Manager" in this lease shall be read as "the Lessor".
- (h) "Secretary" means the body corporate called the Secretary to the Department of Conservation and Natural Resources established by the *Conservation, Forests and Lands Act 1987*.
- (i) If the Lessee comprise more than one person, the covenants and agreements contained in this Lease shall be construed as having been entered into by and shall be deemed to be binding jointly and severally on all and each of the persons who constitute the Lessee.

- ✓ (i) Any reference to any Act or Section thereof shall apply to any statutory amendment, modification or re-enactment thereof for the time being in force.
- (k) Words importing the singular number shall include the plural and the masculine gender the feminine or neuter and vice versa and words importing persons shall include Corporations and vice versa.
- (l) The Index, marginal notes and headings contained herein are for reference only and shall not affect the construction hereof.
- (m) "Schedule" means a schedule to this Lease.

SCHEDULE

1. DATE OF COMMENCEMENT:

FIRST JULY 1995

2. LESSOR:

MINISTER FOR CONSERVATION AND ENVIRONMENT

3. LESSEE:

APOLLO BAY FISHERMAN'S CO-OPERATIVE SOCIETY LTD

4. DEMISED LAND:

All that land containing 2249 square metres more or less being Allotment 20 of Section 2 in the Township of Apollo Bay, Parish of Krambruk as shown delineated by thick continuous lines on the plan in Appendix "A" hereto.

5. TERM:

21 YEARS

6. FURTHER TERM: NIL

7. RENTAL PAYABLE:

- (i) For the first three years of the said term the yearly rental of Three thousand eight hundred and eighty dollars by payments in advance on the first day of July in each year the first payment being due on the date hereof.
- (ii) During the residue of the said term the yearly re-appraised rent fixed in accordance with the provisions of this Schedule by payments in advance on the day aforesaid in each year.

8. REVIEW OF RENTAL:

- (i) The Lessor may cause the amount of the rent hereby reserved to be reappraised as at the end of the first three years from the commencement date of this Lease and as at the end of each succeeding three year period during the term hereby granted.
- (a) Not earlier than three months before the commencement of the three year period and not later than sixty days after the commencement of the three year period the Lessor shall give the Lessee notice of the new rental it proposes be paid by the Lessee during that three year period or part thereof.
- (b) The rent reappraised in accordance with these provisions shall be paid by the Lessee for the period commencing on the day following the date fixed for each such reappraisal.
- (c) Within twenty one days of being notified in writing of the reappraised rent the Lessee may give to the Lessor written notice of objection to the reappraised rent and within a further thirty days from the notice of objection supply the Lessor with a valuation from a Registered Valuer.
- (d) If within thirty days from the lodgement with the Lessor of the Lessee's valuation the Lessor and the Lessee are unable to agree on the reappraised rent and a conference of the Lessor's and Lessee's Valuers has also failed to agree it is hereby agreed that the reappraised rent shall be determined by a valuer nominated by the President for the time being of the Institute of Valuers and Land Economists Inc. (Victorian Division) who in making a determination, shall accept representations from either party received within twenty one days of the appointment.
- (e) The decision of the Valuer nominated by the President for the time being of the Institute of Valuers and Land Economists Inc. (Victorian Division) shall be final and binding and the Valuer's costs and fees shall be paid by the parties equally.
- (f) Until the reappraised rent is agreed or determined the Lessee shall pay rental at the rate applicable immediately prior to the date fixed for reappraisal until such time as the reappraised rent is determined.
- (g) After the reappraised rent is determined the Lessee shall pay the difference if any between the amount of the reappraised rent and the rent paid since the date fixed for reappraisal.

9. METHOD OF DETERMINATION:

In determining a reappraised rent for the demised land the Valuer shall as nearly as possible determine the open market rental value on the date when that rent is to apply for the demised land assuming that:

- (a) the Lessor is a willing but not anxious Lessor and the Lessee is a willing but not anxious Lessee;
- (b) there is a reasonable period within which to negotiate the rental having regard to the nature of the property and the state of the market;
- (c) the Lessor and the Lessee are perfectly acquainted with the demised land and aware of any factors which might affect its value.

10. SPECIFIED PURPOSE:

A fish freezing works and the disposal to members of fishing requisites.

11. PUBLIC LIABILITY INSURANCE:

Five Million dollars

12. INTEREST:

The rate fixed pursuant to Section 2 of the *Penalty Interest Rates Act 1983*.

13. ADDRESS FOR SERVICE OF NOTICES ETC.

LESSOR : Area Manager  
Department of Conservation and Natural Resources  
South West Area  
Mair Street  
BALLARAT Vic 3350

LESSEE : PO Box 82  
APOLLO BAY Vic 3233

14. SPECIAL CONDITIONS:- NIL

IN WITNESS whereof the parties have executed this Lease

Signed by )  
Area Manager in the Department )  
of Conservation and Natural Resources )  
as delegate for the Minister for ) Area Manager  
Conservation and Environment )  
in the presence of: )

Witness

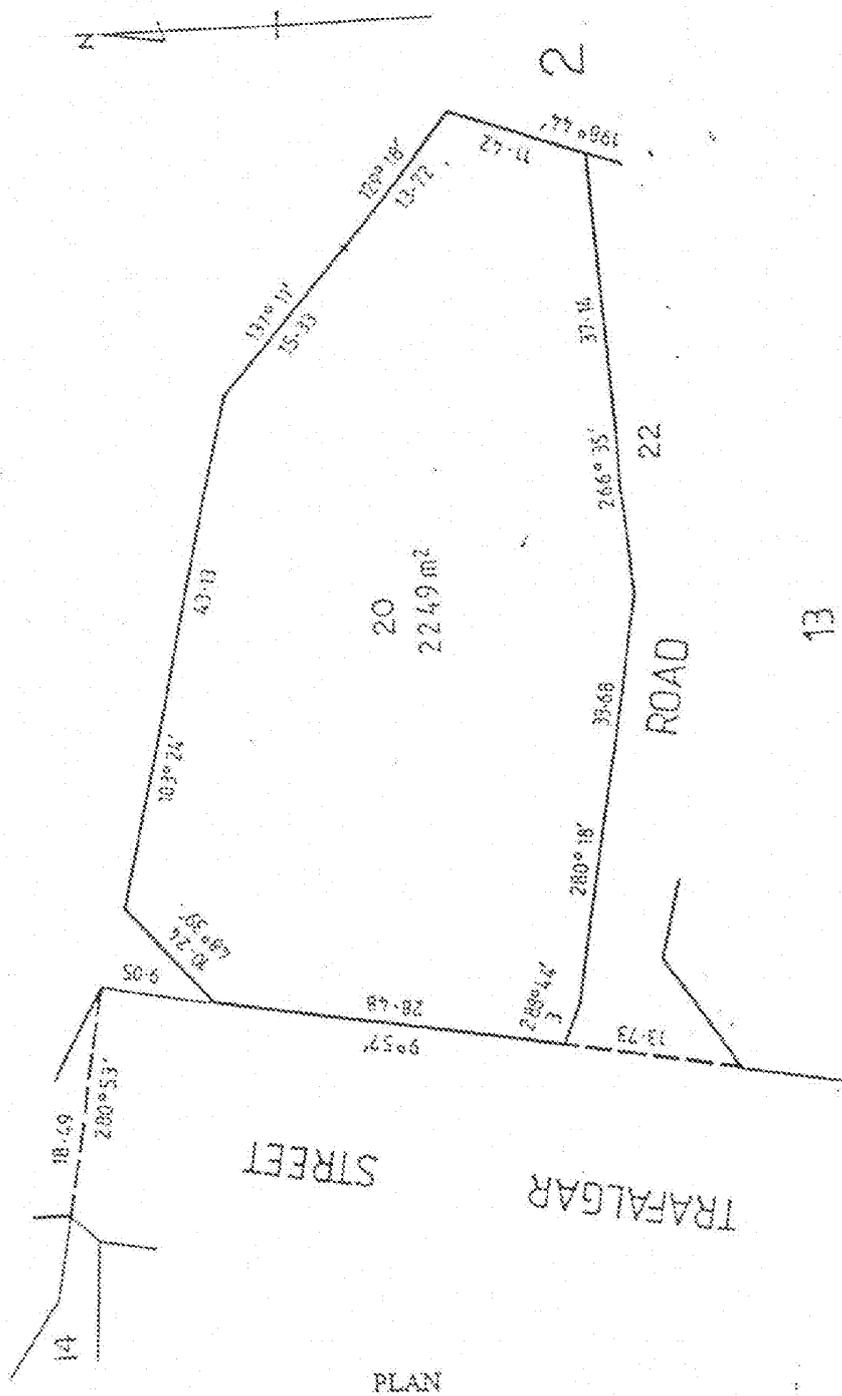
THE COMMON SEAL of )  
APOLLO BAY FISHERMAN'S )  
CO-OPERATIVE SOCIETY LTD )  
was hereto affixed in accordance with )  
its Articles of Association in the )  
presence of: )

Secretary

Director



APPENDIX A



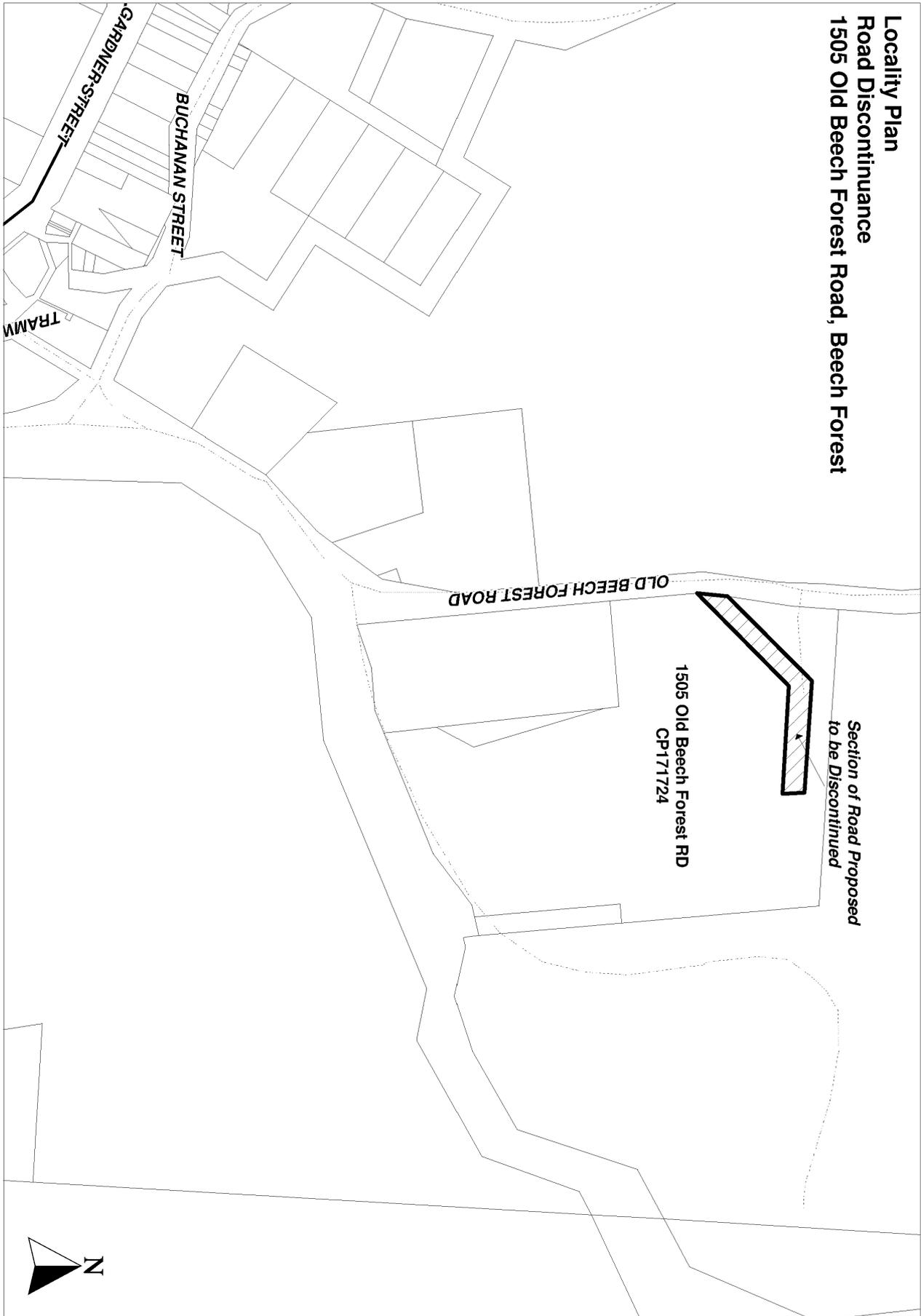
NOTE - The area bearings and measurements are approximately given in this plan. The measurements are in metres and the area is in square metres.

Section 127a Lease map sent to council 12/11/2002

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## SMALL TOWN IMPROVEMENT PROGRAM

### GUIDELINES

#### Objective

The Small Town Improvement Program aims to assist in improving infrastructure on public land in the small towns of the Colac Otway Shire. Small towns are defined as those other than Colac.

Council currently allocates \$80,000 per year towards this Program.

Proposals are sought annually from Small Town Community Groups/ Associations/ Organisations to assist in implementing this program. This program does not allocate funding directly to community groups. The successful projects will be managed by Council.

#### Groups eligible to apply for consideration of allocation of this fund

Groups eligible to apply for consideration of allocation of this fund are Action Groups, Advancement Associations, Community Groups or Progress Associations<sup>1</sup> within the small towns of the Colac Otway Shire. These groups are community based, not for profit organisations whom wish to assist Council in implementing capital works infrastructure projects. These projects must result from a township master plan and be of a priority to the community.

#### Criteria of what will be considered for allocation

Capital works projects must result from the recommendations of a **Small Town Master Plan** or similar strategic document, such as a **Structure Plan or Neighbourhood Character Study**. Council recognises the development of these plans has involved the broader community and has prioritised capital works projects according to community preference. However, in determining allocations of the Small Town Improvement Program the following factors will also be taken into account:

- That the project has broad community support,
- ~~Projects where a contribution from the community is available.~~
- The community benefits (short and long term) provided by the project,
- Whether the project provides new or increased opportunities for residents of the Colac Otway Community,
- The amount of funding the town has received in the past from Local, State & Federal Governments,
- Whether the project has the ability to attract additional external funding,

Comment [A1]: New Criteria

<sup>1</sup> Barwon Downs Community Group, Beeac Progress Association, Beech Forest Progress Association, Bregurra Community Group, Carlisle River Community Group, Cressy Community Action Group, Forrest and District Community Group, Gellibrand/Kawarren Progress Association, Kennett River Association Inc, Lavers Hill Progress Association, Skenes Creek Progress Association, Swan Marsh Community & Neighbourhood Association, Wye River & Separation Creek Progress Association, Red Rock & District Progress Association, Apollo Bay Chamber of Commerce & Tourism

- The track record of the group in the past in assisting and supporting community infrastructure projects and planning,
- The provision of sufficient documentation on the proposal including letters of support and relevance to the relevant strategic plan,
- Whether the project is able to be completed for the amount requested to be allocated and
- Its priority rating for funding compared to other suitable applications

**Criteria for what will not be considered for allocation**

- Requests for an allocation which does not fit within the recommendations of the relevant Strategic Document/s,
- Request for allocations for general ongoing administration costs or project management costs,
- Projects which are on privately owned land and
- Projects which have already received funding under the Council's Community Grants Fund

**NB.** Applicants should note that the submission of an application does not necessarily guarantee funding of the proposal.

**Amounts**

It should be noted that allocations once approved will not be paid to the applicant but will be allocated in Council's budget. The project will be managed by Council.

Allocations up to \$25,000 (Council contribution) will be considered and preference will be given to projects where up to a 50% contribution is available from the community.

Preference will also be given to:

- ~~Organisations which have demonstrated a "self-help" attitude, a desire to raise funding through their own means and documentation to support the organisation's 50% matching contribution.~~
- ~~Projects which have the ability to attract additional external funding or grants.~~

If more than \$25,000 is required from Council to complete the infrastructure project the community has identified as a priority, a letter should be written to the Chief Executive Officer, Colac Otway Shire PO Box 283, Colac by the community group requesting special consideration.

**Consideration of Allocations**

Allocation proposals should be made on the attached Small Town Improvement Program Allocation Proposal Form. Incomplete applications will not be considered. Groups experiencing difficulty completing this form should contact Mick Cosgriff, Economic Development Officer on 5232 9444 for assistance.

**Applications should be sent to:**

**STIP Applications  
Economic Development Unit  
Colac Otway Shire  
PO Box 283  
Colac 3250**

**Alternatively, applications can be made online via the Colac Otway Shire website or at [http://www.colacotway.vic.gov.au/Page/Forms.aspx?form\\_id=11](http://www.colacotway.vic.gov.au/Page/Forms.aspx?form_id=11)**

**Comment [A2]:** Remove the 50% requirement and relocate the statement to the "Criteria of what will be considered" section of the guidelines.

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**Comment [A3]:** Remove from Guidelines

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| <b>Small Town Improvement Program Project Proposal</b>                                                                                         |             |                                                               |
|------------------------------------------------------------------------------------------------------------------------------------------------|-------------|---------------------------------------------------------------|
| Project Name :                                                                                                                                 |             |                                                               |
| Community Group :                                                                                                                              |             |                                                               |
| Contact :                                                                                                                                      |             |                                                               |
| Project Location :                                                                                                                             |             |                                                               |
| Brief Project Description :                                                                                                                    |             |                                                               |
| Strategic Context :<br><i>Is the project in your town's Township Master Plan, Community Infrastructure Plan or another Strategic document?</i> |             |                                                               |
| Total Estimated Cost of Project                                                                                                                | \$          |                                                               |
| Amount requested from STIP                                                                                                                     | \$          | Contribution from Community – both cash and in kind labour \$ |
| <b>Estimated Cost Breakdown</b>                                                                                                                |             |                                                               |
| Cost Item                                                                                                                                      | Description | Amount                                                        |
|                                                                                                                                                |             | \$                                                            |
|                                                                                                                                                |             | \$                                                            |
|                                                                                                                                                |             | \$                                                            |
|                                                                                                                                                |             | \$                                                            |
|                                                                                                                                                |             | \$                                                            |

**Referrals** (for internal use only)

| Internal                                | Name of Officer | Date sent | Date Rec | Approved |
|-----------------------------------------|-----------------|-----------|----------|----------|
| <input type="checkbox"/> Environment    |                 | / /       | / /      |          |
| <input type="checkbox"/> Infrastructure |                 | / /       | / /      |          |

|                                     |  |     |     |  |
|-------------------------------------|--|-----|-----|--|
| <input type="checkbox"/> Building   |  | / / | / / |  |
| <input type="checkbox"/> Planning   |  | / / | / / |  |
| <input type="checkbox"/> Recreation |  | / / | / / |  |
| <input type="checkbox"/> Health     |  | / / | / / |  |
| <input type="checkbox"/> Local Laws |  | / / | / / |  |
| <input type="checkbox"/> Heritage   |  | / / | / / |  |

**Comments** for internal use only

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Tourism Victoria

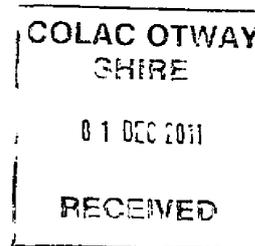


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E

28 November 2011

Level 32, 121 Exhibition Street  
Melbourne VIC 3000 Australia  
GPO Box 2219T  
Melbourne VIC 3001 Australia  
Tel 03 9653 9777  
Fax 03 9653 9755  
ABN 18 381 772 530  
tourismvictoria.com.au

Mr Jack Green  
General Manager, Sustainable Planning and Development  
Colac Otway Shire Council  
PO Box 283  
COLAC VIC 3250



Dear Mr Green

**APOLLO BAY HARBOUR**

I write further to our recent discussion and noting the Council resolution of 28 September 2011 on the proposed Apollo Bay planning scheme amendment.

The State Government and the Colac Otway Shire Council have been working together on the Apollo Bay Harbour development project for a number of years and I advise that the project has been identified in the Tourism Victoria Regional Tourism Action Plan as one of the State's priority opportunities for tourism investment.

Tourism Victoria recognises the tourism merits of the proposed planning scheme amendment and the hotel proposal as included in the endorsed masterplan.

Regional Development Victoria has advised that the Regional Growth Fund supports economic infrastructure projects through the Economic Infrastructure Program. Projects are required to demonstrate how they deliver strong economic and community outcomes, including a capacity to maximise private sector investment. On this basis, the Apollo Bay Harbour Redevelopment project would benefit from the inclusion of a hotel and tourism related developments, to maximise the potential economic benefits delivered through any public infrastructure investment.

Thank you for your ongoing commitment to this important regional project.

Yours sincerely

**ROBERT O'BRIEN**  
Director Aviation and Tourism Investment Attraction  
Tourism Victoria

cc. **Brad Ostermeyer**, Director Infrastructure, Regional Development Victoria







# Agenda

# Councillor Workshop

Wednesday, 18 January 2012  
COPACC Meeting Room  
9.00 am to 2.35 pm

## ATTENDEES:

Cr Stephen Hart (Mayor), Cr Buchanan (9.00am – 11.45am), Cr Crook,  
Cr Stuart Hart (from 10.05am), Cr Smith (10.30am – 10.55am), Cr  
Higgins, Cr Russell  
Rob Small (CEO)  
Colin Hayman (GM, Corporate & Community Services)  
Jack Green (GM, Sustainable Planning & Development)  
Neil Allen (GM, Infrastructure & Services)  
Rick Morrow (Manager Information Services)

## Part:

David Testa, Stewart Anderson, Travis Riches

## Apology:

## Agenda Topics

|                     |                                             |                                                          |
|---------------------|---------------------------------------------|----------------------------------------------------------|
| 9.00 am             | Declaration of Interest                     |                                                          |
| 9.00 am – 9.45 am   | Planning Committee Briefing Session         | Doug McNeill, Patrick Cauchi, Bron Keenan, Katrina Kehoe |
| 9.45 am – 10.05am   | Budget 2012/2013                            | David Testa                                              |
| 10.05am – 10.30am   | Great South Coast & G21 Membership Briefing | Rob Small                                                |
| 10.30 am – 10.55 am | Planning Committee Meeting                  |                                                          |
| 10.55 am – 11.35 am | Great South Coast & G21 Membership Briefing | Rob Small                                                |
| 11.35 am – 12.00 pm | Colac Footpath Strategy                     | Travis Riches                                            |
| 12.00 pm – 12.30 pm | Lunch                                       |                                                          |
| 12.30 pm – 1.40 pm  | Review of Library Services<br>Confidential  | Colin Hayman                                             |
| 1.40 pm – 2.10 pm   | Sustainability Policy                       | Stewart Anderson                                         |
| 2.10 pm – 2.25 pm   | Birregurra Lions Village<br>Confidential    | Colin Hayman                                             |
| 2.25pm – 2.35pm     | General Business                            |                                                          |

## Council Meeting Running Order

Wednesday, 25 January 2012

### Venue – COPACC Meeting Rooms, Colac

**Present:** Cr Stephen Hart (Mayor), Cr Russell, Cr Crook, Cr Buchanan, Cr Stuart Hart, Cr Higgins (from 2.07pm), Cr Smith (from 6.00pm)

**Staff:** Rob Small, Rick Morrow, Jack Green, Neil Allen, Rhonda Deigan

**Part:** Jane Stanley

**Apologies:** Colin Hayman

|                |                                               |
|----------------|-----------------------------------------------|
| <b>1.30 pm</b> | <b>Advancing Country Towns – Jane Stanley</b> |
| <b>2.40 pm</b> | <b>Councillor Briefing Session</b>            |
| <b>6.00 pm</b> | <b>Council Meeting</b>                        |
| <b>8.05 pm</b> | <b>In Committee Meeting</b>                   |



### Assembly of Councillors Record

This Form MUST be completed by the attending Council Officer and returned IMMEDIATELY to Document Management Co-ordinator for filing. A copy of the completed form must be provided to the Executive Officer to the CEO, Mayor & Councillors for reporting at the next Ordinary Council Meeting. {See over for Explanation/Guide Notes}

#### Assembly Details:

Date: 30 / 1 / 2012  
Time: 9.00 am/pm

Assembly Location: Colac Livestock Selling Centre  
(some e.g's. COPACC, Colac Otway Shire Offices, 2 - 8 Rae Street, Colac, Shire Offices - Nelson Street, Apollo Bay

#### In Attendance:

Councillors: Cr Geoff Higgins  
Officer/s: Greg Anderton, Laurie Sharp, Graeme Riches  
Apologies: Neil Allen  
Matter/s Discussed:

Saleyards Advisory Sub-Committee Meeting  
(some e.g's. Discussion s with property owners and/or residents, Planning Permit Application No. xxxx re proposed development at No. xx Pascoe Street, Apollo Bay, Council Plan steering committee with Councillors and officers.)

#### Conflict of Interest Disclosures: (refer page 5)

Councillors: Nil  
Officer/s:

Left meeting at: 10.30am  
Completed by: L. Brooker, E.O Infrastructure

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## SALEYARDS ADVISORY SUB-COMMITTEE MINUTES

<sup>January</sup>  
 Meeting - Monday 30th February 2012  
 Colac Livestock Selling Centre  
 Starting time – 9.00 am.

|                 |                        |                            |
|-----------------|------------------------|----------------------------|
| Members present | Mr. Greg Anderton      | - Cosworks Manager         |
|                 | Mr. Graeme Riches      | - Saleyards Superintendent |
|                 | Mr. Terry Dove         | - Stock Agent              |
|                 | Mr. Phil Douglas       | - Stock Agent              |
|                 | Mr. Jeff Johnson       | - Buyer Rep.               |
|                 | Mr. Jamie McConachy    | - Stock Agent              |
|                 | Mr. Carl Fish          | - Stock Agent              |
|                 | Mr. Geoff Higgins      | - Colac Otway Shire        |
|                 | Mr. William Richardson | - Stock Agent              |
|                 | Mr. Laurie Sharp       | - Saleyard 2IC             |

1. **Apologies** : Neil Allen

( a ) Roofing of the Selling Centre

Graeme Riches informed members that about 6 applicants had been received for the expression of interest in roofing the Selling Centre.  
 Neil Allen Manager of Infrastructure and Services will bring all members up to date at the next meeting.

( b ) Important Selling Centre Issues

Phil Douglas informed the members that pressure was being applied to all Colac Livestock Selling Centre Stock Agents to change to Post Sale Weighing.

Jeff Johnson the buyer representative on the Advisory Sub – Committee informed the members that he had raised this issue each year for the past four years.  
 Post Sale Weighing means more consistency of yield.

After much discussion it was agreed to conduct a 3 Month Trial of Post Sale Weighing.

To achieve effective change consultation is necessary.

It was agreed to conduct a Post Sale Weigh Survey, from Monday 6<sup>th</sup> February till Friday 17<sup>th</sup> February.

Post Sale Weigh Survey forms will be available from the Colac Otway Shire reception area and at the Colac Livestock Selling Centre Canteen.

On Thursdays the 9<sup>th</sup> and 16<sup>th</sup> February a staff member will try to survey all Selling Centre visitors.

All collected Post Sale Weigh Survey results will be analysed and discussed at the next meeting on Monday 20<sup>th</sup> February.

Meeting Closed 10.30 am.



# Assembly of Councillors Record

This Form MUST be completed by the attending Council Officer and returned IMMEDIATELY to Document Management Co-ordinator for filing. A copy of the completed form must be provided to the Executive Officer to the CEO, Mayor & Councillors for reporting at the next Ordinary Council Meeting. **{See o ver f or Explanation/Guide Notes}**

## Assembly Details:

Date: 1 February 2012

Time: 2.30 pm

Assembly Location: . Colac Otway Shire Offices, 2 - 6 Rae Street, Colac..  
(some e.g's. COPACC, Colac Otway Shire Offices, 2 - 6 Rae Street, Colac, Shire Offices – Nelson Street, Apollo Bay

## In Attendance:

Councillors: Cr Stephen Hart, Cr Stuart Hart, Cr Lyn Russell, Cr Frank Buchanan, Cr Chris Smith and Cr Geoff Higgins

Officer/s: Rob Small, Jack Green, Doug McNeill, Patrick Cauchi

Matter/s Discussed:.....Native Timber Harvesting.....  
(some e.g's. Discussion s with property owners and/or residents, Planning Permit Application No. xxxx re proposed development at No. xx Pascoe Street, Apollo Bay, Council Plan steering committee with Councillors and officers.)

## Conflict of Interest Disclosures: (refer page 5)

Councillors: .....Nil...../...../...../.....  
...../...../...../.....

Officer/s: .....Nil...../...../...../.....  
...../...../...../.....

Left meeting at: .....N/A.....

Completed by: .....



### Assembly of Councillors Record

This Form MUST be completed by the attending Council Officer and returned IMMEDIATELY to Document Management Co-ordinator for filing. A copy of the completed form must be provided to the Executive Officer to the CEO, Mayor & Councillors for reporting at the next Ordinary Council Meeting.

#### Assembly Details:

Date: 1 February 2012

Time: 5:15pm – 6:45pm

#### Assembly Location: Central Reserve – Hockey Clubrooms

(some e.g.'s. COPACC, Colac Otway Shire Offices, 2 - 6 Rae Street, Colac, Shire Offices – Nelson Street, Apollo Bay

#### In Attendance:

Councillors: Cr Brian Crook

...../...../...../.....

Officer/s: Ian Seuren – Manager Recreation, Arts and Culture

...../...../...../.....

Matter/s Discussed: See attached meeting agenda.

.....  
(some e.g.'s. Discussion s with property owners and/or residents, Planning Permit Application No. xxxx re proposed development at No. xx Pascoe Street, Apollo Bay, Council Plan steering committee with Councillors and officers.)

#### Conflict of Interest Disclosures: (refer page 5)

Councillors: Not applicable

...../...../...../.....

Officer/s: Not applicable

...../...../...../.....

Left meeting at: At conclusion of the meeting at 6:45pm

Completed by: Ian Seuren – Manager, Recreation, Arts and Culture



|                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                |
|----------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| <br><b>Agenda</b> | <h2 style="margin: 0;">Central Reserve Advisory Committee</h2> <p style="margin: 0;">Wednesday 1 February 2012<br/>5:15pm-7:00pm<br/>Central Reserve Hockey Clubrooms</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                |
|                                                                                                    | <p><b>INVITEES:</b></p> <p>Ian Seuren (Colac Otway Shire)<br/>         Cr. Brian Crook (Colac Otway Shire)<br/>         Nick Lang (Colac Football &amp; Netball Club Inc.)<br/>         Bruce Roberts (Colac Football &amp; Netball Club Inc.)<br/>         Helen Gibson (Colac Netball Club Inc.)<br/>         Graham Tevelein (Colac Youth &amp; Recreation Club)<br/>         Rob Osborne (Colac &amp; District Cricket Association Inc.)<br/>         Phil Lang (Colac &amp; District Cricket Association Inc.)<br/>         Val Russell (Colac &amp; District F/L Netball Association Inc.)<br/>         Bob Mason (Colac &amp; District Football Netball League)<br/>         Sam McDonald (Colac Auskick)<br/>         Gerard Kavenagh (Little Athletics Colac)<br/>         Terry Stephens (Colac &amp; District Dog Obedience Club)<br/>         Steve Cheater (Colac City Bowls Club)<br/>         Simon Dewar (Colac Secondary College)<br/>         David Latham (Colac Otway Rovers)</p> |                |
|                                                                                                    | <h3 style="margin: 0;">Agenda topics</h3>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                |
| 1.                                                                                                 | APOLOGIES:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                |
| 2.                                                                                                 | WELCOME & INTRODUCTION                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Cr Brian Crook |
| 3.                                                                                                 | Confirmation of Minutes from Previous Meeting and Business Arising                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | All            |
| 4.                                                                                                 | Facilities Maintenance Report (Infrastructure)<br>Grounds Maintenance Report (CosWorks)<br>- As circulated                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Ian Seuren     |
| 5.                                                                                                 | CYRC Facility Improvement Update                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Ian Seuren     |
| 6.                                                                                                 | Central Reserve Master Plan – funding application update                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | All            |
| 7.                                                                                                 | Update from all User Group Representatives                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | All            |
| 8.                                                                                                 | General Business                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | All            |
| 9.                                                                                                 | Items for future meetings                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | All            |
| 11.                                                                                                | Next meeting: <ul style="list-style-type: none"> <li>• Wednesday 4 April 2012</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                |



# Agenda

# Councillor Workshop

Wednesday, 8 February 2012

COPACC Meeting Room

9.00 am to 4.45 pm

## ATTENDEES:

Cr Stephen Hart (Mayor), Cr Buchanan, Cr Crook, Cr Stuart Hart (from 9.19am), Cr Smith (10.25am – 10.40am), Cr Higgins (from 9.09am), Cr Russell

Rob Small (CEO)

Rick Morrow (A/GM, Corporate & Community Services)

Jack Green (GM, Sustainable Planning & Development)

Neil Allen (GM, Infrastructure & Services)

**Part:** Brett Exelby, Mike Barrow, Doug McNeill, Ian Seuren, Mick Cosgriff, Jim Demetrious (Dept. Business and Innovation), Bill Renehan (Tourism Vic) Kylie Warne & Tara Iacovella (Warne Marketing), Michael Swanson & Tamzin McLennan

## Apology:

Colin Hayman

## Agenda Topics

|                     |                                                                                                                                                                                                                                                                                        |                                                |
|---------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| 9.07 am             | <b>Declaration of Interest</b><br><b>Cr Stephen Hart – Direct Interest – Item 2 of the Planning Committee Agenda</b> - Use and Development of a Telecommunications Facility (55 Metre High Lattice Tower) and Associated Works at 5085 Colac Lavers Hill Road Lavers Hill (PP147/2011) |                                                |
| 9.07 am – 9.25 am   | <b>Planning Committee Briefing Session</b><br>Having cited a conflict of interest in item 2 of the agenda, Cr Stephen Hart left the meeting between 9.14am and 9.19am.                                                                                                                 |                                                |
| 9.25 am – 10.30 am  | <b>STIP &amp; Community Infrastructure</b>                                                                                                                                                                                                                                             | Mick Cosgriff                                  |
| 10.30 am – 10.40 am | <b>Planning Committee Meeting</b><br>Having cited a conflict of interest in item 2 of the agenda, Cr Stephen Hart left the meeting between 10.32am and 10.37am.                                                                                                                        |                                                |
| 10.40 am – 11.45 am | <b>Budget 2012/2013</b>                                                                                                                                                                                                                                                                | Brett Exelby                                   |
| 11.45 am – 12.00 pm | <b>Colac Livestock Selling Centre</b>                                                                                                                                                                                                                                                  | Neil Allen                                     |
| 12.00 pm – 12.30 pm | <b>Lunch</b>                                                                                                                                                                                                                                                                           |                                                |
| 12.30 pm – 1.40 pm  | <b>Apollo Bay Harbour Master Plan</b><br>Jim Demetrious (Dept. Business and Innovation), Bill Renehan (Tourism Vic)                                                                                                                                                                    | Mike Barrow and Doug McNeill                   |
| 1.40pm – 3.35 pm    | <b>Marketing Strategy</b> – Kylie Warne & Tara Iacovella (Warne Marketing)                                                                                                                                                                                                             | Mike Barrow, Michael Swanson & Tamzin McLennan |
| 3.35 pm – 4.35 pm   | <b>Apollo Bay Pool</b>                                                                                                                                                                                                                                                                 | Ian Seuren, Mike Barrow & Doug McNeil          |
| 4.35 pm – 4.45 pm   | <b>Briefing on Outcome of Court Proceedings</b>                                                                                                                                                                                                                                        | Jack Green                                     |